

REGISTER



South Dakota Legislative Research Council

Volume 36

Monday, 8:00 a.m., November 23, 2009

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: Water Management Board: (November 16, 2009) intends to amend Drinking Water Standards rules to incorporate by reference the most recent published version of the Code of Federal Regulation for drinking water. Additional sections of federal rules associated with the Ground Water Rule, Stage 2 Disinfection By-Product rule, Long Term 2 Enhanced Surface Water Treatment rule, and the minor revisions to the Lead and Copper rule will be added. The general authority for these rules, as cited by the department, is SDCL 34A-3A-3.

A public hearing will be held at the Matthew Environmental Education and Training Center, first floor of the Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on December 9, 2009, at 8:45 a.m. CST. Copies of the proposed rules may be obtained from and written comments sent to the Board of Water Management, Department of Environment and Natural Resources, Drinking Water Program, PMB 2020, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota 57501-3181 or by calling 605-773-5559. Copies of the proposed rules and supporting documentation can also be obtained by visiting the Department's web page at <http://denr.sd.gov/des/dw/PDF/3A-3rules09.pdf>. Written comments must be received by 5:00 p.m., December 8, 2009, 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) 773-5559 at least 48 hours before the public hearing.

Department of Environment & Natural Resources: Environmental Services: (November 16, 2009) intends to amend Water Hygiene rules to address requirements of the most recent published version of the Code of Federal Regulation for drinking water. The general authority for these rules, as cited by the department, is SDCL 34A-3A-25.

A public hearing will be held at the Matthew Environmental Education and Training Center, first floor of the Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on December 9, 2009, at 2:30 p.m. CST. Copies of the proposed rules may be obtained from and written comments sent to the Steven M. Pirner, Secretary, Department of Environment and Natural Resources, Drinking Water Program, PMB 2020, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota 57501-3181 or by calling 605-773-5559. Copies of the proposed rules and supporting documentation can also be obtained by visiting the Department's web page at <http://denr.sd.gov/des/dw/PDF/3A-25rules09.pdf>. Written comments must be received by 5:00 p.m., December 8, 2009, 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) 773-5559 at least 48 hours before the public hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION:

24:05:13:01, 24:05:13:02; 24:05:15:05; 24:05:16:19, 24:05:16:20; 24:05:19:01, 24:05:19:01.01, 24:05:19:02, 24:05:19:08.02; 24:05:20:18.01, 24:05:20:18.05, 24:05:20:18.06; 24:05:21:01; 24:05:22:02; 24:05:23:02; 24:05:24.01:09, 24:05:24.01:14, 24:05:24.01:17, 24:05:24.01:29; 24:05:25:04.02, 24:05:25:16.01; 24:05:26:15; 24:05:27:04.03, 24:05:27:10, 24:05:27:12, 24:05:27:15.03; 24:05:28:11, 24:05:28:12; 24:05:29:02, 24:05:29:13, 24:05:29:17, 24:05:29:18, 24:05:29:20; 24:05:30:08.02, 24:05:30:10, 24:05:30:12, 24:05:30:15; 24:05:32:03.01, 24:05:32:03.04; 24:14:04:13; 24:14:07:02; 24:43:01:01; 24:43:11:01, 24:43:11:02, 24:43:11:06, 24:43:11:07, 24:43:11:10; and 24:53:02:03.

History-Notice: 36 SDR 61, October 13, 2009
 Hearing: November 2, 2009
 Filed: November 18, 2009
 Effective: December 8, 2009

DEPARTMENT OF HEALTH: HEALTH SYSTEMS DEVELOPMENT AND REGULATION:

44:02:02:22; 44:02:05:01, 44:02:05:15, 44:02:05:27, 44:02:05:28, 44:02:05:29; 44:02:06:15; 44:02:08:01, 44:02:08:13, 44:02:08:15, 44:02:08:16, 44:02:08:17; 44:02:10:34; and 44:02:12:28.

History-Notice: 36 SDR 55, October 5, 2009
 Hearing: October 14, 2009
 Filed: November 18, 2009
 Effective: December 8, 2009

DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF INSURANCE:

20:06:33:04; 20:06:39:36 to 20:06:39:40, inclusive; and 20:06:40:23 to 20:06:40:27, inclusive.
 History-Notice: 36 SDR 44, Sept. 14, 2009
 Hearing: October 21, 2009
 Filed: November 19, 2009
 Effective: December 9, 2009

PUBLIC UTILITIES COMMISSION: ONE CALL NOTIFICATION BOARD:

20:25:01:01; 20:25:02:06; 20:25:03:01, 20:25:03:05.04, 20:25:03:07, and 20:25:03:10.02.
 History-Notice: 36 SDR 37, August 31, 2009
 Hearing: September 30, 2009
 Filed: November 19, 2009
 Effective: December 9, 2009

DEPARTMENT OF GAME, FISH AND PARKS:

141:06:21:02.
 History-Notice: 36 SDR 89, Nov. 16, 2009
 Hearing: November 19, 2009
 Filed: November 20, 2009
 Effective: November 20, 2009

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

11-24-2009	Revenue and Regulation: Commission on Gaming	Amend Racing rules to repeal the limit on number of trainers; change the date that education courses are required from January 1, 2010, to January 31, 2012; and repeal the time
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		for claiming payments from pari-mutuel pool; amend Gaming rules to clarify that coins and currency can be inserted into slot machines; and adopt a rule to require patrons to actively be engaged in playing slot machines in order to be entitled to credits or payouts; 36 SDR 61.
12-3-2009	Game, Fish and Parks	Amend a Uses of Parks and Public Lands rule to change the spring wild turkey hunting season unit from PST 55B to PST 48A (Marshall and Roberts Counties) and change the season ending date for the unit to eight days prior to Memorial Day; amend a Camping Permits and Rules rule to require same-day reservation campers to occupy their reserved campsite by no later than 10:00 p.m. on the first night of their reservation or pay a cancellation fee and forfeit the remainder of their reservation; amend Spring Wild Turkey Hunting Season rules to establish season dates, requirements and restrictions; establish the number of licenses/tags available which will include offering residents 220 more one-tag "male turkey" and 50 more two-tag "any turkey" licenses for the Prairie Units than 2009; eliminate the split season for Deuel, Grant, and Hamlin County units (23A&B, 29A&B, and 32A&B) and create one unit for each county (23A, 29A, and 32A, respectively) with one season; open Jerauld County to statewide archery hunting; and change the end of the spring wild turkey hunting season from the third Sunday of May to eight days prior to Memorial Day; and amend a Waterfowl Hunting Season rule to retain the light goose Conservation Order and establish requirements and restrictions, season dates, open area, daily bag and possession limits for light gees; and change the dates for the light goose Conservation Order from February 14 through May 3 to opening statewide beginning on the 106 th day from the Saturday closest to November 1 for 79 consecutive days (2010 season dates would begin February 13 and end on May 2); 36 SDR 89.
12-9-2009	Secretary of State: Board of Elections	Amend rules to allow additional mailing options for certain notices; provide additional information in the notice of voter registration deadline; clarify retention provisions for

		certain notices; correct the ballot format for special districts; add a title and attorney general explanation to ballot question petitions; provide for representation area designation on school board petitions; clarify the use of a hand-count during a recount; add language to absentee voting materials to accommodate independents voting in the primary and military and overseas voters requesting voting materials electronically; and adding a definition for over vote; 36 SDR 89.
12-9-2009	Environment and Natural Resources: Water Management Board	Amend Drinking Water Standards rules to incorporate by reference the most recent published version of the Code of Federal Regulation for drinking water. Additional sections of federal rules associated with the Ground Water Rule, Stage 2 Disinfection By-Product rule, Long Term 2 Enhanced Surface Water Treatment rule, and the minor revisions to the Lead and Copper rule will be added; 36 SDR 95.
12-9-2009	Environment and Natural Resources: Environmental Services	Amend Water Hygiene rules to address requirements of the most recent published version of the Code of Federal Regulation for drinking water; 36 SDR 95.

RULES REVIEW COMMITTEE MEETINGS

The last regular meeting of the Interim Rules Review Committee will be held Monday, December 21, 2009, in Room 414, Fourth Floor, of the State Capitol.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.