

REGISTER



South Dakota Legislative Research Council

Volume 45

Monday, 8:00 a.m., June 24, 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: (June 17, 2019) intends to amend rules to move the start date for hunting on Sand Lake National Wildlife Refuge in Brown County to an earlier date; decrease the overall number of West River one-tag antelope licenses and increase the total number of two-tag licenses; decrease the total amount of East River one-tag antelope licenses; add Todd County to Unit PRA-50A; remove Hyde County from Unit PRA-36A; create Unit PRA-38A to include Buffalo, Hand, and Hyde Counties; align the open units of the archery antelope hunting season with those units in the firearm antelope hunting season; and exclude centerfire rifles and muzzleloaders on the Oacoma Game Production Area and other immediate adjacent public land in Lyman County. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-6-21, and 41-17-1.1.

A public hearing will be held at the AmericInn and Convention Center, 3112 Island Drive, Fort Pierre, South Dakota, on July 8, 2019, at 2:00 p.m. CT. 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).

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Order:

The Governor has signed **Executive Order 2019-14**, dated June 17, 2019. The 4th of July holiday in 2019 falls on a Thursday. In recognition of the United States' Independence Day, all offices of state government under the direct control of the Governor will be administratively closed on Friday, July 5, 2019.

Legislative Appointments:

Doug Decker, Pierre, was appointed on June 11, 2019, to the **South Dakota Code Commission**, to replace Michael DeMersseman, effective July 1, 2019, and shall continue until June 30, 2021.

Thomas Geu, Vermillion, was reappointed on June 11, 2019, to the **Uniform Laws Commission**, effective August 1, 2019, and shall continue until July 31, 2022.

Mary Howard, Sioux Falls, was appointed on June 11, 2019, to the **South Dakota Investment Council**, to replace Lorin Brass, effective July 1, 2019, and shall continue until June 30, 2024.

Representative Timothy Johns, Lead, was reappointed on June 11, 2019, to the **Uniform Laws Commission**, effective

August 1, 2019, and shall continue until July 31, 2022.

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>6-25-2019</p>	<p>Department of Revenue: South Dakota Commission on Gaming: Amend rules to allow accommodations for players with documented medical impediments to assist them in participating in games; include poker and house banked poker into existing drop procedures; apply count procedures to house banked poker and poker games; provide for appropriate procedures for accepting cash at house banked poker tables; provide for procedures for appropriate distribution of chips to and removal of chips or coins from house banked poker games; apply appropriate drop box requirements for and provide for statistics procedures in house banked poker games; provide procedures for the dealing of house banked poker games; prohibit poker players or spectators from removing or altering cards; allow for players to wager on more than one box according to specific rules of each game; allow for tip bets in house banked poker games; and require poker players to be responsible for computing the winning combination of their own hand; 45 SDR 153, June 10, 2019.</p>
<p>6-27-2019</p>	<p>Department of Transportation: Amend rules to increase the speed limit on Interstate Highway 190 in Rapid City from 55 to 60 miles per hour; increase the speed limit for a segment of State Trunk Highway 79 from Rapid City to the Custer County line from 60 to 70 miles per hour; and increase from 65 to 70 miles per hour the speed limit on State Trunk Highway 79 from the north side of Hermosa to the Pennington County line; 45 SDR 154, June 10, 2019.</p>
<p>6-28-2019</p>	<p>Department of Labor and Regulation: Board of Abstracters Examiners: Amend rules to add the executive secretary to supervise administrative duties of the board; define chain of title; update language for meetings/special meetings of the board; repeal unanimous consent meetings; repeal outdated language on orders and decisions of the board; add a clause to eligibility for military personnel; update language to require notarized signature for applicants; provide additional locations and designated representatives for examinations; revise the timeline for grading examinations; update language for general requirements for books, records, and indexes; update language relating to grading of plant examinations; update language regarding fees and expenses for plant examinations and language for issuance of certificate for plant; 45 SDR 153, June 10, 2019.</p>

7-1-2019	Department of Agriculture: Amend rules to add Palmer Amaranth as a prohibited noxious weed seed; clarify that no presence of prohibited noxious weed seed is allowable in seed; move quackgrass from the prohibited noxious weed seed list to the restricted noxious weed seed list; lower the maximum allowable presence of restricted noxious weed seeds; and update references, scientific names, and testing processes; 45 SDR 154, June 10, 2019.
7-8-2019	Department of Game, Fish and Parks: Amend rules to move the start date for hunting on Sand Lake National Wildlife Refuge in Brown County to an earlier date; decrease the overall number of West River one-tag antelope licenses and increase the total number of two-tag licenses; decrease the total amount of East River one-tag antelope licenses; add Todd County to Unit PRA-50A; remove Hyde County from Unit PRA-36A; create Unit PRA-38A to include Buffalo, Hand, and Hyde Counties; align the open units of the archery antelope hunting season with those units in the firearm antelope hunting season; and exclude centerfire rifles and muzzleloaders on the Oacoma Game Production Area and other immediate adjacent public land in Lyman County; 45 SDR 162, June 24, 2019.
7-10-2019	Department of Agriculture: State Brand Board: Amend rules to increase brand program fees; set a brand application fee; and set the fee for brand inspections requested outside the brand inspection area, not to exceed \$1.00/head; 45 SDR 158, June 17, 2019.
7-18-2019	Department of Environment and Natural Resources: Board of Minerals and Environment: Amend rules to increase regulatory flexibility and clarity of rules applicable to hazardous waste generators; establish a methodology for the use of electronic manifests; establish procedures for managing and disposing of defective airbag inflators; provide healthcare facilities and pharmacies with management and disposal options for hazardous waste pharmaceuticals; revise requirements involving imports and exports of hazardous wastes; and incorporate corrections made in federal regulations; 45 SDR 144, May 20, 2019.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2019 Interim is Monday, July 8, 2019, at 10:00 a.m. CT in Room 414 of the State Capitol. Other meetings scheduled for the 2019 interim will be held 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>.