

REGISTER



South Dakota Legislative Research Council

Volume 31

Monday, 8:00 a.m., October 18, 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: Board of Water and Natural Resources:

(October 14, 2004) has filed rules to make revisions so that recipients of assistance through the Consolidated Water Facilities Construction Program, the State Water Pollution Control Revolving Fund Program, the Solid Waste Management Program, and the Drinking Water State Revolving Fund Program will only be required to conduct an entity-wide audit when required by existing state and federal law. The general authority for these rules, as cited by the department, is 46A-1-60.3, 46A-1-65, and 46A-1-84.

A public hearing will be held at the Matthew Training Center, 523 E. Capitol Avenue, Pierre, South Dakota, on November 5, 2004, at 1:30 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Environment and Natural Resources, Division of Financial and Technical Assistance, 523 East Capitol Avenue, Pierre, South Dakota 57501. Copies may also be accessed on the department's web page at http://www.state.sd.us/denr/denr_laws_regulations.htm. Written comments must reach the Board of Water and Natural Resources by the close of business on November 4, 2004, 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) 773-4216 at least 48 hours before the hearing.

Department of Game, Fish and Parks:

(October 15, 2004) has filed rules to repeal the license exemption at Farm Island and Oahe Downstream Recreation Areas from September 17-19, 2004; permit a lost or destroyed paddlefish tag to be replaced after authorization and payment of \$5; open the prairie dog shooting season to include shooting of prairie dogs during certain times at the Conata Basin; permit possession and use of baitfish in Dante Lake; prohibit possession/transportation of snakehead fish within and into South Dakota; repeal the list of waters classified as a liberalized fishing water, delete reference to the list in the section imposing fishing restrictions in the listed bodies of water, and replace with reference to bodies of water determined by the Secretary to constitute liberalized fishing waters; change the daily limit for largemouth or smallmouth bass for Enemy Swim, Campbell Slough, Roy Lake, Lake Cochrane, Clear Lake (Marshall County), and Pickerel Lake; repeal the catch and release requirement for largemouth and smallmouth bass in the Oahe Subimpoundment; restrict fishing at Lake Haven Crossing Pond (Black Hills) to catch and release and use of artificial lures; impose a daily limit for bluegill, sunfish, crappie, and perch in the waters of Deuel County and Lake Mitchell; add a new subdivision (26) - Angostura in Fall River County and restrict the daily possession limit of crappie in this body of water and add subdivision (26) to exceptions to the statewide daily possession limits found at ARSD 41:07:03:01(7); at Belle Fourche Reservoir remove the 14 inch minimum length requirement and 1 walleye daily limit 20 inches or greater and implement a size restriction so that only those walleye less than 15 inches in length or 18 inches or greater may be taken and only 1 may be taken daily 18 inches in length or

greater; open North and South Scatterwood Lakes to game fish spearing from December 1 through the end of February; increase the length of the paddlefish archery season and permit the taking of more than 1 paddlefish daily if the person has a valid tag for the South Dakota/Nebraska boundary waters; and open the following bodies of water to the taking of baitfish: Lake Bryon (Beadle County), East and West Oakwood (Brookings County), Whitewood and Spirit (Kingsbury County), and Beaver (Minnehaha County); and close the following bodies of water to the taking of baitfish: Wilmarth (Aurora County), Henry (Bon Homme County), Ethan and Hanson (Hanson County), Dimick and Menno (Hutchinson County), Iroquois (Kingsbury County), and Mud Lake (Lawrence County). The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-12-6, 41-17-1.1, and 41-17-13.4.

A public hearing will be held at the Ramkota River Center in Pierre, South Dakota, on November 4, 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. 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

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.
10-20-2004	Transportation	Amend existing speed rules in Bon Homme County due to recent reconstruction of State Highway 37 and the addition of State Highway 37P into the City of Springfield; establish a speed limit in Bon Homme County for State Highway 37P in Running Water; extend a 45 mph speed zone in Hyde County on U.S. Highway 14 east of the junction with SD Highway 47 in Highmore; amend a speed zone in Lake County on U.S. Highway 81 from Madison west; and add a speed zone in Lake County on U.S. Highway 81 through Junius; 31 SDR 49.
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.
11-03-2004	Health	Adopt and amend rules to add pediatric influenza deaths to the list of reportable events and simplify the "standard precautions" disease control measure section; 31 SDR 53.
11-04-2004	Game, Fish and Parks	to repeal the license exemption at Farm Island and Oahe Downstream Recreation Areas from September 17-19, 2004; permit a lost or destroyed paddlefish tag to be replaced after authorization and payment of \$5; open the prairie dog shooting season to include shooting of prairie dogs during certain times at the Conata Basin; permit possession and use of baitfish in Dante Lake; prohibit possession/transportation of snakehead fish within and into South Dakota; repeal the list of waters classified as a liberalized fishing water, delete reference to the list in the section imposing fishing restrictions in the listed bodies of water, and replace with reference to bodies of water determined by the Secretary to constitute liberalized fishing waters; change the daily limit for largemouth or smallmouth bass for Enemy Swim, Campbell Slough, Roy Lake, Lake Cochrane, Clear Lake (Marshall County), and Pickerel Lake; repeal the catch and release requirement for largemouth and smallmouth bass in the Oahe Subimpoundment; restrict fishing at Lake Haven Crossing Pond (Black Hills) to catch and release and use of artificial lures; impose a daily limit for bluegill, sunfish, crappie, and perch in the waters of Deuel County and Lake Mitchell; add a new subdivision (26) - Angostura in Fall River County and restrict the daily possession limit of crappie in this body of water and add subdivision (26) to exceptions to the statewide daily possession limits found at ARSD 41:07:03:01(7); at Belle Fourche Reservoir remove the 14 inch minimum length requirement and 1 walleye daily limit 20 inches or greater and implement a size restriction so that only those walleye less than 15 inches in length or 18 inches or greater may be taken and only 1 may be taken daily 18 inches in length or greater; open North and South Scatterwood Lakes to game fish spearing from December 1 through the end of February; increase the length of the paddlefish archery season and permit the taking of more than

		1 paddlefish daily if the person has a valid tag for the South Dakota/Nebraska boundary waters; and open the following bodies of water to the taking of baitfish: Lake Bryon (Beadle County), East and West Oakwood (Brookings County), Whitewood and Spirit (Kingsbury County), and Beaver (Minnehaha County); and close the following bodies of water to the taking of baitfish: Wilmarth (Aurora County), Henry (Bon Homme County), Ethan and Hanson (Hanson County), Dimick and Menno (Hutchinson County), Iroquois (Kingsbury County), and Mud Lake (Lawrence County); 31 SDR 58.
11-05-2004	Environment and Natural Resources: Water and Natural Resources Board	Amend rules regarding the Brownfields Revitalization and Economic Development Program funds for clarification on how the Water and Natural Resources Board will administer the Brownfields Revolving Loan Subfunds and the Brownfields Assessment and Cleanup Subfunds, and liability protection for state designated Brownfields sites; 31 SDR 53.
11-05-2004	Environment and Natural Resources: Water and Natural Resources Board	Amend rules to make revisions so that recipients of assistance through the Consolidated Water Facilities Construction Program, the State Water Pollution Control Revolving Fund Program, the Solid Waste Management Program, and the Drinking Water State Revolving Fund Program will only be required to conduct an entity-wide audit when required by existing state and federal law; 31 SDR 58.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, December 7, 2004, in Room 413 of the State Capitol.

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.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 31 are \$20. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at MyLRC (<http://legis.state.sd.us/mylrc/index.cfm>).