REGISTER

South Dakota Legislative Research Council

Volume 34 *Monday, 8:00 a.m., March 3, 2008*

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

Department of Health: Health and Medical Services: (February 29, 2008) intends to amend a rule to ensure that Children's Special Health Services (CSHS) is using the current poverty guidelines in determining cost share eligibility as a part of financial assistance to eligible clients. The general authority for this rule, as cited by the department, is SDCL 34-1-21.

A public hearing will be held in the Hayes Building, Room 107, 600 E. Capitol Avenue, Pierre, South Dakota, on March 26, 2008, at 10:00 a.m. Copies of the proposed rule 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 rule 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 5, 2008, 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.

FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)

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

3-6-2008	Game, Fish and Parks	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.
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.
3-17-2008	Education: Board of Education	Amend Vocational Education rules to assure that current practices for training instructional

		staff at the post-secondary technical institutes are up-to-date by changing from "vocational" to "career and technical", change the number of credits required to take in the first two years of teaching, determination of who can receive a two year and five year credential, and change in language for a one year credential; and amend National Board for Professional Teaching Standards Certification rules to add individuals deemed as school services specialists as well as administrators to be compensated for receiving National Board Certification; 34 SDR 221.
3-26-2008	Health: Health and Medical Services	Amend a rule to ensure that Children's Special Health Services (CSHS) is using the current poverty guidelines in determining cost share eligibility as a part of financial assistance to eligible clients; 34 SDR 225.
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 next meeting of the Interim Rules Review Committee will be held Tuesday, April 15, 2008. The committee chair has set the following tentative meeting schedule for the 2008 interim: May 13, June 10, August 19, September 23, December 2, and January 12, 2009.

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 34 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.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).