REGISTER

South Dakota Legislative Research Council

Volume 35 *Monday, 8:00 a.m., June 22, 2009*

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

Department of Public Safety: Office of Highway Safety: (June 15, 2009) intends to amend rules to revise the titles and publication dates of the curriculum used in the Motorcycle Safety Program and delete an obsolete reference. The general authority for these rules, as cited by the department, is SDCL 32-20-14.

A public hearing will be held in the second floor conference room, Public Safety Building, 118 West Capitol, Pierre, South Dakota, on July 1, 2009, at 9:30 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Public Safety, 118 West Capitol, Pierre, South Dakota 57501-2000. Material sent by mail must reach the Department of Public Safety by July 13, 2009, 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) 773-2691 at least 48 hours before the hearing.

Department of Health: Board of Pharmacy: (June 15, 2009) intends to adopt and amend rules to update requirements for internship, for registration of pharmacists by examination, and for registration of pharmacists by reciprocity; and to identify the requirements for exception to the ratio of technicians to pharmacists. The general authority for these rules, as cited by the board is SDCL 36-11-10, 36-11-11, 36-11-16, 36-11-19, and 36-11-25.

A public hearing will be held in Sioux Falls at the Board of Pharmacy office, 4305 South Louise Avenue, Sioux Falls, South Dakota, on July 7, 2009, at 1:00 p.m. CDT. Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or sending comments to the South Dakota Board of Pharmacy, 4305 South Louise Ave., Suite 104, Sioux Falls, South Dakota 57106. Copies of the proposed rules may be viewed at the board website www.pharmacy.sd.gov or obtained without charge from the Board's office. Material sent by mail must reach the Board of Pharmacy on or before July 2, 2009, to be considered. Persons who have special needs for which the board can make arrangements are asked to call (605) 362-2737 before the hearing.

Department of Education: Board of Education: (June 19, 2009) intends to amend a Special Education rule to clarify student due process procedures; amend a Funding rule to comply with federal mandates for the American Recovery and Reinvestment Act and Individuals with Disabilities Act (IDEA) in transferring of special education funds to another fund to carry out activities authorized under the Elementary and Secondary Education Act of 1965; amend Certification rules to allow teachers or special education paraprofessionals with one year of teaching experience to be granted the special education endorsement; and allow individuals with the National School Counselor Certification to receive stipends, as do Nationally Board Certified teachers, if money is appropriated; and amend General State Aid rules to clarify what a full course load for a secondary student consists of and what constitutes a full-time student. The general

authority for these rules, as cited by the board, is SDCL 13-1-12.1, 13-13-37.4, 13-16-32, 13.37-1.1, 13-42-3, and 13-42-26.

A public hearing will be held via Dakota Digital Network (DDN) in Conference Room 3, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on July 16, 2009, at 1:30 p.m. CST. Other DDN hearing sites are: Aberdeen NSU LIB117, Mitchell MTI TC155, Sioux Falls UC282S, Vermillion OM204, and Huron High School. 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 from the Internet at http://doe.sd.gov/secretary/board/. Written comments may be sent to the board at the address above and must be received by July 9, 2009, 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.

NOTICE:

The **Department of Labor: Division of Labor and Management** has withdrawn the proposed amendments to update the Workers' Compensation Fee Schedule and Case Management rules that were filed with Legislative Research Council on June 8, 2009, (35 SDR 303).

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF HEALTH: JOINT BOARD OF NURSING AND MEDICAL AND OSTEOPATHIC EXAMINERS: 20:62:03:05.

History-Notice: 35 SDR 215, March 9, 2009
Hearing: April 8, 2009
Filed: June 15, 2009
Effective: July 6, 2009

DEPARTMENT OF SOCIAL SERVICES: ECONOMIC ASSISTANCE: 67:57:01:01, 67:57:01:04, and 67:57:01:12.

History-Notice: 35 SDR 244, April 20, 2009
Hearing: May 12, 2009
Filed: June 15, 2009
Effective: July 6, 2009

DEPARTMENT OF SOCIAL SERVICES: ADULT SERVICES AND AGING: 67:16:04:33, 67:16:04:34, 67:16:04:37, 67:16:04:39, 67:16:04:40, 67:16:04:43, 67:16:04:46, 67:16:04:47, 67:16:04:48, 67:16:04:51, 67:16:04:52, 67:16:04:53, 67:16:04:54.01, 67:16:04:54.02, 67:16:04:54.03, 67:16:04:55, 67:16:04:56.01, 67:16:04:57, 67:16:04:62, and 67:16:04:63.

History-Notice: 35 SDR 244, April 20, 2009
Hearing: May 13, 2009
Filed: June 15, 2009
Effective: July 6, 2009

Executive Appointments:

Ginger Johnson, Sturgis, was reappointed on June 2, 2009, to the **Board of Social Work Examiners**, effective July 1, 2009, and shall continue until June 30, 2012.

Gene Jones, Jr., Sioux Falls, was reappointed on June 11, 2009, to the **Board of Water and Natural Resources**, effective July 1, 2009, and shall continue until June 30, 2013.

Dennis Landguth, Rapid City, was reappointed on June 11, 2009, to the **Board of Minerals and Environment**, effective July 1, 2009, and shall continue until June 30, 2013.

Kay E. Lindgren, Rapid City, was reappointed on June 11, 2009, to the **Board of Social Work Examiners**, effective July 1, 2009, and shall continue until June 30, 2012.

Lawrence Zimmer, Montrose, was reappointed on June 11, 2009, to the **State Board of Veterinary Medical Examiners**, effective July 1, 2009, and shall continue until June 30, 2012.

Paul Christen, Huron, was reappointed on June 15, 2009, to the **State Banking Commission**, effective July 1, 2009, and shall continue until June 30, 2012.

James Feller, Blunt, was reappointed on June 17, 2009, to the **State Board of Veterinary Medical Examiners**, effective July 1, 2009, and shall continue until June 30, 2012.

Steven R. Smith, Groton, was reappointed on June 17, 2009, to the **State Board of Veterinary Medical Examiners**, effective July 1, 2009, and shall continue until June 30, 2012.

James M. Neugebauer, Dimock, was reappointed on June 18, 2009, to the **American Dairy Association of South Dakota**, effective July 1, 2009, and shall continue until June 30, 2012.

Jarrod D. Otta, Sioux Falls, was reappointed on June 18, 2009, to the **American Dairy Association of South Dakota**, effective July 1, 2009, and shall continue until June 30, 2011.

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

6-25-2009	Social Services: Economic Assistance	Amend rules to update the payment schedules for all Temporary Assistance for Needy Families Program (TANF) assistance units; 35 SDR 291.
6-25-2009	Environment and Natural Resources: Board of Water and Natural Resources	Adopt rules to redistrict the director areas of seven water development districts; 35 SDR 291.
6-25-2009	Health: Board of Examiners for Nursing Home Administrators	Amend rules to assist new applicants to understand the requirements; assist staff in providing explanations for all requirements; and assist licensees in securing more compliant continuing education hours; 35 SDR 297.
6-25-2009	Transportation	Amend a speed zone in Minnehaha County on SD Highway 38 in the City of Hartford to extend the length of reduced speed limits to the east; amend a speed zone in Tripp County on US Highways 18/183 in the City of Winner to extend the length of reduced speed limits to the southeast; amend a speed zone in Tripp County on State Trunk Highway 44 in the City of Winner to extend the length of reduced speed limits to the east; adopt a speed zone in Tripp County on the service road adjacent to US

		Highways 18/183 and SD 44 in the western part of the City of Winner to establish a speed limit of 30 miles per hour; and adopt a speed zone in Tripp County on the service road adjacent to US Highways 18/183 in the southern part of the City of Winner to establish a speed limit of 20 miles per hour; 35 SDR 303.
6-30-2009	Labor: Labor and Management - CANCELLED -	Update the Workers' Compensation Fee Schedule and Case Management rules; 35 SDR 303.
7-1-2009	Game, Fish and Parks	Amend a Public Water Zoning rule to establish a 100 foot wide "no wake zone" extending from the existing no wake zone on the southwest arm of McCook Lake (Union County) to the extreme southeast corner of the lake; amend East River Deer Hunting Season rules to establish season dates, requirements and restrictions, open areas, shooting hours, and number of licenses/tags available; modify the season starting date to begin the Saturday before Thanksgiving; eliminate the 7-day anterless extension following the 16-day regular season, and adjust the 9-day anterless extension to begin the Saturday after Christmas; and eliminate the "Super Unit" (McPherson, Edmunds, Faulk and Spink counties) where unfilled tags are valid for all four units; amend an Antelope Hunting Season rule to establish season dates, requirements and restrictions, open areas, shooting hours, and number of resident and nonresident licenses/tags available; and adjust the boundary for Butte County Units 15A and 15B; amend Custer State Park Antelope Hunting Season and License Forms and Fees rules to reopen the season, establish requirements and restrictions, open areas, and shooting hours; establish season dates to begin the Tuesday following Native American Day in October and running for 9 consecutive days (October 13-21, 2009); establish the number of licenses at 3 "any antelope" and 10 "doe/kid" licenses available only to state residents through the drawing system, and establish the fee for the licenses; remove the "archery only" restriction and allow use of any legal weapon with rifle restrictions to follow the guidelines

		established in the state antelope hunting season regulations; and not allow hunting within 1320 feet (440 yards) of any numbered Custer State Park road; amend a National Wildlife Refuge Deer Hunting Season rule to establish season dates, requirements and restrictions, open areas, shooting hours, and establish the number of resident and nonresident licenses/tags available on Sand Lake National Wildlife Refuge; amend an Early Fall Canada Goose Hunting Season rule to establish season dates, requirements and restrictions, shooting hours, open area, bag and possession limits; and modify the season ending date from the Friday prior to the last Saturday of September to September 30; and amend a Mountain Lion Hunting Season rule to establish season dates, open area, requirements and restrictions, number of resident licenses available; and increase the total mountain lion harvest limit from 35 to 40 and increase the female harvest limit from 15 to 25; 35 SDR 303.
7-1-2009	Public Safety: Office of Highway Safety	Amend rules to revise the titles and publication dates of the curriculum used in the Motorcycle Safety Program and delete an obsolete reference; 35 SDR 311.
7-7-2009	Health: Board of Pharmacy	Adopt and amend rules to update requirements for internship, for registration of pharmacists by examination, and for registration of pharmacists by reciprocity; and to identify the requirements for exception to the ratio of technicians to pharmacists; 35 SDR 311.
7-16-2009	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2007 through June 30, 2008. Changes include amending existing requirements for recycling; clarification of compliance monitoring requirements for hazardous waste combustion operations; and amending requirements for the management of wastewater treatment sludges generated by automobile assembly operations; 35 SDR 352.
7-16-2009	Education: Board of Education	Amend a Special Education rule to clarify student due process procedures; amend a Funding rule to comply with federal mandates for the American Recovery and Reinvestment

		Act and Individuals with Disabilities Act (IDEA) in transferring of special education funds to another fund to carry out activities authorized under the Elementary and Secondary Education Act of 1965; amend Certification rules to allow teachers or special education paraprofessionals with one year of teaching experience to be granted the special education endorsement; and allow individuals with the National School Counselor Certification to receive stipends, as do Nationally Board Certified teachers, if money is appropriated; and amend General State Aid rules to clarify what a full course load for a secondary student consists of and what constitutes a full-time student; 35 SDR 311.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, July 28, 2009, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2009 interim: September 1, October 6, November 18, and December 15.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at ***http://legis.state.sd.us/rules/index.aspx***.

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 35 are $25. 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.aspx).