

REGISTER

South Dakota Legislative Research Council



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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 Commerce and Regulation: Board of Technical Professions: (October 18, 2002) intends to revise rules that will make housekeeping changes, add definitions, change deadlines, update materials of reference, define surveying degrees, allow design competitions, discontinue review of exams, add procedures for exam of candidates with disabilities, increase fees, add to rules of professional conduct, clarify construction administration services, add section on fire protection shop drawings, add performing services on exempt projects or exempt entities, and revise and clarify disciplinary proceedings. The general authority for these rules, as cited by the department, is SDCL 36-18A-3, 36-18A-9, 36-18A-22, 36-18A-27, 36-18A-34, 36-18A-37, and 36-18A-39.

A public hearing will be held in Room 304, 3rd floor, at 2040 W. Main Street, Rapid City, South Dakota, on November 15, 2002, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Board of Technical Professions, 2040 W. Main, Suite 304, Rapid City, South Dakota 57702-2447. Written comments must be received by November 14, 2002, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 394-2510 at least forty-eight hours before the hearing.

Department of Game, Fish and Parks: (October 18, 2002) is proposing rules to modify

the time of the spring open house park entrance license exemption, modify the "no wake" zone in St. Francis Bay, create a "no wake" zone in Prairie Dog Bay and in the boat basin in the South Unit of Angostura and in Sheps Canyon Bay, create a "no boating" zone at Lake Sharpe just south of the Lake Oahe Powerhouse, amend camping permit fees at Hartford Beach, Big Sioux, Pease Creek Horse Camp, and Chief White Crane Recreation Areas, create a camping cabin fee at Pierson Ranch and Chief White Crane Recreation Area, create a "no wake" zone for Lake Henry and for Lake Oliver in their respective entirety, clarify definition of fish "length" for purposes of measurement, allow use of baitfish at Staum Dam and Tripp Lake, clarify and remove redundancy in identifying liberalized fishing waters and modify (shorten) the fishing seasons for the "Dredge Hole", combine the number of largemouth and smallmouth bass caught as part of the 1 daily limit and possession limit, repeal bass limits in special management waters, modify fishery management plans for harvest and/or protection of bass, walleye, trout, bluegill, and sunfish, clarify when specific fish size restrictions and prohibitions have application, permit the use of hoop nets, traps, and setlines in Lake Oahe, establish and provide criteria, authorized activities, and fees for the licensing and duration of 3 types of private fish hatcheries: Aquaculture Hatchery, Fee Fishing Hatchery, and Pond Management Hatchery, amend importation of fish and fish reproductive products into South Dakota, and rules relating to the issuance and revocation of a taxidermist license and record keeping requirements, certification requirements, prohibitions, responsibilities, date of implementation, and licensing procedures of a taxidermist and their

customers. The general authority for these rules, as cited by the department, is SDCL 32-3A-1, 41-2-18, 41-6-40, 41-17-1.1, and 41-17-13.4.

A public hearing will be held at the Ramkota RiverCentre in Pierre, South Dakota, on November 7, 2002, 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:

Administrative Rules:

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF

WATER AND NATURAL RESOURCES:
74:05:07:08.01, 74:05:11:01, and 74:05:11:06.

History-Notice: 29 SDR 33, Sept. 3, 2002
Hearing: September 26, 2002
Filed: October 17, 2002
Effective: November 6, 2002

The **DEPARTMENT OF SOCIAL SERVICES** has filed updates to the South Dakota Food Stamp Program Certification and Accountability Manual. The manual revisions deal with income guidelines, the thrifty food plan, the standard deduction, the maximum shelter deduction and the resource limit for disabled individuals. The revisions were filed on October 10, 2002.

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

10-25-2002	Human Services: Division of Mental Health Services	Update definitions and regulations relating to community mental health centers, their programs and practices; 29 SDR 47.
11-6-2002	Health	Update the list of Category I and Category II reportable diseases; 29 SDR 51.
11-7-2002	Game, Fish and Parks	Modify the spring open house park entrance license exemption, modify and create "no wake" and "no boating" zones in Bon Homme, Charles Mix, Deuel, Fall River, and Stanley counties, amend and create camping permit fees at Hartford Beach, Big Sioux, Pease Creek Horse

		Camp, Pierson Ranch and Chief White Crane, amend general fishing provisions, fishing season at "Dredge Hole", amend fish limits for largemouth and smallmouth bass, modify fishery management plans for harvest and/or protection of bass, walleye, trout, bluegill, and sunfish, amend hoop nets and setlines rules in Lake Oahe, establish new rules concerning the licensing and three types of private fish hatcheries, amend rules concerning importation of fish and fish reproductive products, and adopt new rules concerning taxidermists; 29 SDR 57.
11-15-2002	Commerce and Regulation: Board of Technical Professions	Change deadlines, update materials of reference, define surveying degrees, allow design competitions, discontinue review of exams, add procedures for exam of candidates with disabilities, increase fees, add to rules of professional conduct, clarify construction administration services, add section on fire protection shop drawings, add performing services on exempt projects or exempt entities, and review and clarify disciplinary proceedings; 29 SDR 57.
11-19-2002	Secretary of State: Board of Finance	Increase the per diem rates for lodging for state employees traveling within the State of South Dakota; 29 SDR 51.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Wednesday, November 20 in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2002 interim: January 6, 2003.

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 now available at the LRC office and on the LRC web site.

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