

REGISTER

South Dakota Legislative Research Council



Volume 28

Monday, 8:00 a.m., October 22, 2001

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: Board of Water and natural Resources: (October 15, 2001) is proposing rules amending the consolidated water facilities construction program to adjust the application due dates, revise the factors for decision making, increase the deadline for the board to make funding decisions from 80 to 120 days, extend the grant period to three years, and eliminate the need for applicants to submit evidence of other funding sources; amending the state water pollution control revolving fund program to establish due dates for submitting applications; increase the number of application cycles from two per year to four per year, revise the factors for decision making, and eliminate setting interest rates on an annual basis in the solid waste management program; and in the drinking water state revolving fund program make more communities eligible for loans with a 30-year term, clarify the project priority system, develop quarterly funding cycles, and assure loan recipients maintain proper accounting records. The general authority for the rules, as cited by the department, is SDCL 46A-1-60.1, 46A-1-60.2, 46A-1-6-0.3, 46A-1-65, 46A-1-67, and 46A-1-84.

A public hearing will be held in the Floyd Matthew Training Center, Foss Building, 523 East Capitol, Pierre, South Dakota, on Friday, November 9, 2001, at 10:30 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Environment and Natural Resources, Board of Water and Natural Resources, 523 East Capitol,

Pierre, South Dakota 57501. Written comments must reach the department by November 8, 2001, to be considered. The proposed rules may be accessed on the department's website at www.state.sd.us/denr/DFTA/WWFunding. 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) 773-4216 at least forty-eight hours before the hearing.

Department of Health: (October 17, 2001) intends to adopt EMERGENCY rules to include certain diseases as Category I reportable diseases. The general authority for these rules, as cited by the department, is SDCL 34-1-17, 34-22-9, 34-22-12, and 34-23-13.

Copies of the proposed rules may be obtained from Coleen Kozel, South Dakota Department of Health, 600 East Capitol, Pierre, South Dakota 57501-2536.

Department of Commerce and Regulation: Electrical Commission: (October 19, 2001) intends to adopt a rule to change the effective date in Section 210-12(b) of the National Electrical Code from January 1, 2002 to July 1, 2002. The general authority for this rule, as cited by the commission, is SDCL 36-16-12.

A public hearing will be held in the AmericInn, Oacoma, South Dakota, on Tuesday, November 13, 2001, at 10:30 a.m. Copies of the proposed rules may be obtained from and written comments sent to the State Electrical Commission, 118 West Capitol, Pierre, South Dakota 57501. Written comments must reach the department by November 8, 2001, to be considered. Persons who have special needs for

which the commission can make arrangements are asked to call 1-800-233-7765 before the hearing.

***FILINGS IN THE SECRETARY OF
STATE'S OFFICE:*** None

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

10-30-2001	Health	Conform to current health and safety standards in medical facilities, control Legionella with higher water temperatures; permit facilities to develop tuberculosis testing policies relative to population risk; clarify limitations of unlicensed staff; remove certain requirements regarding medications; ensure adult foster care clients receive necessary services; define requirements for in-patient chemical dependency treatment facilities; 28 SDR 53.
11-1-2001	Game, Fish and Parks	Baitfish use restricted; no fishing zones; removal of ice fishing shelters; fish limits on inland waters; fish limits on Lynn Lake, Enemy Swim Lake, Murdo City Lake, Murdo Railroad Dam, Lakes Albert, Brant, Herman, Madison, Island, Sinai, Fox and West Highway 81/Twin Lakes complex; a "catch and release" fishing zone for anglers age 16 and older and a daily limit of 5 for anglers under age 16 at Snake Creek Pond in Charles Mix County; establish time when archery fishing of paddlefish is permitted below Gavins Point Dam; size restrictions in Mud Creek below Amsden Lake; fish limits on Lake Oahe; snowmobile permits; 28 SDR 57.
11-2-2001	SD Investment Council	Requirements to guide council in investment in certificates of deposit; 28 SDR 53.

11-9-2001	Environment and Natural Resources: Board of Water and Natural Resources	Amend the consolidated water facilities construction program, state water pollution control revolving fund program, solid waste management program, drinking water state revolving fund program; 28 SDR 61.
11-13-2001	Labor	Clarify "approved training" for unemployment purposes, update references; 28 SDR 57.
11-13-2001	Commerce and Regulation: Electrical Commission	Change effective date to July 1, 2002; 28 SDR 61.
12-6-2001	Transportation	Speed zones in Yankton and Viborg; 28 SDR 53.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held on Tuesday, October 23, at 7:00 a.m. in Room 413 of the State Capitol. The final meeting of the 2001 interim will be November 28.

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. Each agency is requested to provide the LRC with eight copies of the most recent draft of its rules two days before the meeting.

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 28 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>).
