

# REGISTER



*South Dakota Legislative Research Council*

*Volume 30*

*Monday, 8:00 a.m., August 18, 2003*

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**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 Revenue and Regulation: South Dakota Lottery Commission:** (August 13, 2003) has filed rules that amend source notes to reflect accurate statutory authority for certain rules and allow the Lottery to use the prize reserve account for special prizes. The general authority for these rules, as cited by the commission, is SDCL 42-7A-4, 42-7A-21, 42-7A-43, and 42-7A-50.

A public hearing will be held at the Governor's Inn located at 700 West Sioux Avenue, Kneip Room, Pierre, South Dakota, on September 5, 2003, at 10:30 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Revenue & Regulation, Legal Division/Rules, 445 East Capitol Avenue, Pierre, South Dakota 57501, or by emailing [Beth.Christie@state.sd.us](mailto:Beth.Christie@state.sd.us). Copies of the rules are also available at the department's website: [www.state.sd.us/drr](http://www.state.sd.us/drr). Written comments must be received by September 4, 2003, to be considered. 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) 773-4701 at least forty-eight hours before the hearing

**Department of Education: South Dakota Professional Teachers Practices and Standards Commission:** (August 15, 2003) has filed rules that will require the commission to hold its meetings annually. The general authority for these rules, as cited by the commission, is SDCL 13-43-20 and 13-43-25.

A public hearing will be held in the South Dakota State Library, 800 Governors Drive, Pierre, South Dakota, on September 19, 2003, at 8:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Education, Professional Teachers Practices and Standards Commission, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by September 1, 2003, to be considered. 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) 773-4705 at least forty-eight hours before the hearing

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

### **Administrative Rules:**

**DEPARTMENT OF LABOR: PUBLIC UTILITIES COMMISSION:** 20:10:35:01 to 20:10:35:14, inclusive.

History-Notice: 29 SDR 168, June 2, 2003  
Hearing: July 1, 2003  
Filed: August 8, 2003  
Effective: August 28, 2003

**DEPARTMENT OF LABOR: STATE PLUMBING COMMISSION:** 20:53:01:01; 20:53:02:01, 20:53:02:23; 20:53:03:08 to 20:53:03:10, inclusive; 20:53:04:09, 20:53:04:10; 20:53:05:08, 20:53:05:09; 20:53:06:08, 20:53:06:09; 20:53:07:09, 20:53:07:10; 20:53:08:09, 20:53:08:10; and 20:53:09:01 to 20:53:09:13, inclusive.

History-Notice: 29 SDR 167, June 2, 2003  
 Hearing: June 18, 2003  
 Filed: August 11, 2003  
 Effective: August 31, 2003

74:36:07:01 to 74:36:07:43, inclusive;  
 74:36:08:01 to 74:36:08:30, inclusive;  
 74:36:09:01.01, 74:36:09:02; 74:36:10:02 to  
 74:36:10:10, inclusive; and 74:36:11:01.

**DEPARTMENT OF EDUCATION: BOARD OF EDUCATION:** 24:15:01:01; 24:15:02:08; 24:15:03:01, 24:15:03:02, 24:15:03:06, 24:15:03:07, 24:15:03:11; 24:15:04:01; 24:16:05:03, 24:16:05:05; and 24:41:01:01 to 24:41:03:01, inclusive.

History-Notice: 30 SDR 13, July 28, 2003  
 Hearing: July 17, 2003  
 Filed: August 12, 2003  
 Effective: September 1, 2003

History-Notice: 29 SDR 163, May 27, 2003  
 Hearing: June 24, 2003  
 Filed: August 14, 2003  
 Effective: September 3, 2003

**DEPARTMENT OF SOCIAL SERVICES:** 67:11:01:03; 67:16:01:25, 67:16:01:26; 67:16:03:01, 67:16:03:06, 67:16:03:06.01, 67:16:03:06.04, 67:16:03:06.07, Appendix A, and Appendix B.

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF MINERALS AND ENVIRONMENT:** 74:28:21:01, 74:28:21:02; 74:28:22:01; 74:28:23:01; 74:28:24:01; 74:28:25:01, 74:28:25:03, 74:28:25:04, 74:28:25:05; 74:28:26:01; 74:28:27:01; 74:28:28:01, 74:28:28:03, 74:28:28:04, 74:28:28:05; 74:28:30:01; and 74:28:33:01.

History-Notice: 29 SDR 181, June 23, 2003  
 Hearing: July 10, 2003  
 Filed: August 14, 2003  
 Effective: September 3, 2003

History-Notice: 29 SDR 163, May 27, 2003  
 Hearing: July 17, 2003  
 Filed: August 12, 2003  
 Effective: September 1, 2003

**DEPARTMENT OF SOCIAL SERVICES:** 67:13:03:10.03.

History-Notice: 29 SDR 181, June 23, 2003  
 Hearing: July 10, 2003  
 Filed: August 14, 2003  
 Effective: September 3, 2003

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF MINERALS AND ENVIRONMENT:** 74:36:01:01; 74:36:04:06, 74:36:04:32, 74:36:04:33; 74:36:05:51, 74:36:05:52;

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

**REMINDER OF HEARINGS SCHEDULED**

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.
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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 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.
9-5-2003	Revenue & Regulation: South Dakota Lottery Commission	Amend source notes to reflect statutory authority and to allow the Lottery to use the prize reserve account for special prizes; 30 SDR 25.
9-19-2003	Education: Professional Teachers Practices and Standards Commission	Amend rules to require that the commission hold its meetings annually; 30 SDR 25.

### *Rules Review Committee Meetings*

The next meeting of the Interim Rules Review Committee will be held Monday, September 8, 2003, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2003 interim: 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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