

REGISTER

South Dakota Legislative Research Council



Volume 29

Monday, 8:00 a.m., December 23, 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 Game, Fish and Parks:

(December 20, 2002) intends to adopt EMERGENCY rules to extend/re-open the hunting of "anterless elk", by the licensees hereafter designated, in Units 403, 404, and 501 (Custer State Park); unsuccessful rifle "anterless" elk hunters having unfilled licenses in Units 401B, 402B, 403B, 404B, 405B, 406B, 407B, 409B, 501B, and 501C; and unsuccessful rifle "any elk" landowner preference hunters in Units 403A and 404A. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-6-10, 41-8-1, and 41-17-1.1.

A copy of the proposed rules may be obtained from the Department of Game, Fish and Parks, 523 East Capitol, Pierre, South Dakota 57501.

Department of Game, Fish and Parks:

(December 20, 2002) intends to amend rules to prohibit the hunting of light geese during an established spring light goose season or Conservation Order at Silver Lake State Waterfowl Refuge in Hutchinson County; define a "hen turkey"; and provide that the rule prohibiting more than one license application in the original lottery drawing for any hunting season does not apply to Spring Turkey. The department intends to amend rules concerning the Spring wild turkey hunting season to establish number and types of licenses and tags available in the applicable Units; open an archery season in northern Yankton County and counties of Sanborn, Davison, Hanson, and Hutchinson; modify Unit 107A to include all of Yankton County; modify the hunting areas

within Unit 144B to exclude Newton Hills State Game Refuge during the May hunting season; permit residents and nonresidents to make application during the initial application period for no more than one Unit 400A license, one Unit 700A license, and one prairie unit license; clarify that land occupant preference may not be used for Unit 700A (Archery Unit); and clarify that all spring wild turkey hunting units are "prairie" units except Unit 400A (Black Hills Unit) and Unit 700A (Archery Unit). The general authority for these rules, as cited by the department, is SDCL 41-2-18 and 41-11-5.

A public hearing will be held at the Holiday Inn Express, in Fort Pierre, South Dakota, on January 9, 2003, at 2:00 p.m. CST. 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 COMMERCE AND REGULATION: BOARD OF TECHNICAL PROFESSIONS: 20:38:12:00, 20:38:12:01; 20:38:13:01, 20:38:13:03; 20:38:14:01, 20:38:14:02, 20:38:14:05; 20:38:15:03,

20:38:15:04; 20:38:16:01; 20:38:17:03,
 20:38:17:13; 20:38:18:02, 20:38:18:04;
 20:38:19:02, 20:38:19:03, 20:38:19:04,
 20:38:19:05, 20:38:19:10, 20:38:19:11,
 20:38:19:12; 20:38:20:01; 20:38:21:01,
 20:38:21:02; 20:38:22:01, 20:38:22:04,
 20:38:22:06.01 to 20:38:22:06.06, inclusive,
 20:38:22:07; 20:38:24:01 to 20:38:24:14,
 inclusive; 20:38:25:01 to 20:38:25:05, inclusive;
 20:38:26:01 and 20:38:26:02.

History-Notice: 29 SDR 57, Oct. 21, 2002
 Hearing: November 15, 2002
 Filed: December 17, 2002
 Effective: January 6, 2003

**DEPARTMENT OF TRANSPORTATION:
 70:01:02:58.**

History-Notice: 29 SDR 65, Nov. 4, 2002
 Hearing: November 21, 2002
 Filed: December 19, 2002
 Effective: January 8, 2003

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

1-6-2003	Social Services	Adopt rules relating to the Low Income Energy Assistance Program (LIEAP) and the Energy Crisis Intervention Program (ECIP); 29 SDR 91.
1-6-2003	Social Services	Adopt rules relating to durable medical equipment covered by the medical assistance program; 29 SDR 91.
1-9-2003	Game, Fish and Parks	Adopt rules relating to the Spring wild turkey hunting season, amend restriction on number of applications, amend definition of "hen turkey," and amend an exception to hunting at Silver Lake State Waterfowl Refuge in Hutchinson County; 29 SDR 95.
1-23-2003	Transportation	Amend a speed zone in Brookings County and adopt a rule to prohibit parking in Pennington County; 29 SDR 91.
1-30-2003	Agriculture: Division of Ag Development	Increase application fee to \$100 for the Beginning Farmer Bond program; 29 SDR 87.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Monday, January 13, 2003, in Room 413 of the State Capitol.

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>).