

# REGISTER



## South Dakota Legislative Research Council

Volume 33

Monday, 8:00 a.m., January 8, 2007

**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:** (January 3, 2007) intends to amend rules to allow for students taking courses in a non-public educational program to transfer these into a public school; establish procedures for payment and timelines for those teachers obtaining National Board Certification procedures; and align the state rules with national standards for school buses in South Dakota. The general authority for these rules, as cited by the board, is SDCL 13-1-12.1, 13-3-1.4, 13-3-47, 13-29-2, 13-29-6, and 13-42-3.

A public hearing will be held in Conference Room 3, 1<sup>st</sup> floor, Kneip Building, Pierre, South Dakota, on January 22, 2007, at 1:00 p.m. 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. Written comments may be sent to the board at the address above and must be received by January 15, 2007, 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.

### DECLARATORY RULINGS:

The South Dakota Gaming Commission has filed three declaratory rulings dated December 21, 2006, regarding structures and gaming devices. The first ruling filed by The Gallows,

L.L.C., the commission determined that the proposed new construction situated on the foundation and the location building currently existing on the west end of The Gallows located at 12 Lee Street, Deadwood, constitutes an additional building for the purposes of determining the number of gaming devices that may be placed within the structure.

The second declaratory ruling, filed by Princeton, Inc., the commission determined that the proposed new construction to be located at 196 Cliff Street, also known as the Super 8 Motel, constitutes a separate building for the purposes of determining the number of gaming devices that may be placed within the structure.

The third declaratory ruling, filed by DWD, Inc., a general partner of Deadwood Gulch Saloon Limited Partnership, the commission determined that the stairway to the second floor of the HiKee Building in the Deadwood Gulch Saloon building should be part of Building III instead of Building II based upon a review of new information and evidence. Therefore the area known as the stairway can be utilized for gaming purposes in Building III upon compliance with all other rules and statutes regulating gaming.

### FILINGS IN THE SECRETARY OF STATES OFFICE:

**DEPARTMENT OF SOCIAL SERVICES:**  
67:13:01:17.

History-Notice: 33 SDR 113, Dec. 18, 2006  
Hearing: N/A

Filed: January 2, 2007  
 Effective: January 2, 2007

Filed: January 2, 2007  
 Effective: January 2, 2007

**DEPARTMENT OF SOCIAL SERVICES:**  
 67:46:04:13.

History-Notice: 33 SDR 113, Dec. 18, 2006  
 Hearing: N/A  
 Filed: January 2, 2007  
 Effective: January 2, 2007

**DEPARTMENT OF SOCIAL SERVICES:**  
 67:46:07:03 and 67:46:07:12.

History-Notice: 33 SDR 113, Dec. 18, 2006  
 Hearing: N/A

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**

1-18-2007	Environment and Natural Resources: Board of Minerals and Environment	Adopt rules to identify the requirements an applicant must meet to obtain a state mine permit for and to operate an in situ leach mine; 33 SDR 117.
1-22-2007	Education: Board of Education	Amend rules to allow for students taking courses in a non-public educational program to transfer these into a public school; establish procedures for payment and timelines for those teachers obtaining National Board Certification procedures; and align the state rules with national standards for school buses in South Dakota; 33 SDR 123.
1-25-2007	Transportation	Amend a speed zone in Yankton County on South Dakota Highway 52 west of Yankton to remove the existing 40 mile per hour speed zone west of town and to add a new 40 mile per hour speed zone at the western edge of town; 33 SDR 105.

**RULES REVIEW COMMITTEE MEETINGS**

The last meeting of the Interim Rules Review Committee will be held Monday, January 8, 2007, 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 Legislative Web site.

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