

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 Transportation: (December 17, 2003) has filed rules to repeal a speed zone in Roberts County on SD Highway 15; prohibit parking along the east side of State Trunk Highway 115 in Sioux Falls north of 12th Street for a distance of 186 feet; and amend rules for mowing of highway rights-of-way that would grant a general permit for mowing non-interstate, non-median rights-of-way, eliminate the mowing start date for West River counties with the exception of Gregory, Lyman, and Tripp, eliminate the 12" height restriction on mown rights-of-way, prescribe a minimum distance from the road shoulder baled hay may be left, and make other minor changes. The general authority for these rules, as cited by the department, is SDCL 31-5-21, 32-25-7, and 32-30-2.4.

A public hearing will be held at 9:05 a.m. (CST) on January 22, 2004, in the commission room of the Becker-Hanson Building, 700 E. Broadway Avenue, Pierre, South Dakota. Copies of the proposed rules may be obtained without charge 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 on or before January 21, 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 Game, Fish and Parks:

(December 19, 2003) intends to amend rules for the spring wild turkey hunting season to establish number and types of licenses and tags available in the applicable new, modified, and existing hunting units; modify the applicable "number" designations for hunting units; open the counties of Marshall, Roberts, and Grant and that area in Brookings County east of Interstate 29 for archery hunting in the statewide archery hunting unit; establish hunting units in the counties of Deuel, Brookings, and Turner and restrictions on the types of weapons that may be used in the new units; modify the boundary of the hunting units located in (and between) Meade County and Perkins County; and clarify that Custer State Park is not open to hunting in the Black Hills hunting unit; as the same relates to training of dogs: permit the use of all partridges obtained from a captive game bird licensee; modify the types of licensees from whom game birds must be obtained; require a bill of sale for the game birds; exclude chukar partridge from marking requirements for game birds; and modify the marking requirements for released game birds; require persons making application for or who receive a special buck deer license have prior permission to hunt on private land and provide information on the application identifying name and phone number of person granting permission; amend revisions to the chapter entitled "Captive Game Birds" (formerly known as "Domestication Of Wild Species") which was finalized at the November Commission Meeting. The changes include: change the license name where applicable to "captive game bird" license; prohibit certain persons (and provides exemptions therefrom) from possessing captive game birds without a captive game bird license or private shooting

preserve permit; repeal existing license types; and establish licenses and respective resident and nonresident fees for persons deemed to be "noncommercial" and "commercial" and establish the activity permitted for each type of license. The general authority for these rules, as cited by the department, are SDCL 41-2-18, 41-6-21, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Ramkota RiverCentre in Pierre, South Dakota, on January 8, 2004, at 2:00 p.m. CT. 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:

The **DEPARTMENT OF SOCIAL SERVICES** has filed an update to the Food Stamp Program Certification and Accountability Manual. The update makes various changes

regarding earned income reporting, educational income, and the TANF program.

Department of Agriculture Appointments:

John Naser, Gann Valley, was appointed on December 8, 2003, to the **South Dakota Seed Certification Board**, as the representative of the South Dakota Horticulture Society, effective immediately and shall continue until January 1, 2007.

Robert Pollman, Brookings, was appointed on December 10, 2003, to the **South Dakota Seed Certification Board**, as the representative of South Dakota State University, effective immediately and shall continue until January 1, 2008.

Executive Appointments:

Mike Authier, Vivian, was appointed on December 18, 2003, to the **Game, Fish and Parks Commission**, to replace Les Lindskov, effective January 11, 2004, and shall continue until January 10, 2008.

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

1-8-2004	Game, Fish and Parks	Amend rules regarding the Spring wild turkey hunting season, the East and West River prairie deer season, captive game birds, and dog training; 30 SDR 105.
1-9-2004	Personnel: Law Enforcement Civil Service Commission	Amend rules regarding the civil service system for the S.D. Highway Patrol and Division of Criminal Investigation affecting the minimum requirements and selection process, employee conduct and relations, compensation and classification plans, promotion, transfer and

		demotion, probationary periods, disciplinary actions and the appeals process; 30 SDR 99.
1-22-2004	Transportation	Repeal a speed zone in Roberts County on SD Highway 15; prohibit parking along the east side of State Trunk Highway 115 in Sioux Falls north of 12 th Street for a distance of 186 feet; and amend rules for mowing of highway rights-of-way; 30 SDR 105.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held on Monday, January 12, 2004.

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

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