

REGISTER



South Dakota Legislative Research Council

Volume 34

Monday, 8:00 a.m., February 25, 2008

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Transportation: (February 20, 2008) is proposing to amend the following: a speed zone in Pennington County on US Highway 16 in the city of Hill City to increase speed limits for traffic east of the east junction with the US 16 truck bypass; a speed zone in Lawrence County on US Highway 14A in the city of Deadwood to reduce speed limits for traffic east of the junction with US 85; a speed zone in Edmunds County on US Highway 12 in the city of Bowdle to reduce speed limits for traffic along the area of recent commercial development west of town; and repeal a speed zone in Sully County on SD Highway 1804 to raise the speed limit from the current 55 miles per hour to 65 miles per hour. The general authority for these rules, as cited by the department, is SDCL 32-25-7.

A public hearing will be held in Room 412 of the Capitol Building, 500 E. Capitol Avenue in Pierre, South Dakota, on February 28, 2008, at 9:05 a.m. CDST. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by February 27, 2008, 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) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

Department of Education: Board of Education: (February 20, 2008) intends to amend Vocational Education rules to assure that current practices for training instructional staff at the post-secondary technical institutes are up-to-date by changing from "vocational" to "career and technical", change the number of credits required to take in the first two years of teaching, determination of who can receive a two year and five year credential, and change in language for a one year credential; and amend National Board for Professional Teaching Standards Certification rules to add individuals deemed as school services specialists as well as administrators to be compensated for receiving National Board Certification. The general authority for these rules, as cited by the board, is 13-1-12.1, 13-39-37, 13-42-3, 13-42-4, and 13-42-26.

A public hearing will be held in Conference Room 3 of the Kneip Building, 700 Governors Drive, Pierre, South Dakota, on March 17, 2008, at 1:00 p.m. CDT. Copies of the proposed rules may be obtained without charge from the Department of Education, South Dakota Board of Education, 700 Governors Drive, Pierre, South Dakota 57501-2291 or on the Internet at <http://doe.sd.gov/secretary/board/schedule.asp>. Written comments may be sent to the board at the address above and must be received by March 10, 2008, 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) 773-3426 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Kelly Glodt, Pierre, was appointed on February 19, 2008, to the **Excess General Fund Oversight Board**, to replace John Pedersen, effective February 18, 2008.

Paul Lundberg, Brandon, was appointed on February 19, 2008, to the **Excess General Fund Oversight Board**, to replace Larry Lucas,

effective February 19, 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 Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

2-28-2008	Transportation	Amend the following: a speed zone in Pennington County on US Highway 16 in the city of Hill City to increase speed limits for traffic east of the east junction with the US 16 truck bypass; a speed zone in Lawrence County on US Highway 14A in the city of Deadwood to reduce speed limits for traffic east of the junction with US 85; a speed zone in Edmunds County on US Highway 12 in the city of Bowdle to reduce speed limits for traffic along the area of recent commercial development west of town; and repeal a speed zone in Sully County on SD Highway 1804 to raise the speed limit from the current 55 miles per hour to 65 miles per hour; 34 SDR 221.
3-6-2008	Game, Fish and Parks	Amend Parks and Public Lands rules to allow limited recreational horse use on Title VI Game Production Areas (GPA) and lakeside use areas (LUA) along the Missouri River. However, in areas where wildlife habitat has been developed, cultural resources or endangered species concerns exist, or where recreational horse use is determined to conflict with primary GPA or LUA purposes (wildlife production, wildlife habitat, public hunting, or other public recreation), recreational horse use may be restricted by posting. The amendments also would allow horses to be used for the hunting and retrieval of deer and elk on the Battle Mountain/Friendshuh Game Production Area; amend Public Water Zoning rules to modify the boundaries of the public swimming

		<p>zone in American Creek Bay (Brule County); modify the boundaries of three public swimming zones (Stokes Thomas City Park, Memorial Park, and Jackson Park) on Lake Kampeska and change the designation of one of them (Jackson Park) from a public swimming zone to a no wake zone; eliminate two no wake zones on Pactola Reservoir (Pennington County), commonly referred to as Boarding House Gulch and Musekamp Draw; create three no wake zones on McCook Lake (Union County); and create two no wake zones on Lewis and Clark Lake (Yankton County); amend Refuges to move the western boundary of the Sutton State Waterfowl Refuge from the water's edge to the center of the reservoir; amend Persons with Disabilities to allow the department secretary to issue special crossbow permits to persons who are "temporarily" unable to use a bow and arrow due to the loss of use of one or both arms or who is confined to a wheelchair; amend Endangered and Threatened Species to exempt persons who possess legally acquired or legally taken raptors from the requirement to obtain a state endangered species permit; 34 SDR 205.</p>
3-11-2008	Revenue and Regulation: Gaming Commission	<p>Amend a Gaming Rule to allow the Executive Secretary to accept testing results of gaming testing laboratories to assist in determinations for approval of slot machines as long as the testing laboratory has current International Organization of Standardization certification and accreditation; 34 SDR 217.</p>
3-12-2008	Environment and Natural Resources: Water Management Board	<p>Amend rules regarding Underground Injection Control-Class III Wells to update the requirements an applicant must meet to obtain a state permit. The updates include more comprehensive requirements for the permit application, well construction, well mechanical integrity testing, plugging of wells and drill holes, baseline water equality sampling, remedial action, ground water restoration and postclosure activities; 34 SDR 199.</p>
3-17-2008	Education: Board of Education	<p>Amend Vocational Education rules to assure that current practices for training instructional staff at the post-secondary technical institutes are up-to-date by changing from "vocational" to "career and technical", change the number</p>

		of credits required to take in the first two years of teaching, determination of who can receive a two year and five year credential, and change in language for a one year credential; and amend National Board for Professional Teaching Standards Certification rules to add individuals deemed as school services specialists as well as administrators to be compensated for receiving National Board Certification; 34 SDR 221.
4-2-2008	Environment and Natural Resources: Operator Certification Program	Modify the continuing education requirements for a water/wastewater operator to renew his operating certificate(s) and to clarify which operators are allowed to run groundwater systems serving less than 500 people that do not treat the water; 34 SDR 205.

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will hold an informal meeting on Wednesday, February 27, 2008, at 10:00 a.m. in Room 413 of the State Capitol, Pierre, South Dakota, to set the tentative meeting schedule for the upcoming interim.

Note: An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the Legislative Web site.