REGISTER

South Dakota Legislative Research Council

Volume 40 *Tuesday, 8:00 a.m., February 18, 2014*

NOTICE 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Board of Education: (February 11, 2014) intends to amend Special Education rules to remove unused definitions, update outdated language to reflect current names, and update the definition of certain evaluators to reflect licensure by an outside agency instead of certification through the Department of Education; amend Certification rules to remove outdated language; and amend Teacher Preparation Program Approval rules to remove speech/language pathologists from the definition of "Other School Personnel" and remove language which is no longer needed. The general authority for these rules, as cited by the board, is SDCL §§ 13-1-12.1, 13-37-1.1, 13-37-31, 13-37-46, 13-37-47, 13-42-3, and 13-42-4.

A public hearing will be held at the Southeast Technical Institute, Mickelson Center, MC101, 2320 B Career Ave., Sioux Falls, South Dakota, on March 24, 2014, at 9:00 a.m. CST. Copies of the proposed rules may be obtained without charge from the Department of Education, Ferne Haddock, 800 Governors Drive, Pierre, South Dakota 57501 or at http://www.doe.sd.gov/board/index.aspx. Written comments may be sent to the board at the address above or at the website at https://rules.sd.gov/default.aspx and must be received by March 19, 2014, 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) 773-3553 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Correction: Bradley D. Woldt, Brookings, was reappointed on December 13, 2013, to the **Board of Examiners of Psychologists**, effective immediately and shall continue until October 30, 2016, not June 30, 2016, as was previously filed (40 SDR 123).

Kurt E. Solay, Rapid City, was appointed on January 16, 2014, to the **South Dakota Ellsworth Development Authority**, to replace Mark Roby, effective January 21, 2014, and shall continue until January 20, 2018.

Scott A. Vance, Faith, was reappointed on January 16, 2014, to the **State Brand Board**, effective immediately and shall continue until January 1, 2017.

Trista Friman, Parkston, was appointed on January 22, 2014, to the **State Library Board**, to replace Carol Rosenthal, effective immediately and shall continue until October 30, 2016.

Carolyn K. Stansberry, St. Onge, was appointed on January 22, 2014, to the **State Board of Podiatry Examiners**, to replace Dr. John Forrette, effective immediately and shall continue until October 31, 2016.

Jerry Cope, Rapid City, was appointed on January 23, 2014, to the **South Dakota State Railroad Board**, to replace Jack Parliament, effective immediately and shall continue until October 30, 2016.

Stanley Porch, Wanblee, was reappointed on January 23, 2014, to the **South Dakota Ellsworth Development Authority**, effective immediately and shall continue until January 15, 2018.

Harlan J. Quenzer, was appointed on January 23, 2014, to the **South Dakota State Railroad Board**, to replace Chet Groseclose, effective immediately and shall continue until October 30, 2016.

Kenneth D. Albers, Canton, was reappointed on January 27, 2014, to the **Board of Pardons and Paroles**, effective January 21, 2014, and shall continue until January 15, 2018.

Forrest B. Olson, Sioux Falls, was appointed on January 27, 2014, to the **Petroleum Release Compensation Board**, to replace Brian Jackson, effective immediately and shall continue until June 1, 2018.

Lynn D. Boadwine, Baltic, was reappointed on January 31, 2014, to the **Animal Industry Board**, effective immediately and shall continue until October 30, 2014.

Doyle D. Estes, Hill City, was reappointed on January 31, 2014, to the **South Dakota Lottery Commission**, effective immediately and shall continue until January 1, 2017.

Marcia Hultman, was appointed on January 31, 2014, to the **Unemployment Insurance Advisory Council**, to replace Pam Roberts, effective immediately.

James E. Putnam, Armour, was reappointed on January 31, 2014, to the **South Dakota Lottery Commission**, effective immediately and shall continue until January 1, 2017.

Robert H. Hartford, Pierre, was reappointed on February 4, 2014, to the **South Dakota Lottery Commission**, effective immediately and shall continue until January 1, 2017.

John Fokken, Sioux Falls, was appointed on February 3, 2014, to the **Board of Addiction and Prevention Professionals**, to replace Jon Hagen, effective immediately and shall continue until October 30, 2014.

Note: A copy of the rules may be obtained directly from the above agencies or at https://rules.sd.gov. 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

2-27-2014	Transportation	Amend a Speed Zone rule by extending an existing 65 mph speed zone on Interstate Highway 90 beginning at milepost 55.2 and ending at milepost 66.5 an additional 1.3 miles east to end at milepost 67.8; 40 SDR 145.
3-6-2014	Game, Fish and Parks	Amend a Use of Parks and Public Lands rule to establish a year round prohibition against the establishment, utilization, or maintenance of a bait station on Game Production Areas, State Parks, State Recreation Areas, State Lakeside Use Areas, State Nature Areas, and State Water Access Areas; amend Public Water Zoning rules to amend the starting date

		that boating is prohibited on Reid Lake in Clark County from September 1 to October 20; amend the exiting "no wake zone" and "no swimming zone" at Spring Creek Recreation Area in Hughes County by designating the waters inside the floating breakwater protected areas as a "no wake zone," and by designating the waters within 20 feet of the breakwater as a "no swimming zone;" and amend the boundaries of the existing "public swimming zone" and "no wake zone" on Shadehill Reservoir in Perkins County by designating the waters fronting on the north side of the reservoir beginning 150 feet from the shore directly in front of the picnic shelter and extending 250 feet to the east along the shoreline as a "public swimming zone," and by designating the waters fronting Ketterlings Point on Shadehill Recreation Area beginning 150 feet from the shore in the center of the lodge on the east side of the point and extending around the south end of the point ending approximately in the center of the lodge on the west-facing side of the point as a "no wake zone;" amend Motorboats and Watercraft rules to incorporate the federal navigation rules by reference and adopt a rule to address the overloading of boats; amend Refuges rules to reclassify Reid Lake State Game Refuge in Clark County to Reid Lake Waterfowl Refuge; reclassify White Lake State Game Refuge in Marshall County to White Lake Waterfowl Refuge and modify the boundary description of this refuge; eliminate the Stink Lake Waterfowl Refuge in Marshall County; eliminate the Dry Lake State Waterfowl Refuge in Hamlin County; and eliminate the Bullhead Lake State Waterfowl Refuge in Roberts County; and adopt a Possession, Processing and Transportation of Game rule to authorize purchase and sale of the skins of lawfully taken cottontail rabbits and fox squirrel, grey squirrel, and red squirrel; 40 SDR 137.
3-24-2014	Education: Board of Education	Amend Special Education rules to remove unused definitions, update outdated language to reflect current names, and update the definition of certain evaluators to reflect

		licensure by an outside agency instead of certification through the Department of Education; amend Certification rules to remove outdated language; and amend Teacher Preparation Program Approval rules to remove speech/language pathologists from the definition of "Other School Personnel" and remove language which is no longer needed; 40 SDR 149.

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will have an informal meeting near the close of the Eighty-ninth Legislative Session to set the tentative meeting schedule for the 2014 interim. Watch for a notice of this informal meeting on the LRC website and at the Captiol.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at http://legis.sd.gov/Rules/RulesManual.aspx.

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 40 are $25. 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.sd.gov. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at E-Subscribe at http://legis.sd.gov/My_LRC/index.aspx.