

REGISTER



South Dakota Legislative Research Council

Volume 31

Monday, 8:00 a.m., August 2, 2004

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Environment and Natural Resources: Division of Environmental Services: (July 27, 2004) has filed rules to repeal an existing chapter of state rules for Consumer Confidence Reports and update it by incorporating by reference the most recent published version of the Code of Federal Regulations for drinking water. The general authority for these rules, as cited by the department, is SDCL 34A-3A-3 and 34A-3A-25.

A public hearing will be held in the DENR Large Conference Room, Room 130 (main floor), 523 E. Capitol Avenue, Pierre, South Dakota on August 25, 2004, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Environment and Natural Resources, Division of Environmental Services, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota 57501-3181. Written comments must be received by 5:00 p.m., August 24, 2004, to be considered at the hearing. Copies of the proposed rules may also be obtained without charge from the Drinking Water Program website <http://www.state.sd.us/denr/des/drinking/Info.htm> or by calling Darron Busch at (605) 773-3754. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3754 at least 48 hours before the public hearing.

Secretary of State: Board of Elections: (July 29, 2004) intends to amend rules to bring

the notice of municipal election and the election board oath into compliance with statutory changes, provide additional information on the provisional ballot envelope, provide language for any voter identification sign used at a polling place, add additional instructions for optical scan ballots, improve the wording for certain school ballots, clarify the ballot recapitulation sheet and the instructions to absentee voters, and provide a ballot box seal. The general authority for these rules, as cited by the office, is SDCL 12-1-9, 12-17B-17, 12-18-40, and 12-20-52.

A public hearing will be held in Room 413, State Capitol, Pierre, South Dakota, on August 25, 2004, at 8:30 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of State, Election Department, 500 East Capitol, Pierre, South Dakota 57501 or the proposed rules may be obtained at www.sdsos.gov/boe.htm. Written comments must be received on or before August 24, 2004, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3537 at least 48 hours before the hearing.

DECLARATORY RULING:

The South Dakota Commission on Gaming has filed a Declaratory Ruling in the matter of Full House, Inc., 688 Main Street, Deadwood, South Dakota. The Commission declared that the retail floor plan for the building was approved. The Commission also granted a variance from the inner access requirements of the Uniform Building Code because certain life safety factors were met.

The Declaratory Ruling is dated July 20, 2004, and may be reviewed or copied at the office of the Legislative Research Council during normal business hours.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointment:

Richard Vincent, Aberdeen, was appointed on July 26, 2004, to the **South Dakota Commission on Child Support**, effective immediately and shall continue until December 31, 2004.

JOINT POWERS AGREEMENTS ON FILE WITH THE LEGISLATIVE RESEARCH COUNCIL:

The **Department of Agriculture** has filed two Joint Powers Agreements with the Legislative Research Council. The agreements relate to Engineering Plan and Design Assistance for Existing CAFO's Projects with Conservation Districts throughout the state that have Concentrated Animal Feeding Operators within

their districts. The agreements are for Manure Management Systems and are between the department and these conversation districts: Edmunds and Miner.

The **State Conservation Commission** and the **Todd County Conservation District** have filed with the Legislative Research Council a grant agreement. The agreement outlines the understandings, responsibilities, joint powers, and the general provisions relating to a grant to conduct a Multi-Purpose Pond Project.

Copies of the agreements are on file with the Legislative Research Council and may be copied or reviewed during normal business hours.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

8-5-2004	Game, Fish and Parks	Amend rules to waive the park entrance license requirement at Farm Island State Recreation Area and Oahe Downstream State Recreation Area during the dates of the Korean War Memorial Dedication (September 17 through September 19, inclusive); formally designate a portion of the waters on Lake Sharpe fronting the swimming beach at Oahe Downstream Recreation Area in Stanley County as a "public swimming zone"; clarify the wording of the "no wake zone" at the confluence of Lake Sharpe and the Bad River; make style and form changes to existing safety zones; amend "Public Water Zoning" on Punished Woman Lake in Codington County, on Lake Waggoner in Haakon County, on Lake Norden in Hamlin County, on Lake Madison in Lake County, and
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		on Shadehill Reservoir in Perkins County; modify the daily bag limits and possession limits of certain waterfowl and hunting season dates and length of applicable seasons for certain waterfowl in the various areas and applicable zones (all to be in compliance with and inclusive of regulations permitted within the adopted Federal framework); prohibits a licensee from hunting, possessing, or transporting wild animals in violation of the conditions of the issued license; and increase the fee for certain licenses and permits (hunting, fishing, falconry, fur dealer, and taxidermist); 31 SDR 7.
8-24-2004	Labor: Public Utilities Commission	Amend rules that would provide a baseline for service requirements while allowing telephony providers to determine which system of electrical backup will keep their customers in communication during a power outage and to require a telephone solicitor who makes unsolicited telephone calls to South Dakota residential telephone subscribers to download updates from the South Dakota do not call register every thirty-one days, instead of every ninety days; 31 SDR 13.
8-25-2004	Environment and Natural Resources: Division of Environmental Services	Repeal an existing chapter of state rules for Consumer Confidence Reports and update it by incorporating by reference the most recent published version of the Code of Federal Regulations for drinking water; 31 SDR 17.
8-25-2004	Secretary of State: Board of Elections	Amend rules to bring the notice of municipal election and the election board oath into compliance with statutory changes, provide additional information on the provisional ballot envelope, provide language for any voter identification sign used at a polling place, add additional instructions for optical scan ballots, improve the wording for certain school ballots, clarify the ballot recapitulation sheet and the instructions to absentee voters, and provide a ballot box seal; 31 SDR 17.
9-14-2004	Environment and Natural Resources: Operator Certification Program	Amend rules to clarify which operators are eligible to become certified as Class III or IV operators; 31 SDR 13.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 3, 2004, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2004 interim: October 15.

Note: An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the LRC web site.

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