

REGISTER

South Dakota Legislative Research Council



Volume 33

Monday, 8:00 a.m., March 5, 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: (February 26, 2007) intends to amend rules to allow those teachers who have experience and request certification to be exempt from the pedagogy test that measures "how do I teach" and to not require those that let their certificate that lapses to have to take all the content tests in their endorsement areas; to explain clearly what constitutes a fine arts credit; and to update the Special Education rules to assure they are aligned clearly with changes to IDEA. The general authority for these rules, as cited by the board, is SDCL 13-1-12.1, 13-3-47, 13-16-32, 13-32-1, 13-32-4, 13-37-1.1, 13-37-28, 13-37-31, 13-37-46, and 13-42-3.

A public hearing will be held in Conference Room 3 of the Kneip Building, 700 Governors Drive, Pierre, South Dakota, on March 19, 2007, at 1:00 p.m. CDT. 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 on the Internet at <http://doe.sd.gov/secretary/adminrules/index.asp>. Written comments may be sent to the board at the address above and must be received by May 10, 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.

Department of Health: (February 27, 2007) intends to amend rules to add cystic fibrosis (CF) to the mandated newborn screening panel and to defer the timing of collection for repeat newborn screening specimens due to transfusions to the designated laboratory testing protocols. The general authority for these rules, as cited by the department, is SDCL 34-24-25.

A public hearing will be held at the State Health Laboratory Building, large conference room, 615 East 4th Street, Pierre, South Dakota, on March 28, 2007, at 10:00 a.m. to consider the adoption and amendment of proposed rules. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rules may also be obtained at the Health Department website: <http://www.state.sd.us/doh/News/index.htm>. Material sent by mail must reach the department by April 7, 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) 773-3361 at least 48 hours before the hearing.

NOTICE: Any Legislator or member of the public who wants to keep up with agency rule-making needs to sign up for "My Legislative Research" on the LRC Website. You will receive weekly notice of all agency rule-making as soon as the South Dakota Register is posted every Monday on the LRC Website. To sign up for electronic notification, enter "My Legislative Research", select "Rules" and check the box "Notify me when the Register is posted." This

is a more efficient method to receive rule related information than subscribing to the paper copy of the Register. Paper copies of the Register will not be mailed to any Legislators unless it is specifically requested.

FILINGS IN THE SECRETARY OF STATES OFFICE:

Executive Orders:

The Governor Rounds has signed two executive orders to assist the State of Iowa with its recovery efforts related to the major winter storm that caused significant damage and power outages. **Executive Order 2007-02** authorizes the waiver of certain service limitation requirements for utility repair crews and **Executive Order 2007-03** authorizes the Department of Public Safety to provide assistance. The orders are dated February 25, 2007, and shall remain in effect for 30 days.

The Governor has signed **Executive Order 2007-04** dated March 1, 2007, which declares a state of emergency to exist in eastern South Dakota and orders that technical resources

available to state government will be utilized under coordination of the Department of Public Safety, Office of Emergency Management, in support of county government to restore normal travel conditions and emergency services

Legislative Appointments:

Senators Jim Hundstad, Jean M. Hunhoff, and Orville B. Smidt and Representatives Roger W. Hunt, David Lust, and Bill Thompson were appointed on February 26, 2007, to the **Interim Rules Review Committee**. These appointments will expire at noon on Tuesday, January 14, 2009.

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

3-19-2007	Education: Board of Education	Amend rules to allow those teachers who have experience and request certification to be exempt from the pedagogy test that measures "how do I teach" and to not require those that let their certificate that lapses to have to take all the content tests in their endorsement areas; to explain clearly what constitutes a fine arts credit; and to update the Special Education rules to assure they are aligned clearly with changes to IDEA; 33 SDR 143.
3-28-2007	Health	Amend rules to add cystic fibrosis (CF) to the mandated newborn screening panel and to defer the timing of collection for repeat newborn screening specimens due to transfusions to the designated laboratory testing protocols; 33 SDR 143.

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will hold a meeting on Monday, March 5, 2007, at 9:00 a.m. in the LRC Conference Room, Third Floor of the State Capitol, Pierre, South Dakota, to set the tentative meeting schedule for the upcoming interim.

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.

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 33 are \$20. 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>).