

REGISTER



South Dakota Legislative Research Council

Volume 45

Tuesday, 8:00 a.m., April 23, 2019

GET COPIES OF PROPOSED RULES AND OTHER INFORMATION AT NO CHARGE

at <https://rules.sd.gov> or by contacting the agency directly via the means outlined in their notice of hearing.

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

Notice of Proposed Rules: (The date in parentheses is the date the rules were filed with the Legislative Research Council.)

Department of Game, Fish and Parks:

(April 10, 2019) intends to amend rules to change the starting date of the "no boating zone" on Putney Slough from October 15 to October 20; remove the "no boating zone" for Long Lake; create a "no wake zone" in the area known as Compton's Cove Canal; create special any whitetail deer licenses for residents and nonresidents and establish the fees associated with those licenses; change the number of deer licenses that may be issued in the Black Hills hunting season, West River deer hunting season, and East River deer hunting season; establish allocations of resident and nonresident special any whitetail deer licenses; create new private land units for antlerless whitetail deer in the West River and East River deer seasons; change the number of archery antlerless whitetail deer access permits for Adams Homestead and Nature Preserve; allow antlerless archery hunting in units 05A, 11A, 11B, 17A, 18A, 22A, 23A, 25A, 32A, 39B, 45B, 48A, 50A, and 55A, and close unit 59A; allow for an antlerless archery deer license to be valid for Sand Lake National Wildlife Refuge; alter the number of deer licenses that may be issued for the Sand Lake

deer hunting season and the Lacreek deer hunting season; alter the beginning date for hunters who possess an unfilled antlerless deer license for any Sand Lake deer hunting unit; change the number of days each unit located within the Waubay National Wildlife Refuge would be open; change the number of deer licenses that may be issued in the Custer State Park deer hunting season; and remove a muzzleloader only restriction within unit CUD-2 of Custer State Park. The general authority for these rules, as cited by the department, is SDCL §§ 32-3A-1, 41-2-18, 41-6-10, 41-6-18.4, 41-6-19.6, 41-6-21, and 41-17-1.1.

A public hearing will be held at the Custer State Park Event Barn, U.S. Highway 16A, Custer, South Dakota, on May 2, 2019, at 2:00 p.m. MT. Copies of the rules may be obtained without charge from and written comments sent to the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 E. Capitol, Pierre, SD 57501. The rules are also available online at <https://rules.sd.gov>; comments may be submitted on the department website at <http://gfp.sd.gov/forms/positions>. Material sent by mail or email must reach the department at least 72 hours prior to the date of the hearing to be considered. All written and email comments must include the name, city, and state of the person submitting them. 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) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf).

Department of Environment and Natural Resources: Board of Water Management: (April 15, 2019) intends to amend rules to incorporate by reference the most recent published version of the Code of Federal Regulation for drinking water and add an additional section of the federal rules associated with the Revised Total Coliform Rule to the existing administrative rules for drinking water standards. The general authority for these rules, as cited by the board, is SDCL §§ 34A-3A-3 and 34A-3A-25.

A public hearing will be held in Room 414 of the State Capitol, 500 East Capitol Avenue, Pierre, South Dakota, on May 8, 2019, at 8:45 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Environment and Natural Resources, 523 E. Capitol, Pierre, SD 57501. Materials sent by mail must reach the department by May 7, 2019, 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) 773-5559 at least 48 hours before the public hearing.

Department of Social Services: (April 18, 2019) intends to amend rules to align language with current practice regarding ceiling tiles in child care programs; expand the income eligibility limit for receiving child care assistance services from 175% to 209% of the federal poverty level; and update a website

link. The general authority for these rules, as cited by the department, is SDCL §§ 26-6-16 and 28-1-61.

A public hearing will be held in Kneip Conference Room 1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on May 13, 2019, at 4:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Social Services, Attn: Teresa Schulte, 700 Governors Drive, Pierre, SD 57501. Copies of the proposed rules are also available at <https://rules.sd.gov>. Materials sent by mail must reach the department by May 23, 2019, 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) 773-3165 at least 48 hours before the public hearing.

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

NOTE REGARDING ADOPTED 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 the Department of Labor and Regulation for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

<p>4-25-2019</p>	<p>Department of Transportation: Amend rules concerning assistance for public transportation to update definitions of terms; address changes in South Dakota law; and modify requirements relating to the application process, eligibility determinations, fund disbursements, and grant performance reviews for federal transit grants, state matching fund grants, and intercity bus service grants; 45 SDR 127, April 8, 2019.</p>
<p>5-2-2019</p>	<p>Department of Game, Fish and Parks: Amend rules to change the starting date of the "no boating zone" on Putney Slough from October 15 to October 20;</p>

	remove the "no boating zone" for Long Lake; create a "no wake zone" in the area known as Compton's Cove Canal; create special any whitetail deer licenses for residents and nonresidents and establish the fees associated with those licenses; change the number of deer licenses that may be issued in the Black Hills hunting season, West River deer hunting season, and East River deer hunting season; establish allocations of resident and nonresident special any whitetail deer licenses; create new private land units for antlerless whitetail deer in the West River and East River deer seasons; change the number of archery antlerless whitetail deer access permits for Adams Homestead and Nature Preserve; allow antlerless archery hunting in units 05A, 11A, 11B, 17A, 18A, 22A, 23A, 25A, 32A, 39B, 45B, 48A, 50A, and 55A, and close unit 59A; allow for an antlerless archery deer license to be valid for Sand Lake National Wildlife Refuge; alter the number of deer licenses that may be issued for the Sand Lake deer hunting season and the Lacreek deer hunting season; alter the beginning date for hunters who possess an unfilled antlerless deer license for any Sand Lake deer hunting unit; change the number of days each unit located within the Waubay National Wildlife Refuge would be open; change the number of deer licenses that may be issued in the Custer State Park deer hunting season; and remove a muzzleloader only restriction within unit CUD-2 of Custer State Park; 45 SDR 132, April 23, 2019.
5-7-2019	Department of Environment and Natural Resources: Amend rules to increase the air fees assessed to businesses that are applicable to the Title V air quality permitting program; 45 SDR 127, April 8, 2019.
5-8-2019	Department of Environment and Natural Resources: Board of Water Management: Amend rules to incorporate by reference the most recent published version of the Code of Federal Regulation for drinking water and add an additional section of the federal rules associated with the Revised Total Coliform Rule to the existing administrative rules for drinking water standards; 45 SDR 133, April 23, 2019.
5-13-2019	Department of Social Services: Amend rules to align language with current practice regarding ceiling tiles in child care programs; expand the income eligibility limit for receiving child care assistance services from 175% to 209% of the federal poverty level; and update a website link; 45 SDR 133, April 23, 2019.
5-20-2019	Department of Education: South Dakota Board of Education Standards: Amend rules to update language to reflect industry standards; correct references to national program standards where applicable; and align terminology and requirements with educator certification rules updated; 45 SDR 124, April 1, 2019.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2019 Interim is Monday, May 6, 2019, at 10:00 a.m. CT in Room 414 of the State Capitol. Other meetings scheduled for the 2019 interim will be held June 3, July 8, August 12, September 9, and November 4.

Watch for notices of 2019 Rules Review Committee meetings in this publication, on the LRC website, and at the Capitol.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://www.sdlegislature.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. Information from the Register is available free of charge on the LRC website: www.sdlegislature.gov/. You may subscribe to electronic delivery of the **South Dakota Register** at *My LRC* on the LRC website.