

REGISTER



South Dakota Legislative Research Council

Volume 31

Monday, 8:00 a.m., November 15, 2004

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

Bureau of Personnel: Career Service

Commission: (November 8, 2004) intends to amend a rule to allow for the granting of administrative leave for career service employees who serve as reserve police force and emergency rescue squad members and clarify that such administrative leave will be granted when the employee is called out on an emergency basis during work hours. The general authority for this rule, as cited by the bureau, is SDCL 3-6-10.1.

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on December 2, 2004, at 9:00 a.m. Copies of the proposed rule may be obtained without charge from and written comments sent to the South Dakota Bureau of Personnel, State Capitol, Room A-418, 500 E. Capitol, Pierre, South Dakota 57501-1234. Written comments must be received by December 1, 2004, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the bureau can make arrangements are asked to call (605) 773-3148 at least 48 hours before the hearing.

Department of Environment and Natural Resources: Board of Minerals and Environment:

(November 9, 2004) intends to amend rules that will require a person to obtain a solid waste permit whenever a waste tire bale, waste tire, or parts thereof are buried or partially buried. The general authority for these rules, as cited by the board, is SDCL 34A-6-1.6 and 34A-6-87.1.

A public hearing will be held via the Digital Dakota Network (DDN) on December 16, 2004, at 8:15 a.m. CST, 7:15 a.m. MST. The following DDN sites will be available to participate in this public hearing: Northern State University, State Capitol Building, Southeast Technical Institute, South Dakota State University, SD School of Mines and Technology, and Lake Area Technical Institute. Copies of the proposed rules may be obtained without charge from and written comments sent to Jim Wendte, Department of Environment and Natural Resources, Waste Management Program, 523 East Capitol, Pierre, South Dakota 57501-3182. 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) 773-3151 at least 48 hours before the hearing.

Department of Education: South Dakota Professional Teachers Practices and Standards

Commission: (November 9, 2004) has filed rules that will place all licensure actions regarding teaching certificates, licenses, and other credentials incurred in South Dakota on the National Associations of State Directors of Teacher Education and Certification database, and to notify other states of certification violations and actions taken against South Dakota certification holders. The general authority for these rules, as cited by the department, is SDCL 13-43-20 and 13-43-25.

A public hearing will be held in the Lewis and Clark conference room at the Comfort Inn of Pierre, 410 West Sioux, Pierre, South Dakota, on November 16, 2004, at 7:15 p.m. Copies of the proposed rules may be obtained from and written comments sent to the Professional Teachers Practices and Standards Commission,

Department of Education, 700 Governors Drive, Pierre, South Dakota 57501-2291. Written comments must be received by the Department of Education by November 16, 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) 773-4705 at least forty-eight hours before the hearing

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

William Ferguson, Witten, was reappointed on November 8, 2004, to the **Wheat Utilization Research and Marketing Development Commission**, effective immediately and shall continue until July 1, 2007.

Judith E. Kroll, Volga, was reappointed on November 8, 2004, to the **South Dakota Academic Achievement Test Advisory Council**, effective immediately and shall continue until July 1, 2006.

A. J. Tieszen, Pierre, was reappointed on November 8, 2004, to the **South Dakota State Board for Nursing Facility Administrators**, effective immediately and shall continue until July 1, 2007.

Cal Geis, Belle Fourche, was reappointed on November 10, 2004, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until July 1, 2007.

Clark Hepper, Pierre, was appointed on November 10, 2004, to the **State Plumbing Commission**, to replace Kevin Forsch, effective immediately and shall continue until April 14, 2005.

Warren Lotsberg, Huron, was reappointed on November 10, 2004, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until July 1, 2007.

Grace Mims, Sioux Falls, was appointed on November 10, 2004, to the **South Dakota Board of Counselor Examiners**, effective immediately and shall continue until July 1, 2007.

Shelly Stingley, Sioux Falls, was reappointed on November 10, 2004, to the **South Dakota Workforce Development Council**, effective November 8, 2004, and shall continue until July 1, 2007.

Bradley D. Woldt, Brookings, was reappointed on November 10, 2004, to the **Board of Examiners of Psychologists**, effective immediately and shall continue until July 1, 2007.

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

11-16-2004	Revenue and Regulation: Banking Commission	Amend and adopt rules to authorize banks to provide mobile banking services to their customers and to change the date when trust company license fees are due; 31 SDR 61.
11-16-2004	Education: SD Professional Teachers Practices and Standards Commission	Amend rules that will place all licensure actions regarding teaching certificates, licenses, and other credentials incurred in South Dakota on the

		National Associations of State Directors of Teacher Education and Certification database, and to notify other states of certification violations and actions taken against South Dakota certification holders; 31 SDR 75.
11-18-2004	Environment and Natural Resources: Board of Minerals and Environment	Adopt revisions to federal regulations including surface coating of metal furniture, integrated iron and steel manufacturing facilities, brick and structural clay products manufacturing, asphalt processing and asphalt roofing manufacturing, flexible polyurethane foam fabrication operations, engine test cells/stands, and miscellaneous metal parts and products; 31 SDR 61.
11-20-2004	Transportation: Railroad Board	Adopt a rule to clarify the information required from railroads that intend to claim property tax credits for qualifying capital investments in railroad infrastructure; 31 SDR 67.
11-24-2004	Agriculture	Amend rules to reduce the tonnage inspection fee for fertilizer and feed products distributed in South Dakota; 31 SDR 67.
12-2-2004	Personnel: Career Service Commission	Amend a rule to allow for the granting of administrative leave for career service employees who serve as reserve police force and emergency rescue squad members and clarify that such administrative leave will be granted when the employee is called out on an emergency basis during work hours; 31 SDR 75.
12-16-2004	Environment and Natural Resources: Board of Minerals and Environment	Amend rules that will require a person to obtain a solid waste permit whenever a waste tire bale, waste tire, or parts thereof are buried or partially buried; 31 SDR 75.

Rules Review Committee Meetings

The last two meetings of the Interim Rules Review Committee are scheduled for Wednesday, November 17, 2004, and Tuesday, December 7, 2004, in Room 413 of the State Capitol.

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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