

# REGISTER



## South Dakota Legislative Research Council

Volume 32

Monday, 8:00 a.m., March 13, 2006

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

**Department of Labor: South Dakota Retirement System:** (March 6, 2006) is proposing to amend rules to comply with federal law in regard to certain purchases of service credit, to establish presumptions in regard to a member's total severance of employment, to amend disability rules in regard to an employer's ability to accommodate a disabled employee, to define "earned income" for disability payment purposes, to identify void ballots in trustee elections, to clarify the administration of certain court orders, and to provide for a right of review of staff decisions. The general authority for these rules, as cited by the board, is SDCL 3-12-58 and 3-12-100.

A public hearing will be held in the Large Conference Room at the Holiday Inn Express, 110 East Stanley, Fort Pierre, South Dakota, on April 5, 2006, at 11:30 a.m., CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Retirement System, 222 E. Capitol Avenue, P.O. Box 1098, Pierre, South Dakota 57501-1098. Material sent by mail must be received by April 4, 2006, 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 (605) 773-3731 at least 48 hours before the hearing.

**Department of Environment and Natural Resources: Board of Minerals and Environment:** (March 10, 2006) has filed rules to adopt revisions to federal regulations for the air pollution control program including

reinforce plastic composites production, stationary turbines, stationary reciprocating internal combustion engines, and industrial, commercial, and institutional boilers and process heaters. The general authority for these rules, as cited by the board, is SDCL 34A-1-6, 34A-1-12, 34A-1-15, 34A-1-18, 34A-1-19, 34A-1-21,

A public hearing will be held at the Matthew Environmental Education and Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota on April 19, 2006, at 10:15 a.m. CDT. Copies of the proposed rules may be obtained from and written comments sent to Kyrik Rombough, Natural Resources Engineering Specialist, Department of Environment and Natural Resources, 523 E. Capitol, Pierre, South Dakota 57501. Material sent by mail must be received by April 18, 2006, to be considered. This hearing is being held in a physically accessible place and interpreter services will be provided upon request. 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 public hearing.

**Bureau of Personnel: Career Service Commission:** (March 10, 2006) has filed rules that will allow for a simplified, expedited appeals procedure under the career service rules and to clarify the time limitations for filing appeals; and to clarify the procedures relating to career service employees who may have become afflicted with a contagious disease. The general authority for these rules, as cited by the commission, is SDCL 3-6-10.1 and 3-6A-36.

A public hearing will be held in Room 412, 4<sup>th</sup> floor, State Capitol, Pierre South Dakota, on

April 19, 2006, at 11:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Bureau of Personnel, State Capitol, 500 E. Capitol, Pierre, South Dakota 57501-1234. Written comments must be received by April 18, 2006, 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.

Filed: March 2, 2006  
 Effective: March 2, 2006

**DEPARTMENT OF SOCIAL SERVICES:**  
 67:16:14:20.

History-Notice: 32 SDR 86, Nov. 14, 2005  
 Hearing: December 5, 2005  
 Filed: March 2, 2006  
 Effective: March 22, 2006

**Executive Appointment:**

**Nora Slykhuis**, Sioux Falls, was appointed on March 9, 2006, to the **Cosmetology Commission**, to replace Pat Nelson, effective April 9, 2006, and shall continue until April 14, 2009.

**FILINGS IN THE SECRETARY OF STATES OFFICE:**

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

History-Notice: 32 SDR 137, Feb. 13, 2006  
 Hearing: N/A  
 Filed: March 2, 2006  
 Effective: March 2, 2006

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

History-Notice: 32 SDR 137, Feb. 13, 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**

3-14-2006	Revenue and Regulation: Commission on Gaming	Amend Deadwood Gambling Rules to change Silverado Stud poker to add another hand to the five-card hand payout schedule known as the two-pair-dealt hand and amend check cashing procedures to clarify that licensees need not deposit a check by the next banking day when they have a contractual arrangement with a check processor or check guarantee service; 32 SDR 141.
3-20-2006	Education: Board of Education	Amend rules that will create K-12, K-8, and 7-12 special education certification endorsement programs; require that the unit of credit and letter grade for any high school courses taken in the eighth grade be recorded on high school transcripts, that the unit of credit be included in the credits required for

		high school graduation, and that the letter grade calculated in the high school cumulative grade point average; reinstate a rule that was previously repealed because the rule supported the South Dakota Career Assessment Program (SDCAP), an aptitude and interest assessment that is currently administered to South Dakota eighth- and ninth-grade students; 32 SDR 149.
3-23-2006	Transportation	Amend rules to establish a speed limit on South Dakota Highway 445 (Deadwood Avenue) from Interstate 90 to South Dakota Highway 231 (West Chicago Street) in Rapid City; amend an existing speed zone on US Highway 12 through the city of Big Stone City to extend reduced speed limits to the east and west of the city; establish new speed limits north of Big Stone City along State Highway 109; and amend the Extended Period Permit—Over 80,000 on Interstate Permit from a single trip permit to an extended period permit; 32 SDR 149.
3-30-2006	Labor: Division of Labor and Management	Amend the workers' compensation fee schedule; 32 SDR 149.
4-4-2006	Environment and Natural Resources: Operator Certification Program	Amend rules to modify the experience requirement for a water/wastewater operator that does not have applicable post-high school education in order to become certified as a Class III or IV operator. Applicable post-high school education includes "college or vocational school majoring in engineering, environmental sciences, or related fields"; 32 SDR 135.
4-5-2006	Labor: Retirement System	Amend rules to comply with federal law in regard to certain purchases of service credit, to establish presumptions in regard to a member's total severance of employment, to amend disability rules in regard to an employer's ability to accommodate a disabled employee, to define "earned income" for disability payment purposes, to identify void ballots in trustee elections, to clarify the administration of certain court orders, and to provide for a right of review of staff decisions; 32 SDR 153.
4-12-2006	Agriculture	Amend rules to maintain interstate shipment of milk and milk products and maintain a safe and wholesome dairy product for the consumer; 32 SDR 150.

4-12-2006	Agriculture: Weed & Pest Commission	Amend a rule to add Field Bindweed and remove Salt cedar from the local noxious weed list; 32 SDR 150.
4-19-2006	Environment and Natural Resources: Board of Minerals and Environment	Adopt revisions to federal regulations for the air pollution control program including reinforce plastic composites production, stationary turbines, stationary reciprocating internal combustion engines, and industrial, commercial, and institutional boilers and process heaters; 32 SDR 153.
4-19-2006	Personnel: Career Service Commission	Amend rules to allow for a simplified, expedited appeals procedure under the career service rules and to clarify the time limitations for filing appeals; and to clarify the procedures relating to career service employees who may have become afflicted with a contagious disease; 32 SDR 153.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Wednesday, April 19, 2006, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2006 interim: May 16, June 13, August 29, September 28, December 5, and January 8, 2007.

**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.