

# REGISTER



## South Dakota Legislative Research Council

Volume 34

Tuesday, 8:00 a.m., February 19, 2008

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

**Department of Revenue and Regulation: Commission on Gaming:** (February 14, 2008) is proposing to amend a Gaming Rule to allow the Executive Secretary to accept testing results of gaming testing laboratories to assist in determinations for approval of slot machines as long as the testing laboratory has current International Organization of Standardization certification and accreditation. The general authority for this rule, as cited by the commission, is SDCL 42-7B-7.

A public hearing will be held at the City Hall, 102 Sherman Street, Deadwood, South Dakota, on March 11, 2008, at 9:00 a.m. MT. Copies of the proposed rule may be obtained without charge from and written comments sent to the South Dakota Commission on Gaming, 221 West Capitol Avenue, Suite 101, c/o 1320 East Sioux Avenue, Pierre, South Dakota 57501-3100. Materials sent by mail must reach the Commission on Gaming by March 11, 2008, to be considered. However, the Commission requests that all written comments be received by March 4, 2008, to allow for adequate consideration prior to the hearing. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-6050 or (605) 578-3074 at least 48 hours before the hearing.

### NOTICE:

The **Interim Rules Review Committee** will hold an informal meeting on Wednesday,

February 27, 2008, at 10:00 a.m. in Room 413 of the State Capitol, Pierre, South Dakota, to set the tentative meeting schedule for the upcoming interim and to discuss paperless service of rules to the committee and the use of the Dakota Digital Network for meetings.

### FILINGS IN THE SECRETARY OF STATE'S OFFICE:

The **DEPARTMENT OF SOCIAL SERVICES** has filed revisions to the South Dakota Food Stamp Program Certification and Accountability Manual relating to the Transitional Employment Allowance (TEA) payment and cost of living adjustments for Social Security and Supplemental Security Income.

### Executive Appointments:

**Aaron Weaver**, Sioux Falls, was appointed on February 8, 2008, to the **South Dakota Professional Teachers Practices and Standards Commission**, to replace Dennis Reinartz, effective February 8, 2008, and shall continue until December 31, 2010.

**John L. Brown**, Pierre, was appointed on February 11, 2008, as **Judge of the Sixth Judicial Circuit Court of South Dakota**, to replace Judge James Anderson, effective immediately upon taking the oath of office.

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**

<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 possess legally acquired or legally taken raptors from the requirement to obtain a state endangered species permit; 34 SDR 205.</p>
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3-11-2008	Revenue and Regulation: Gaming Commission	Amend a Gaming Rule to allow the Executive Secretary to accept testing results of gaming testing laboratories to assist in determinations for approval of slot machines as long as the testing laboratory has current International Organization of Standardization certification and accreditation; 34 SDR 217.
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

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**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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