

# REGISTER



*South Dakota Legislative Research Council*

*Volume 30*

*Monday, 8:00 a.m., July 21, 2003*

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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 Game, Fish and Parks:***

(July 17, 2003) intends to amend rules that will modify the daily bag limits and possession limits, hunting season dates, and length of applicable hunting seasons for certain waterfowl in the various areas and applicable zones - all within Federal parameters; provide prohibitions and exclusions therefrom for certain activities at Hunter Quarry Water Access Area in Grant County; define boating activities which are prohibited within an area designated as a "no wake zone;" change safety zones to "no wake zones" at Staum Dam, Lake Hanson, on Lake Sharpe adjacent to Griffin Park, Lake Dimock, Lake Menno, Lake Tripp, Lake Alvin, Lake Lakota, Long Lake, Loss Lake, Lake Campbell, an area adjacent to and at the mouth of the Bad River near Fort Pierre, and Lake Marindhal; and permit persons involved in certain hunting activities at the Battle Mountain/Friendshuh game production area in the counties of Fall River and Custer to use horses for limited purposes at the game production area during a designated period of time. The general authority for these rules, as cited by the commission, are SDCL 32-3A-1, 41-2-18, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Brookings Inn in Brookings, South Dakota on August 7, 2003, 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](mailto: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:** (None)

**Executive Appointments:**

**Brian Bonde**, Sioux Falls, was appointed on July 10, 2003, to the **State Arts Council**, to replace Karen Olson, effective immediately and shall continue until July 1, 2006.

**Ronald Mielke**, Sioux Falls, was appointed on July 11, 2003, to the **Board of Military Affairs**, effective immediately.

**Gene LeBrun**, Rapid City, was appointed on July 11, 2003, to the **South Dakota Health and Educational Facilities Authority**, effective immediately and shall continue until June 30, 2008.

**Doug Fosheim**, Huron, was appointed on July 11, 2003, to the **State Fair Commission**, effective immediately.

**Alecia Thompson**, Ft. Thompson, was appointed on July 11, 2003, to the **Court Appointed Special Advocates Commission**, effective immediately and shall continue until June 30, 2006.

**Mary Livermont**, Pierre, was appointed on July 11, 2003, to the **Court Appointed Special Advocates Commission**, effective immediately and shall continue until June 30, 2006.

**Jason Harris**, Sioux Falls, was reappointed on July 11, 2003, to the **Planning Council on Developmental Disabilities**, effective immediately and shall continue until July 1, 2006.

**Valary Wysuph**, Yankton, was reappointed on July 11, 2003, to the **Planning Council on Developmental Disabilities**, effective immediately and shall continue until July 1, 2006.

**William Fischer**, Pierre, was reappointed on July 11, 2003, to the **South Dakota Health and Educational Facilities Authority**, effective immediately and shall continue until June 30, 2008.

**Kae McNeil**, Aberdeen, was reappointed on July 11, 2003, to the **Education Assistance Corporation Board of Directors**, effective immediately and shall continue until July 1, 2007.

**Donna E. Melvin**, Holabird, was reappointed on July 11, 2003, to the **State Board of Examiners in Optometry**, effective immediately and shall continue until July 1, 2006.

**Clifford W. Thomas**, Belle Fourche, was reappointed on July 11, 2003, to the **State Board of Podiatry Examiners**, effective

immediately and shall continue until July 1, 2006.

**Deborah N. Bouchie**, Pierre, was reappointed on July 11, 2003, to the **Planning Council on Developmental Disabilities**, effective immediately and shall continue until July 1, 2006.

**Lynne D. Cain**, Springfield, was reappointed on July 11, 2003, to the **Independent Living Council**, effective immediately and shall continue until July 1, 2006.

**Legislative Appointments:**

**CORRECTION: Representative Kent Juhnke**, Vivian, was appointed to the **Advisory Panel to the South Dakota Risk Pool Governing Board**, on July 3, 2003, effective immediately and shall expire on December 31, 2004.

**CORRECTION: Senator Duane Sutton**, Aberdeen, was appointed to the **Advisory Panel to the South Dakota Risk Pool Governing Board**, on July 8, 2003, effective immediately and shall expire on December 31, 2004.

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**

7-23-2003	Labor: Plumbing Commission	Adopt and amend rules regarding the plumbing installation certificate; 29 SDR 187.
7-24-2003	Revenue and Regulation: Division of Insurance	Adopt, amend, and repeal rules regarding reference updates; eliminate duplication and to change a cross-reference for group policies;

		repeal current grievance procedures and clarify the scope of certain requirements contained in HB 1047; clarify the term contract of more than six-month duration; amend rules regarding disability plans; 30 SDR 1.
7-24-2003	Transportation	Amend speed zones in Charles Mix, Marshall, and Roberts Counties and amend the extended period permit for movement of oversize or overweight vehicles to include baled solid waste; 30 SDR 1.
8-4-2003	Administration	Increase fees for publication of legal notices; 30 SDR 2.
8-6-2003	Revenue and Regulation: Business Tax	Amend rules to define the terms "commencement of the project", "prescription," and "medical device" to the uniform language of the Streamlined Sales Tax Agreement; amend what classes are exempt from tax; and clarify rules concerning the credit when tax is paid to another state if that tax was subsequently refunded to the taxpayer; 30 SDR 1.
8-7-2003	Game, Fish and Parks	Amend rules that will modify the daily bag limits and possession limits, hunting season dates, and length of applicable hunting seasons for certain waterfowl; provide prohibitions and exclusions therefrom for certain activities at Hunter Quarry Water Access Area in Grant County; more clearly define boating activities which are prohibited within an area designated as a "no wake zone;" amend safety zones to "no wake zones" at Staum Dam, Lake Hanson, Lake Sharpe adjacent to Griffin Park, Lake Dimock, Lake Menno, Lake Tripp, Long Lake, Lake Alvin, Lake Lakota, Loss Lake, Lake Campbell, an area adjacent to and at the mouth of the Bad River near Fort Pierre, and at Lake Marindahl; allow horses for certain hunting activities at Battle Mountain/Friendshuh game production areas in Fall River and Custer counties; 30 SDR 9.
8-11-2003	Agriculture: State Brand Board	Increase the ownership inspection fee by ten cent; 29 SDR 187.
8-20-2003	Revenue and Regulation: Real Estate Commission	Clarify licensing procedures and continuing education provisions; increase the duties authorized under an auctioneer's license and establish the time that an auction listing requires; and update materials incorporated by reference; 30 SDR 5.

8-21-2003	Attorney General: Law Enforcement Officers Standards and Training Commission	Adopt a rule concerning compensation for a reserve officer; 29 SDR 175.
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### *Rules Review Committee Meetings*

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 5, 2003, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2003 interim: September 8, October 6, and November 19.

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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