

REGISTER



South Dakota Legislative Research Council

Volume 29

Monday, 8:00 a.m., November 4, 2002

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 Transportation: (October 30, 2002) intends to adopt rules to amend speed zones in Stanley County. The general authority for these rules, as cited by the department, is SDCL 32-25-7.

A public hearing will be held in the Commission Room, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on November 21, 2002, at 9:05 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Secretary of Transportation, Room 202, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Written comments must be received by November 20, 2002, 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 Social Services: (October 31, 2002) intends to repeal the pro-rata penalty rule that reduces assistance if an individual fails to meet the participation requirements of the Temporary Assistance for Needy Families (TANF) program, amend a rule to require a 30-day waiting period from the date of application before a reapplication can be made, change the existing three level sanctioning process with a two level sanctioning process for families who fail to cooperate with the TANF Program's work requirement, add a rule that will allow the department to deny benefits to an applicant who has not accepted or terminated employment or

reduced hours of employment without good cause, amend the thrifty food plan to reflect the annual increase, add certain TANF/LILF income exclusion rules, and amend calculating budget and benefit levels when a household is sanctioned by or disqualified from TANF. The general authority for these rules, as cited by the department, is SDCL 28-7A-3, 28-7A-10, 28-7A-11, and 28-12-1.

A public hearing will be held in Conference Rooms 1 & 2, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Monday, December 2, 2002, at 1:15 p.m. Copies of the proposed rules may be obtained from and written comments sent to Jill Wellhouse, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by December 12, 2002, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the Department at the time of the hearing. The testimony must relate directly to the changes being proposed and must cite the specific rule number to which the comments are being directed. 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) 773-3305 at least forty-eight hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:**Administrative Rules:****DEPARTMENT OF COMMERCE AND REGULATION: REAL ESTATE COMMISSION: 20:69:04:03.**

History-Notice: 29 SDR 5, July 8, 2002
Hearing: October 16, 2002
Filed: October 25, 2002
Effective: November 14, 2002

DEPARTMENT OF EDUCATION AND CULTURAL AFFAIRS: STATE HISTORICAL SOCIETY: 24:52:15:03 and 24:52:15:05.

History-Notice: 29 SDR 25, August 19, 2002
Hearing: September 13, 2002
Filed: October 28, 2002
Effective: November 17, 2002

DEPARTMENT OF TRANSPORTATION: 70:01:02:33; 70:09:01:01 to 70:09:01:11, inclusive; 70:09:02:01 to 70:09:02:03, inclusive; and 70:09:03:01 to 70:09:03:09, inclusive.

History-Notice: 29 SDR 43, Sept. 23, 2002
Hearing: September 26, 2002
Filed: October 29, 2002
Effective: November 18, 2002

Executive Appointments:

Cathy Assid, Sioux Falls, was appointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until July 1, 2004.

Tim Loftesness, Sioux Falls, was appointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until July 1, 2004.

Christine Dunham, Norris, was appointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until July 1, 2003.

Roy Conrad, Sioux Falls, was appointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, to replace Dr. Mark S. Hedges, effective immediately and shall continue until July 1, 2003.

Lynn Amdahl, Watertown, was appointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, to replace Dr. K-Lynn Paul, effective immediately and shall continue until July 1, 2004.

Lois Bates, Sisseton, was appointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, to replace Sandy Scott, effective immediately and shall continue until July 1, 2005.

Mark Arneson, Brookings, was reappointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until July 1, 2005.

Vernaline E. Gogue, Sioux Falls, was reappointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until July 1, 2004.

James Hagel, Rapid City, was reappointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until July 1, 2003.

Kari Horton, Sisseton, was appointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**.

Council, effective immediately and shall continue until July 1, 2003.

Jim Simbeck, Pierre, was appointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, to replace Timmothy Nissen, effective immediately and shall continue until July 1, 2004.

Eileen White, Sturgis, was appointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, to replace Anna Nissen, effective immediately and shall continue until July 1, 2004.

Jeff Bloomberg, Pierre, was appointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue at the pleasure of the Governor.

D. J. Hanson, Pierre, was appointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, to replace Michael Buenger, effective immediately and shall continue at the pleasure of the Governor.

Kim Malsam-Rysdon, Pierre, was appointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, to replace John Jones, effective immediately and shall continue at the pleasure of the Governor.

Cory Nelson, Yankton, was appointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, to replace Roger Steinkruger, effective immediately and shall continue at the pleasure of the Governor.

Deb Barnett, Pierre, was appointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, to replace Dr. Barbara Yutzenka, effective immediately and shall continue at the pleasure of the Governor.

Terry Dosch, Pierre, was reappointed on October 11, 2002, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until July 1, 2005.

Cindy Klein, Sturgis, was appointed on October 16, 2002, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until July 1, 2005.

Lisa Burghardt, Watertown, was appointed on October 16, 2002, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until July 1, 2004.

Doris Schumacher, Brookings, was appointed on October 17, 2002, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until July 1, 2005.

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

11-6-2002	Health	Update the list of Category I and Category II reportable diseases; 29 SDR 51.
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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.
11-14-2002	Environment and Natural Resources: Board of Water and Natural Resources	Establish a new priority ranking system for projects seeking assistance from the Clean Water State Revolving Fund program; 29 SDR 61.
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.
11-21-02	Department of Transportation	Amend speed zones in Stanley County; 29 SDR 65.
12-2-02	Social Services	Intends to adopt rules relating to the TANF Program and the Food Stamp Program; 29 SDR 65.

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.

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 29 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>).