

REGISTER



South Dakota Legislative Research Council

Volume 34

Monday, 8:00 a.m., January 28, 2008

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

Department of Environment and Natural

Resources: Operator Certification Program:

(January 23, 2008) has filed rules to modify the continuing education requirements for a water/wastewater operator to renew his operating certificate(s) and to clarify which operators are allowed to run groundwater systems serving less than 500 people that do not treat the water. The general authority for these rules, as cited by the department, is SDCL 34A-3-24.

A public hearing will be held at the Floyd Matthew Training Center, 523 E. Capitol, Pierre, South Dakota, on April 2, 2008, at 2:00 p.m. CT. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Environment and Natural Resources, Operator Certification Program, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota 57501-3181. Written comments must be received by 5:00 p.m., April 1, 2008, to be considered at the hearing. Copies of the proposed rules may also be obtained without charge from the SD Operator Certification web site <http://www.state.sd.us/opercert> or by calling Rob Kittay at 605-773-4208 or by faxing a request to 605-773-5286. 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) 773-4208 at least 48 hours before the public hearing.

Department of Game, Fish and Parks:

(January 23, 2008) intends to amend Parks and Public Lands rules to allow limited recreational horse use on Title VI Game Production Areas (GPA) and lakeside use areas (LUA) along the Missouri River. However, in areas where wildlife habitat has been developed, cultural resources or endangered species concerns exist, or where recreational horse use is determined to conflict with primary GPA or LUA purposes (wildlife production, wildlife habitat, public hunting, or other public recreation), recreational horse use may be restricted by posting. The amendments also would allow horses to be used for the hunting and retrieval of deer and elk on the Battle Mountain/Friendshuh Game Production Area; amend Public Water Zoning rules to modify the boundaries of the public swimming zone in American Creek Bay (Brule County); modify the boundaries of three public swimming zones (Stokes Thomas City Park, Memorial Park, and Jackson Park) on Lake Kampeska and change the designation of one of them (Jackson Park) from a public swimming zone to a no wake zone; eliminate two no wake zones on Pactola Reservoir (Pennington County), commonly referred to as Boarding House Gulch and Musekamp Draw; create three no wake zones on McCook Lake (Union County); and create two no wake zones on Lewis and Clark Lake (Yankton County); amend Refuges to move the western boundary of the Sutton State Waterfowl Refuge from the water's edge to the center of the reservoir; amend Persons with Disabilities to allow the department secretary to issue special crossbow permits to persons who are "temporarily" unable to use a bow and arrow due to the loss of use of one or both arms or who is confined to a wheelchair; amend Endangered and Threatened

Species to exempt persons who possess legally acquired or legally taken raptors from the requirement to obtain a state endangered species permit. The general authority for these rules, as cited by the department, is SDCL 32-3A-1, 34A-8-8, 34A-8-10, 41-2-18, 41-8-31, 41-11-2, and 41-17-1.1.

A public hearing will be held at the Ramkota RiverCentre Convention Center, 902 W. Sioux Avenue, Pierre, South Dakota, on March 6, 2008, at 2:00 p.m. (CDT). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 Noon three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by E-mail to chuck.schlueter@state.sd.us. All written and E-mail comments must include the commenter's name and address. 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) 773-3387 before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Wayne Bunge, Rapid City, was reappointed on January 15, 2008, to the **State Conservation Commission**, effective January 10, 2008, and shall continue until January 1, 2011.

John C. Gross, Madison, was reappointed on January 15, 2008, to the **State Conservation Commission**, effective January 10, 2008, and shall continue until January 1, 2011.

Aaron Kiesz, Aberdeen, was appointed on January 15, 2008, to the **State Conservation**

Commission, to replace Larry Weires, effective January 11, 2008, and shall continue until January 1, 2011.

Charles Moe, Rosebud, was reappointed on January 15, 2008, to the **State Conservation Commission**, effective January 10, 2008, and shall continue until January 1, 2011.

Carol Ruen, Pierre, was appointed on January 15, 2008, to the **Planning Council on Developmental Disabilities**, to replace Renetta Marlow, effective immediately.

Kathi Mueller, Pierre, was appointed on January 16, 2008, to the **South Dakota Commission on Health Care**, to replace Kevin Forsch, effective January 21, 2008.

Kathi Mueller, Pierre, was appointed on January 16, 2008, to the **South Dakota Risk Pool Governing Board**, to replace Kevin Forsch, effective January 21, 2008.

Marilyn Grossenburg, Winner, was appointed on January 17, 2008, to the **Commission on Human Rights**, to replace Phyllis Rink, effective January 17, 2008, and shall continue until June 30, 2011.

Robert Place, Huron, was reappointed on January 23, 2008, to the **South Dakota Advisory Council on Aging**, effective immediately and shall continue until December 31, 2011.

Executive Order:

The Governor has signed **Executive Order 2008-01** dated January 18, 2008, which declares that the state needs to assist in meeting the needs of the cities for the delivery of propane due to the extreme cold and that the transportation of propane within South Dakota shall be exempt from 49 CFR Parts 390 through 395, otherwise known as the federal hours of service regulations. The executive order shall expire at midnight, January 31, 2008.

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

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| <p>3-6-2008</p> | <p>Game, Fish and Parks</p> | <p>Amend Parks and Public Lands rules to allow limited recreational horse use on Title VI Game Production Areas (GPA) and lakeside use areas (LUA) along the Missouri River. However, in areas where wildlife habitat has been developed, cultural resources or endangered species concerns exist, or where recreational horse use is determined to conflict with primary GPA or LUA purposes (wildlife production, wildlife habitat, public hunting, or other public recreation), recreational horse use may be restricted by posting. The amendments also would allow horses to be used for the hunting and retrieval of deer and elk on the Battle Mountain/Friendshuh Game Production Area; amend Public Water Zoning rules to modify the boundaries of the public swimming zone in American Creek Bay (Brule County); modify the boundaries of three public swimming zones (Stokes Thomas City Park, Memorial Park, and Jackson Park) on Lake Kampeska and change the designation of one of them (Jackson Park) from a public swimming zone to a no wake zone; eliminate two no wake zones on Pactola Reservoir (Pennington County), commonly referred to as Boarding House Gulch and Musekamp Draw; create three no wake zones on McCook Lake (Union County); and create two no wake zones on Lewis and Clark Lake (Yankton County); amend Refuges to move the western boundary of the Sutton State Waterfowl Refuge from the water's edge to the center of the reservoir; amend Persons with Disabilities to allow the department secretary to issue special crossbow permits to persons who are "temporarily" unable to use a bow and arrow due to the loss of use of one or both arms or who is confined to a wheelchair; amend Endangered and Threatened Species to exempt persons who</p> |
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| | | possess legally acquired or legally taken raptors from the requirement to obtain a state endangered species permit; 34 SDR 205. |
| 3-12-2008 | Environment and Natural Resources: Water Management Board | Amend rules regarding Underground Injection Control-Class III Wells to update the requirements an applicant must meet to obtain a state permit. The updates include more comprehensive requirements for the permit application, well construction, well mechanical integrity testing, plugging of wells and drill holes, baseline water equality sampling, remedial action, ground water restoration and postclosure activities; 34 SDR 199. |
| 4-2-2008 | Environment and Natural Resources: Operator Certification Program | Modify the continuing education requirements for a water/wastewater operator to renew his operating certificate(s) and to clarify which operators are allowed to run groundwater systems serving less than 500 people that do not treat the water; 34 SDR 205. |

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will have an informal meeting near the close of the Eighty-third Legislative Session to set the tentative meeting schedule for the 2008 interim. Watch for a notice of this informal meeting on the LRC website and at the 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.