

# REGISTER



## South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., July 9, 2012

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

**Department of Education: State Library Board:** (July 3, 2012) intends to amend rules to establish a program of full and affiliate depository libraries for state publications, and to specify how state agencies are to supply the State Library with digital and/or non-digital copies of their publications for inclusion in the program. The general authority for these rules, as cited by the board, is SDCL §§ 14-1A-2 and 14-1A-3.

A public hearing will be held at the State Library, MacKay Building, 800 Governors Drive, Pierre, South Dakota, on July 25, 2012, at 10:00 a.m. CDT. Copies of the proposed rules may be obtained without charge from the Department of Education, 800 Governors Drive, Pierre, South Dakota 57501-2294 or from the Internet at <http://library.sd.gov/SDSL/board.aspx>. Written comments may be sent to the department at the address above and must be received by July 20, 2012, 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) 773-5669 at least 48 hours before the hearing.

### FILINGS IN THE SECRETARY OF STATE'S OFFICE:

#### DEPARTMENT OF PUBLIC SAFETY:

120:01:09:01.01; 120:01:10:03, 120:01:10:04, 120:01:10:05, 120:01:10:06; and 120:15:06:01.01.

History-Notice: 38 SDR 224, June 18, 2012

Hearing: N/A

Filed: July 9, 2012

Effective: July 9, 2012

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

7-10-2012	Agriculture: Animal Industry Board	Amend rules to relax the requirements for a certificate of veterinary inspection to accompany cats and dogs entering the state with their owners for a period of less than 30 days and update current dates of reference material; 39 SDR 223.
7-11-2012	Environment and Natural Resources: Water Management Board	Amend rules to provide definitions of terms "livestock" and "confinement operation" and

		<p>repeal the definition of "stock watering;"  remove the requirement that the Water Management Board have an official seal;  modify definition of water uses requiring a water permit or right in part due to statutory changes;  repeal definition of what is not a water distribution system;  reduce the requirements for registering a domestic well as well as for completing applications for water permits and vested water right claims;  remove the reference to a public hearing in the assignment of a number to a permit application;  remove references to publication of notices a second time and reduce the number of days needed to issue a water permit;  and modify who can provide irrigation water use information to the chief engineer and how the information can be reported; 38 SDR 233.</p>
7-16-2012	Education: Board of Education	<p>Amend a rule to require the minimum professional performance standards for evaluating teacher performance to be aligned with the Charlotte Danielson framework for teaching beginning in the 2014-2015 school year; 38 SDR 229.</p>
7-16-2012	Labor and Regulation: Board of Accountancy	<p>Amend rules to update references, update definitions used in continuing professional education criteria, update ethics exam name, and clarification to peer review language; 38 SDR 230.</p>
7-20-2012	Public Safety: Office of Weights and Measures	<p>Adopt rules to permit the sale of 85 Octane gasoline throughout South Dakota but require cautionary labeling, to specify the required retail dispenser labeling requirements, to require documentation for product quantity, grade and rating, and to define the duties of refiners, importers, producers, distributors and retailers consistent with the Code of Federal Regulations Title 16, Parts 306.5 through 306.12, inclusive; 38 SDR 224.</p>
7-25-2012	Education: State Library Board	<p>Amend rules to establish a program of full and affiliate depository libraries for state publications, and to specify how state agencies are to supply the State Library with digital and/or non-digital copies of their publications for inclusion in the program; 39 SDR 5.</p>
9-7-2012	Tourism: State Historical Society	<p>Amend rules to set standard fees for services provided by the State Historical Society; revise the State Historic Preservation Office's review</p>

		and handling of property tax moratorium applications; and alter when recipients of Deadwood Fund preservation grants from the State Historic Preservation Office must file the required preservation covenant for the grant; 38 SDR 199.
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### **RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held Tuesday, July 10, 2012, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Huron – DHS, 2361 Dakota Ave. S; Rapid City – SD School of Mines and Technology, 501 E. St. Joseph St., Room CB 109; Sioux Falls – SF University Center, 4801 N. Career Ave., Room FADM 153; and Yankton – DOT, 1306 W. 31<sup>st</sup> St. The committee chair has set the following tentative meeting schedule for the 2012 interim: August 14, September 18, November 13, and December 18.

**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>.

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