

# REGISTER



South Dakota Legislative Research Council

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Monday, 8:00 a.m., August 4, 2003

A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

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

**Department of Public Safety: Office of the State Fire Marshal:** (July 29, 2003) intends to adopt rules to change the name of the Department of Commerce & Regulation to the Department of Public Safety, adopt the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, 2001 edition, as the standard to follow for the installation, operation, and inspection of boilers, and repeal requirements for the use of explosives for protection of sunflowers. The general authority for these rules, as cited by the department, is SDCL 13-25-2, 34-29A-14.1, 34-29A-16, 34-29B-2, and 34-38-35.

A public hearing will be held in the 2<sup>nd</sup> floor Conference Room, Public Safety Building, Pierre, South Dakota, on August 27, 2003, at 10:00 a.m. A copy of the proposed rules may be obtained without charge from and written comments sent to the Department of Public Safety, Office of the State Fire Marshal, 118 West Capitol Avenue, Pierre, South Dakota 57501-2036. Written comments must be received by the State Fire Marshal's Office by August 26, 2003, 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) 773-5555 at least 48 hours before the hearing.

## FILINGS IN THE SECRETARY OF STATE'S OFFICE:

### Administrative Rules:

**Department of Revenue and Regulation:**  
**South Dakota Risk Pool Board:** (Emergency) - 120:06:48:01 to 120:06:48:09, inclusive.

History-Notice: 30 SDR 13, July 28, 2003  
Hearing: NA  
Filed: July 28, 2003  
Effective: July 28, 2003

### Executive Appointments:

**Clinton Waara**, Sioux Falls, was appointed on July 29, 2003, to the **Hagen-Harvey Memorial Scholarship Board**, effective immediately and shall continue until June 18, 2007.

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 Public Safety for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue and Regulation.

## REMINDER OF HEARINGS SCHEDULED

8-6-2003	Revenue and Regulation: Business Tax	Amend rules to define the terms "commencement of the project", "prescription," and "medical device" to the
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		uniform language of the Streamlined Sales Tax Agreement; amend what classes are exempt from tax; and clarify rules concerning the credit when tax is paid to another state if that tax was subsequently refunded to the taxpayer; 30 SDR 1.
8-7-2003	Game, Fish and Parks	Amend rules that will modify the daily bag limits and possession limits, hunting season dates, and length of applicable hunting seasons for certain waterfowl; provide prohibitions and exclusions for certain activities at Hunter Quarry Water Access Area in Grant County; more clearly define boating activities which are prohibited within an area designated as a "no wake zone;" amend safety zones to "no wake zones" at Staum Dam, Lake Hanson, Lake Sharpe adjacent to Griffin Park, Lake Dimock, Lake Menno, Lake Tripp, Long Lake, Lake Alvin, Lake Lakota, Loss Lake, Lake Campbell, an area adjacent to and at the mouth of the Bad River near Fort Pierre, and at Lake Marindahl; allow horses for certain hunting activities at Battle Mountain/Friendshuh game production areas in Fall River and Custer counties; 30 SDR 9.
8-11-2003	Agriculture: State Brand Board	Increase the ownership inspection fee by ten cents; 29 SDR 187.
8-20-2003	Revenue and Regulation: Real Estate Commission	Clarify licensing procedures and continuing education provisions; increase the duties authorized under an auctioneer's license and establish the time that an auction listing requires; and update materials incorporated by reference; 30 SDR 5.
8-21-2003	Attorney General: Law Enforcement Officers Standards and Training Commission	Adopt a rule concerning compensation for a reserve officer; 29 SDR 175.
8-27-2003	Public Safety: Office of the State Fire Marshal	Amend rules to change the name of the Department of Commerce and Regulation to the Department of Public Safety; adopt the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, 2001 edition; and repeal requirements for the use of explosives for protection of sunflowers; 30 SDR 17.

***Rules Review Committee Meetings***

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 5, 2003, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2003 interim: September 8, October 6, and November 19.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules.

**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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