

REGISTER

South Dakota Legislative Research Council



Volume 28

Monday, 8:00 a.m., April 22, 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 Environment and Natural Resources: Environmental Services: (April 19, 2002) intends to adopt rules to maintain air quality in the Rapid City area to meet federal national ambient air quality standards. The general authority for these rules, as cited by the department, is SDCL 34A-1-6, 34A-1-19, 34A-1-21, and 34A-1-24.

A public hearing will be held in the Matthew Environmental Education and Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on May 16, 2002, at 10:10 a.m. Copies of the proposed rules may be obtained from and written comments sent to Brad Schultz, Department of Environment and Natural Resources, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by May 15, 2002, to be considered. Copies of the proposed rules are also available of the department's web site at:

www.state.sd.us/denr/DES/AirQuality/aqnews/aqnews.htm. 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) 773-3151 at least forty-eight hours before the hearing.

Department of Game, Fish and Parks: (April 19, 2002) is proposing rules to increase the number and types of youth deer season licenses available in applicable units, provide a procedure for application and issuance of a limited number of youth deer licenses to nonresident youth after the initial and second

lottery drawings, modify the hunting dates of the respective seasons, and repeal reference to and the restrictions to the hunting season in the Pocasse National Wildlife Refuge in Campbell County; establish the applicable license fee for a nonresident youth deer license; reduce the number and types of Black Hills deer licenses available in the applicable special deer license units; provide the times permitted for snagging paddlefish, delete reference to stamps, and require that certain persons must also possess a valid South Dakota fishing license to snag paddlefish; require certain persons to possess a valid South Dakota fishing license to spear paddlefish and delete reference to stamps. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-6-10, 41-6-18.4, 41-6-19.6, 41-6-21, and 41-17-1.1.

A public hearing will be held at the State Game Lodge in Custer State Park, South Dakota, on May 9, 2002, at 2:00 p.m. 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.

DECLARATORY RULING:

The South Dakota Commission on Gaming has filed a Declaratory Ruling with the Legislative Research Council. Eugene Johner made the

petition for the ruling as president of DWD, Inc., regarding the Deadwood Gulch Saloon. The request asked the Commission to determine if a structure adjacent to the Deadwood Gulch Saloon constitutes a third building for the purpose of determining the number of gaming devices that can be placed in the building. After hearing the evidence the Commission determined that the structure known as Building Number 3 does constitute a third building for the purposes of determining the number of gaming devices that can be placed in the building.

The Declaratory Ruling is dated April 10, 2002 and may be reviewed or copied at the office of the Legislative Research Council during normal business hours.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

ATTORNEY GENERAL: LAW ENFORCEMENT STANDARDS

TRAINING COMMISSION: 02:01:02:01; 02:01:02:08; 02:01:06:03.01; 02:01:06:06; 02:05:01:01; 02:05:01:05; 02:05:02:03.01, 02:05:02:06

History-Notice: 28 SDR 118, Feb. 19, 2002
Hearing: March 21, 2002

Filed: April 12, 2002
Effective: May 2, 2002

SOUTH DAKOTA LOTTERY: 48:03:06:05; 48:03:13:01, 48:03:13:02, and 48:03:13:03.

History-Notice: 28 SDR 111, Feb. 4, 2002
Hearing: February 22, 2002
Filed: April 17, 2002
Effective: May 7, 2002

DEPARTMENT OF GAME, FISH AND PARKS: 41:03:04:01, 41:03:04:05.01, 41:03:04:10, 41:03:04:10.01, 41:03:04:10.02, and 41:06:02:03.

History-Notice: 28 SDR 117, Feb. 19, 2002
Hearing: March 7, 2002
Filed: April 17, 2002
Effective: May 7, 2002

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

5-9-2002	Game, Fish and Parks	Youth deer season, Black Hills deer season, snagging and spearing paddlefish; 28 SDR 149.
5-16-2002	Agriculture: Weed and Pest Control Commission	Noxious weed list, number of noxious weeds and pests allowed; 28 SDR 145.
5-16-2002	Agriculture: Agricultural Services	Changes to the 1999 Pasteurized Milk Ordinance; 28 SDR 145.
5-16-2002	Environment and Natural Resources: Environmental Services	Air pollution control in Rapid City area; 28 SDR 149.

5-21-2002	Commerce and Regulation: Electrical Commission	Adopt the 2002 National Electrical Code, continuing education for apprentice electricians, change commission address; 28 SDR 146.
6-7-2002	Commerce and Regulation: Chiropractic Examiners	Increase license fee, update sections on doctor/patient confidentiality, clarify code of ethics, update sanctions imposed regarding discipline; 28 SDR 146.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, May 14 in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2002 interim: June 11, August 6, September 17, November 20, and January 6.

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.

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