

AGENDA *Revised 5/24/18*

Rules Review Committee



Representative Jean Hunhoff, Chair
Senator Alan Solano, Vice Chair

Three hundred seventy-second meeting
Monday
June 4, 2018

Room 414
State Capitol
Pierre, South Dakota

**Agencies are asked to have a representative present at the meeting
to give background information on their rules.**

10:00 a.m. CDT Call to order, roll call, approval of minutes, and staff report

Review of proposed rules

Senator Solano

Department of Game, Fish and Parks: Amend rules to adjust the available Black Hills elk licenses to 425 “any elk” and 700 “antlerless elk”; adjust the number of available archery elk licenses to 142 “any elk” and 80 “antlerless elk”; adjust the number of available prairie elk licenses to 68 “any elk” and 73 “antlerless elk”; establish a new prairie elk unit comprised of Harding County with season dates of September 15 to October 31 and December 1 to 31; adjust the Custer State Park elk hunting season dates to October 1 to 31; modify the unit boundary of CAE-CU1 and CAE-CU2 to that portion of Custer State Park south of the R&D Pasture fence line for the special Custer State Park antlerless elk hunting season; clarify restrictions and application on preferences that are given to entities for landowner preferences; and increase the minimum number of acres from 240 to 1,000 acres in order to qualify for landowner preference, add language that would allow a landowner-operator to qualify if any amount of privately owned/operated land had over 2,000 elk use days, and allow for lease agreements to be oral in addition to in writing to qualify as a leasee.

Department of Game, Fish and Parks: Amend rules to eliminate the term “youth” and replace it with “apprentice hunter” in designating areas where free antlerless deer licenses can be used by farmers and ranchers; require any resident and nonresident deer hunter possessing an archery deer license to obtain and possess a free access permit to hunt in the Black Hills as defined in ARSD 41:06:19:02; replace the term “youth” with “apprentice hunter” regarding access permits required for specific deer hunting units and public lands; eliminate the term “youth deer” and replace it with “apprentice hunter deer”, and add the word “youth” to the term “antelope” for hunting license fees; reinstate the antlerless-only hunting dates to nine consecutive days following the conclusion of the West River deer season; reduce East River deer hunting resident license numbers from 21,085 one-tag to 20,900 one-tag and modify the antlerless-only deer hunting season dates to nine consecutive days beginning the Saturday following the 16th day of the East River deer season; create a new Limited Access Unit (Unit 59L) in Hughes and Sully

counties limited to all Game Production Areas, Corps of Engineer, and Park Recreation Area Lands north of Oahe Dam in Hughes County and west of U.S. Hwy 1804 to Bush's Landing boat ramp in Sully County at 182nd Street, excluding the Spring Creek Recreation area; eliminate Unit 59B; modify Unit 59A to include all of Sully County except that portion within Unit 59L; modify Unit 36A to include all of Hughes County, excluding that portion within Unit 59L, Farm Island Recreation Area, LaFramboise Island, and the land from the entrance to Farm Island Recreation Area west through the city of Pierre; modify the archery deer hunting season end date from January 15th to January 1st and make invalid antlerless whitetail deer licenses after January 1st; modify unit ARD-LM1 to close unit ERD-59L; change the archery season end date for Sand Lake National Wildlife Refuge, Lacreek National Wildlife Refuge, Waubay National Wildlife Refuge, and Waubay State Game Refuge from December 31 to January 1, except during the firearm deer seasons established for such refuges; extend the trophy bull bison harvest in Custer State Park from 47 days to 61 days and move the start from the last Monday to the third Monday in November; rename appropriate rules from the "Youth Deer Hunting Season" to "Apprentice Hunter Deer Season"; amend language regarding closed areas to expand eligibility to deer hunt; allow an apprentice hunter to qualify for a deer license under the provisions of ARSD 41:06:44; change the availability of both any deer and antlerless whitetail deer licenses as valid only from December 1st to January 1st for the General muzzleloading deer hunting season; modify unit MZD-LM1 to close unit ERD-59L; change the time period in which depredation hunts (excluding elk) may occur, from December 1st to March 31st to August 15th to March 31st; expand the time period for pool hunters for depredation purposes from April 15th to December 31st; eliminate the \$20 fee for an elk depredation permit; and reduce the non-trophy bull bison harvest in Custer State Park from 47 days to 40 days and move the start date from the last Monday to the first Monday in October.

Department of Transportation: Amend rules to revise the speed limits on the Interstate Highway 90 business loop through Chamberlain to match the speed limit signs currently in place on certain segments; adjust the location of speed limit signs at the east end of the bridge over the railroad tracks near Paul Gust Road; replace a reference to the county boundary with a reference to the American Legion Memorial Bridge; establish a 45 mile per hour speed zone on a segment of South Dakota Highway 46 at Pickstown; and extend a 35 mile per hour speed limit on U.S. Highway 14 in Miller to replace a 40 mile per hour speed zone.

Department of Transportation: Amend speed limit rules for U.S. Highway 16 in Pennington County, U.S. Highway 385 in Lawrence County, State Trunk Highway 50 in Bon Homme County, State Trunk Highway 28 in Hamlin County, and State Trunk Highway 20 in Perkins County to match the speed limit signs in place along those highways; on State Trunk Highway 47 in Highmore, extend a 30 miles per hour limited speed zone north an additional 0.1 mile, extend a 35 miles per hour speed zone north for 0.3 mile rather than the 40 miles per hour speed zone currently in place, and extend a 45 miles per hour speed zone north for 0.2 mile in place of the current 65 miles per hour speed zone; implement a 55 miles per hour limited speed zone on State Trunk Highway 10 on the west side of Britton for 0.2 mile to establish a transition speed zone between a 65 miles per hour speed zone and a 45 miles per hour speed zone; set a 35 miles per hour speed zone for the Interstate Highway 90 frontage road (Captain Soelzer Street) on the west side of Sturgis Road beginning at Peaceful Pines Road and proceeding north for 0.40 mile and then establish a 40 miles per hour speed zone for an additional distance of 0.56 mile to the north; on State Trunk Highway 34, replace a 45 miles per hour limited speed zone with a 50 miles per hour speed zone beginning 0.5 mile west of Main Street in Howard then east for 0.2 mile,

then heading east for 0.8 mile, reduce the speed limit on State Trunk Highway 34 to 30 miles per hour and then increase the speed limit to 50 miles per hour for 0.53 mile; and on State Trunk Highway 123 south of Wilmot, replace a 25 miles per hour limited speed zone with a 45 miles per hour speed zone that will transition to a 55 miles per hour speed zone.

Representative Bartling

Department of Environment and Natural Resources: Board of Water Management: Amend rules to update references; correct typographical errors; require additional testing requirements for certain tank components; clarify training requirements; require additional reporting requirements; extend regulatory compliance to field constructed tanks and airport hydrant tanks; place additional requirements on certain classes of emergency generator tanks; and eliminate the usage of ball float valves for overfill protection.

Department of Social Services: Amend rules to implement the appropriation for substance use disorder treatment for all Medicaid adults; update definitions; repeal duplicative language; and clarify prior authorization and coverage criteria related to treatment for substance use disorders.

Representative Haugaard

Department of Education: South Dakota Board of Education Standards: Amend rules to authorize the Department to equalize the distribution of accreditation reviews across a five-year time frame; and align language related to the state accountability system, performance goals, school classifications, and school support process with the State's approved plan pursuant to the Every Student Succeeds Act of 2015 and state law.

Senator Kennedy

Department of Labor and Regulation: Appraiser Certification Program: Amend rules to lower the number of months and hours of experience for the State-Licensed and State-Certified Residential appraiser; lower the percentage of required residential appraisal experience hours for the State-Certified Residential appraiser; lower the number of months of experience for the State-Certified General appraiser; correct certain terminology for consistency; add general education options for the State-Certified Residential appraiser; repeal the general education requirements for State-Licensed appraiser; provide an alternative to general education requirements for the State-Licensed appraiser to upgrade to State-Certified Residential appraiser; clearly state the late renewal application deadline; establish the late fee for late completion of the update course; and clearly affirm the deadline for completion of the update course.

Department of Labor and Regulation: Division of Insurance: Amend rules to update the Division's Medicare Supplement rules; update long-term care insurance rules; revise rating standards for health insurers offering health benefit plans; and update the definition of "qualified custodian" in regard to investment adviser client assets.

Senator Russell

Department of Labor and Regulation: Division of Labor and Management: Amend rules to revise the workers compensation fee schedule.

1:30 p.m. CDT Adjourn

* Breaks will be at the call of the chair.

NOTE: A copy of the proposed rules being reviewed at the meeting may be obtained without charge by contacting the department, board, or commission.

PLEASE NOTE: The above times are approximate.

Members: Representative Jean Hunhoff (Chair); Senator Alan Solano (Vice Chair); Senators Craig Kennedy and Lance Russell; and Representatives Julie Bartling and Steven Haugaard.

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