



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

Amended 7/2/2013

Representative Timothy Johns, Chair
Senator Mike Vehle, Vice Chair

Three hundred thirty-third meeting
Tuesday
July 9, 2013

Room 414
State Capitol
Pierre, South Dakota

Other DDN Site Locations:

Mitchell Technical Institute
1800 E. Spruce, Room TC 155
Mitchell, South Dakota

University Center
4801 N. Career Ave., Room FADM 253
Sioux Falls, South Dakota

Black Hills State University
1200 University Station, LIB 011
Spearfish, South Dakota

Department of Transportation
1306 W. 31st St.
Yankton, South Dakota

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

9:00 am CT Call to order, roll call, approval of minutes, and staff report
8:00 am MT

Review of proposed rules

Representative Gibson

Department of Environment and Natural Resources: Board of Water and Natural Resources – Amend Director Areas in Water Development Districts rules to redraw the director areas in the James River, East Dakota, and West Dakota Water Development District areas; amend Consolidated Water Facilities Construction Program rules to allow projects that have received funding from the board to remain in the state water facilities plan for the purpose of requesting additional funding, remove application restrictions that prohibit a project receiving more than one grant and one loan in a program year, that require applicants that are not funded resubmit an application in order to compete in a subsequent application cycle, and that require a minimum of 40 percent local share of a total project cost unless waived, repeal the section describing the distribution of uncommitted funds, require applicants to submit forms on an application provided by the department, revise the application review process to include eliminating the minimum rate requirement and the related waiver process, include

televising and cleaning of sewer lines as an eligible expense, revise the factors for decision making, extend the time allowed to use funds from 3 years to 4 years, revise the provision that the department conduct an overall review of the applicant's financial status, repeal the provision that the board may require an environmental statement, repeal the technical requirements regarding land surveys, plans and specification preparation, and the establishment of monitoring wells, and update or eliminate incorrect statute references and make other minor grammatical changes; amend State Water Pollution Control Revolving Fund Program rules to allow applicants to receive funding for project design activities without being placed in the state water facilities plan, allow projects that have received funding from the board to remain in the state water facilities plan for the purpose of requesting additional funding, repeal the duplicative requirement for the preparation of plans and specifications, allow applicants to be awarded solid waste management funds in lieu of or in an addition to funds from State Revolving Pollution Control Revolving Fund program, allow all nonpoint source projects to receive principal forgiveness without meeting the minimum established rate, repeal the requirement that a financial status be prepared and provided to the board before a loan is executed and make the financial status review and preparation part of the application review process, and update or correct references to the Clean Water Act authorizing legislation, census data, and state statutes and make other minor grammatical changes; amend Solid Waste Management Program rules to repeal the provision that requires a minimum of 40 percent local share of a total project cost, repeal the requirement that a financial status be prepared and provided to the board before a loan is executed and make the financial status review and preparation part of the application process, discontinue using the price for recyclable materials as a criteria on which to base interest rates and begin using the current rate of alternate federal or state programs as a criteria, repeal the provision that requires the applicant to provide proof of certain permits prior to disbursement of funds, repeal the provision that the board may require an environmental statement, repeal the technical requirements regarding land surveys and plans and specification preparation, revise the period for drawing funds from two years with a one-year extension with board approval to three years, repeal the section describing the distribution of uncommitted funds, eliminate the board's ability to waive the required debt coverage ratio due to financial hardship, require recipients to maintain proper accounting records, and update or correct statute references and make other minor grammatical changes; and amend Drinking Water State Revolving Fund Program rules to allow applicants to receive funding for project design activities without being placed in the state water facilities plan, allow projects that have received funding from the board to remain in the state water facilities plan for the purpose of requesting additional funding, repeal the duplicative requirement regarding plans and specification preparation, repeal the requirement that a financial status be prepared and provided to the board before a loan is executed and make the financial status review and preparation part of the application review process, make principal forgiveness available to disadvantaged communities, and update or correct references to the Drinking Water Act authorizing legislation, census data, and state statutes and make other minor grammatical changes.

Department of Social Services: Division of Medical Services – Amend rules to remove outdated payment rate calculation information for in-state inpatient services and certain

outpatient services; clarify that reimbursement for out-of-state hospital inpatient services and certain outpatient services is calculated at a percentage of charges as appropriated by the legislature, and specify that the dispensing fees for certain items dispensed by a pharmacy or public health service provider can be found on the department's website.

Senator Vehle

Department of Game, Fish and Parks – Amend rules to create a new rule section to establish requirements and restrictions for the operation of motor vehicles, golf carts, mopeds, and scooters on roads or parking areas located within the state park system; limit the scope of the current rule (ARSD 41:06:05:03) which prohibits possession of a firearm while archery hunting and create a new rule to address non-licensee armed accompaniment and place the responsibility for rule adherence upon the unlicensed hunter; establish the number and types of licenses available for the Fall Wild Turkey Hunting Season which include offering fewer one-tag licenses and more two-tag licenses for resident hunters on the East River Prairie Units, offering fewer one-tag licenses for resident hunters and fewer one-tag licenses for nonresident hunters for the Black Hills Unit, and repeal ARSD 41:06:14:04 which provides that in units adjoining the Cheyenne River or White River a license is valid in the adjacent unit within one mile of the common river boundary; modify the season dates for the Waterfowl Hunting Seasons to run from the first Saturday of August to August 31, increase the daily bag limit to 15, add those portions west of the Cheyenne River in Pennington County to the areas open to hunting, allow use of unplugged shotguns, and modify the shooting hours to end one-half hour after sunset; establish the number and types of resident and nonresident licenses available during the Black Hills Deer Hunting Season which will include offering residents and nonresidents fewer "antlerless whitetail deer" licenses than 2012; establish the number and types of resident and nonresident licenses available during the West River Prairie Deer Season; establish the number and types of licenses available for the East River Deer Hunting Season; provide that only unfilled "any antlerless deer" licenses are valid from January 1 to January 15, add Bon Homme, Charles Mix, Clay, Codington, Douglas, Grant, Hutchinson, Lincoln, Turner, Union, and Yankton counties to the area where "any antlerless deer" licenses are not valid, change all references to "Blood Run Nature Area" to "Good Earth State Park", reduce the number of "any antlerless deer" archery access permits for the Adams Homestead and Nature Preserve and Good Earth State Park, and increase the number of "any deer" archery access permits for the Adams Homestead and Nature Preserve; adjust the hunting start date for Unit RFD-SL1 within the National Wildlife Refuge Deer Hunting Season from the Saturday before the East River Deer Hunting Season to the second Saturday of November, adjust the start dates for all other Sand Lake Units accordingly, provide that only unfilled Sand Lake "antlerless deer" licenses are valid during the 9-day hunting season, and make allowance for optics that do not employ magnification during any Refuge Deer Hunting Seasons that are restricted to muzzleloaders; reduce the number of "any deer" licenses and increase the number of "antlerless whitetail deer" muzzleloader licenses in Custer State Park; add Bon Homme, Charles Mix, Clay, Douglas, Hutchinson, and Union counties to where only one Youth Deer hunting license is valid and remove the Youth Deer restriction for Sand Lake National Wildlife

Refuge, Lacreek National Wildlife Refuge, Lake Andes National Wildlife Refuge, and Waubay National Wildlife Refuge; provide that during the General Muzzleloading Deer Hunting Season only unfilled "any antlerless deer" licenses are valid from January 1 to January 15; modify the West River Bobcat Trapping and Hunting Season from December 26 thru February 15 and modify the East River season from December 26 through the third Sunday of January.

10:30 am CT 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.

Members: Senators Angie Buhl O'Donnell, Jean M. Hunhoff, and Mike Vehle; and Representatives Peggy Gibson, Anne Hajek, and Timothy Johns.

NOTE: *Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605/773-3251) in advance of the meeting to make any necessary arrangements.*



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