

REGISTER



South Dakota Legislative Research Council

Volume 31

Monday, 8:00 a.m., August 30, 2004

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

Department of Education: Board of Education: (August 26, 2004) intends to amend rules to clarify appropriate mileage and travel time reimbursement options for early intervention service providers, and to define the route by which a current principal serving either at the preschool through grade eight level or at the grade seven through grade twelve level may expand his or her principalship to a full preschool through grade twelve endorsement. The general authority for these rules, as cited by the board, is SDCL 13-1-12.1, 13-37-1.1, and 13-42-3.

A public hearing will be held in rooms 509-511 of the Technical Education Center, Lake Area Technical Institute, 1226 Arrow Ave., Watertown, South Dakota, on September 20, 2004, at 8:05 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Education, South Dakota Board of Education, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by September 20, 2004, 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.

Department of Game, Fish and Parks: (August 26, 2004) intends to adopt an EMERGENCY rule to open the prairie dog shooting season at the Conata Basin year-around. The general authority for this rule, as cited by the department, is SDCL 41-2-18 and

41-8-1.

A copy of the proposed rule may be obtained from the Department of Game, Fish and Parks, 523 East Capitol, Pierre, South Dakota 57501.

Department of Health: Board of Examiners in Optometry: (August 27, 2004) intends to amend rules to establish that the date and place for examinations is to be fixed by the National Board of Examiners in Optometry; change the amount of the application fee and fee paid upon issuance of certificate; revise the rules relating to the scope of practice; authorize one annual renewal fee of \$175, instead of the two separate fees, \$150 for renewal for licensed optometrists not certified in the use of pharmaceutical agents, plus an additional \$25 for those licensed optometrists certified in the use of pharmaceutical agents; increase the reinstatement fee after default; and increase the reciprocity fee to be the same as the application fee. The general authority for these rules, as cited by the board, is SDCL 36-7-12, 36-7-13, 36-7-15, 36-7-15.1, 36-7-15.2, 36-7-15.3, and 36-7-31.

A public hearing will be held at Tieszen Law Office, LLP, 306 East Capitol, Suite 300, Pierre, South Dakota, on September 20, 2004, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Examiners in Optometry, Dr. Daniel Watson, Executive Secretary, Box 628, Sturgis, South Dakota 57785. Written comments must be received by September 17, 2004, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call Tieszen Law

Office, LLP, telephone (605) 224-1500 before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: WATER

MANAGEMENT BOARD: 74:51:01:01, 74:51:01:02.01, 74:51:01:09, 74:51:01:15, 74:51:01:17, 74:51:01:18, 74:51:01:21, 74:51:01:22, 74:51:01:24, 74:51:01:25, 74:51:01:27, 74:51:01:29, 74:51:01:32, 74:51:01:37.01, 74:51:01:45 to 74:51:01:49, inclusive, 74:51:01:53.01, 74:51:01:55, 74:51:01:57, 74:51:01:59, 74:51:01:63, 74:51:01:64, 74:51:01:64.01, 74:51:01:64:02, 74:51:01:64.03, 74:51:01:65, 74:51:01 Appendix A and Appendix B; 74:51:02:54, 74:51:02:64; 74:51:03:07 to 74:51:03:11, inclusive, 74:51:03:13, 74:51:03:18, 74:51:03:20, and 74:51:03:25.

History-Notice: 30 SDR 210, June 21, 2004
 Hearing: July 7, 2004
 Filed: August 24, 2004
 Effective: September 13, 2004

Executive Appointments:

Ginger L. Hanten, Goodwin, was reappointed on August 5, 2004, to the **American Dairy Association of South Dakota**, effective immediately and shall continue until July 1, 2006.

Elizabeth Smith, Vermillion, was appointed on August 5, 2004, to the **State and Local Government Task Force**, effective immediately and shall continue until December 31, 2005.

Steve Egger, Sioux Falls, was reappointed on August 18, 2004, to the **South Dakota Health and Educational Facilities Authority**, effective immediately and shall continue until July 1, 2009.

Donald Fletcher, Reliance, was reappointed on August 18, 2004, to the **South Dakota Weed and Pest Control Commission**, effective immediately and shall continue until June 1, 2007.

Vernon VanDerhule, Yankton, was appointed on August 19, 2004, to the **South Dakota Aeronautics Commission**, to replace Harley Taylor, effective immediately and shall continue until July 1, 2009.

Herbert Ulrikson, Canton, was appointed on August 20, 2004, to the **South Dakota Weed and Pest Control Commission**, to replace Ronald Reed, effective September 1, 2004, and shall continue until June 1, 2006.

Will Walter, Howard, was appointed on August 24, 2004, to the **State and Local Government Task Force**, effective immediately and shall continue until December 31, 2005.

Kathy White, Black Hawk, was appointed on August 24, 2004, to the **South Dakota Certification Board of Alcohol and Drug Professionals**, effective immediately and shall continue until June 30, 2006.

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

9-14-2004	Environment and Natural Resources: Operator Certification Program	Amend rules to clarify which operators are eligible to become certified as Class III or IV operators; 31 SDR 13.
9-20-2004	Labor: Public Utilities Commission	Amend rules that would provide a baseline for service requirements while allowing telephony providers to determine which system of electrical backup will keep their customers in communication during a power outage and to require a telephone solicitor who makes unsolicited telephone calls to South Dakota residential telephone subscribers to download updates from the South Dakota do not call register every thirty-one days, instead of every ninety days; 31 SDR 13 and 31 SDR 26.
9-20-04	Education: Board of Education	Amend rules to clarify appropriate mileage and travel time reimbursement options for early intervention service providers, and to expand endorsement opportunities for principals; 31 SDR 29.
9-20-2004	Labor: Board of Examiners in Optometry	Amend rules to establish that the date and place for examinations is to be fixed by the National Board of Examiners in Optometry; change the amount of the application fee and fee paid upon issuance of certificate; revise the rules relating to the scope of practice; authorize one annual renewal fee of \$175, instead of the two separate fees, \$150 for renewal for licensed optometrists not certified in the use of pharmaceutical agents, plus an additional \$25 for those licensed optometrists certified in the use of pharmaceutical agents; increase the reinstatement fee after default; and increase the reciprocity fee to be the same as the application fee; 31 SDR 29.
9-29-2004	Health	Adopt and amend rules relating to Radiation Safety, Drug Control, and Medical Facilities; 31 SDR 25.
10-6-2004	Environment and Natural Resources: Water Management Board	Amend rules to clarify that all waters of the state are subject to public recreation if they can be reached without trespassing on private property; 31 SDR 25.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Friday, September 3, 2004, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2004 interim: October 15.

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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