

# REGISTER



## South Dakota Legislative Research Council

Volume 31

Monday, 8:00 a.m., September 27, 2004

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

***Department of Game, Fish and Parks:***

(September 20, 2004) has filed rules to change Buryanek Recreation Area campground from a "basic campground" to a "modern campground" and increase the daily camping fee accordingly and add West Pollock Recreation Area campground to an area where a "modern campground" fee is required; permit shotguns using shot shells and bow and arrow to be used during established hunting seasons at Okobojo Recreation Area; change the name of the permit authorizing certain qualified persons to obtain a permit to lawfully shoot game animals from a stationary motor vehicle under certain circumstances and restrictions; provide definitions applicable to the permit; establish application (new and renewal) procedures and eligibility criteria for persons applying for a temporary or permanent (4 years) permit; provide procedures and reasons for denial of the permit and permit revocation procedures and process; provide exemptions and clarification to hunting activities permitted; require possession of the permit while hunting; require a permittee to display the permit upon request of a conservation officer or other law enforcement officer; establish that permit is issued without cost; and that permit is non-transferable and is

in addition to required hunting license(s). The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-8-37, 41-17-1.1, and 41-17-13.4.

A public hearing will be held at the Blue Dog Hatchery located near Waubay, South Dakota, on October 7, 2004, at 2:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to John L. Cooper, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received prior to the hearing date. Comments may also be sent by e-mail to [chuck.schlueter@state.sd.us](mailto:chuck.schlueter@state.sd.us). E-mail comments must include the commenter's name and address. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3387 before the hearing.

**FILINGS IN THE SECRETARY OF STATE'S OFFICE:** (None)

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

9-29-2004	Health	Adopt and amend rules relating to Radiation Safety, Drug Control, and Medical Facilities; 31 SDR 25.
10-6-2004	Environment and Natural Resources: Water Management Board	Amend rules to clarify that all waters of the state are subject to public recreation if they can be reached without trespassing on private property;

		31 SDR 25.
10-6-2004	Environment and Natural Resources: Water Management Board	Amend the Groundwater Quality Standards rules to set ground water quality standards to the updated maximum contaminant levels as set by the U.S. Environmental Protection Agency; and amend the Groundwater Discharge Permits rules to define "shallow aquifer," clarify who must apply for a ground water discharge plan, specify the maximum duration for a groundwater discharge facility construction permit, and specify renewal requirements for a groundwater discharge facility construction permit; 31 SDR 34.
10-6-2004	Environment and Natural Resources: Water Management Board	Amend Water Rights Program rules to allow bentonite grout to be used instead of cement grout as an annular seal under certain conditions, and to require applicants for new well driller licenses to pass an examination; 31 SDR 39.
10-7-2004	Game, Fish and Parks	Amend camping fees at Buryanek and West Pollock Recreation Areas; allow shotguns using shot shells and bow and arrow to be used during established hunting seasons at Okobojo Recreation Area; and amend handicapped persons hunting permits; 31 SDR 47.
10-19-2004	Secretary of State: Board of Finance	Amend rules to increase per diem rates for meal expenses incurred by employees traveling both in-state and out-of-state on official business; 31 SDR 39.
10-29-2004	Labor: Board of Accountancy	Amend rules to carry out the functions of the nationally adopted continuing professional education standards, following approval by the Legislature for implementation July 1, 2005; 31 SDR 34.

### *Rules Review Committee Meetings*

The next meeting of the Interim Rules Review Committee will be held Friday, October 15, 2004, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2004 interim: December 7.

**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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