

REGISTER



South Dakota Legislative Research Council

Volume 31

Monday, 8:00 a.m., November 1, 2004

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

Department of Transportation: Railroad Board: (October 28, 2004) has filed a proposed rule to clarify the information required from railroads that intend to claim property tax credits for qualifying capital investments in railroad infrastructure. The general authority for this rule, as cited by the department, is SDCL 10-28-21.6.

A public hearing will be held in the commission room of the Becker-Hansen Building, 700 E. Broadway Avenue in Pierre, South Dakota, on November 23, 2004, at 10:00 a.m. CST. Copies of the proposed rule may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by November 22, 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) 773-3265 at least 48 hours before the hearing.

Department of Agriculture: (October 29, 2004) has filed rules to reduce the tonnage inspection fee for fertilizer and feed products distributed in South Dakota. The general authority for these rules, as cited by the department, is SDCL 38-19-10 and 39-14-43.

A public hearing will be held at the Department of Agriculture Conference Room, Joe Foss Building, 523 East Capitol Ave., Pierre, South Dakota, on November 24, 2004, at 10:00 a.m.

Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Agriculture, Division of Agricultural Services, 523 E. Capitol Ave., Pierre, South Dakota 57501. Written comments must be received by November 24, 2004. 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) 773-4432 prior to the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF INSURANCE: 20:06:18:01, 20:06:18:03, 20:06:18:04, 20:06:18:04.01, 20:06:18:05.01, 20:06:18:05.02, 20:06:18:08, 20:06:18:11, 20:06:18:12, Appendix A and B; 20:06:21:53.03; 20:06:34:12; 20:06:45:01, 20:06:45:02, 20:06:45:04, 20:06:45:05, 20:06:45:09, 20:06:45:16 to 20:06:45:31, inclusive.

History-Notice: 31 SDR 33, Sept. 7, 2004
Hearing: September 24, 2004
Filed: October 25, 2004
Effective: November 14, 2004

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION: 24:14:04:12.01, 24:14:04:12.02; 24:15:06:33, and 24:15:06:36.

History-Notice: 31 SDR 29, August 30, 2004
Hearing: September 20, 2004
Filed: October 26, 2004
Effective: November 15, 2004

DEPARTMENT OF SOCIAL SERVICES:

On October 28, 2004, the department filed revisions to the Food Stamp Program Certification and Accountability Manual. The updates relate to a group home pilot project approved by the Food and Nutrition Service. The pilot project will simplify the food stamp procedures for residents in small group homes and is effective until June 2008.

Executive Appointment:

Jim Schade, Volga, was appointed on October 28, 2004, to the **Council of Economic Advisors**, effective immediately and shall continue until July 1, 2007.

Executive Order:

The Governor has signed **Executive Order 2004-09**. This order declares that the state government offices, within the executive branch, shall be administratively closed on Friday, November 26, 2004.

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

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

		<p>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.</p>
<p>11-05-2004</p>	<p>Environment and Natural Resources: Water and Natural Resources Board</p>	<p>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.</p>
<p>11-05-2004</p>	<p>Environment and Natural Resources: Water and Natural Resources Board</p>	<p>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.</p>

11-15-2004	Education: Board of Education	Amend rules to (1) align the rule to current statutes and remove the State Board of Education from the exemption process; (2) change the new technical education program proposal deadline to April 1; (3) create definitions for the proposed three high school courses of study; and (4) define the requirements of the proposed three high school courses of study; 31 SDR 61.
11-16-2004	Revenue and Regulation: Banking Commission	Amend and adopt rules to authorize banks to provide mobile banking services to their customers and to change the date when trust company license fees are due; 31 SDR 61.
11-18-2004	Environment and Natural Resources: Board of Minerals and Environment	Adopt revisions to federal regulations including surface coating of metal furniture, integrated iron and steel manufacturing facilities, brick and structural clay products manufacturing, asphalt processing and asphalt roofing manufacturing, flexible polyurethane foam fabrication operations, engine test cells/stands, and miscellaneous metal parts and products; 31 SDR 61.
11-20-2004	Transportation: Railroad Board	Adopt a rule to clarify the information required from railroads that intend to claim property tax credits for qualifying capital investments in railroad infrastructure; 31 SDR 67.
11-24-2004	Agriculture	Amend rules to reduce the tonnage inspection fee for fertilizer and feed products distributed in South Dakota; 31 SDR 67.

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.

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