

REGISTER



South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., March 9, 2015

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

Department of Agriculture: SD Weed and Pest Control Commission: (March 3, 2015) intends to amend a rule to add Japanese beetle and tarragon to the local noxious weed and declared pest list. The general authority for this rule, as cited by the department, is SDCL §§ 38-22-9 and 38-22-11.1.

A public hearing will be held at the Governor's Inn, 700 W. Sioux Ave., Pierre, South Dakota, on April 9, 2015, at 1:00 p.m. Copies of the proposed rule may be obtained from and written comments sent to the South Dakota Department of Agriculture, Division of Agricultural Services, Weed & Pest Program, 523 E. Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must reach the department by April 8, 2015, to be considered. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3796 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Darrell E. Davis, Ipswich, was reappointed on February 26, 2015, to the **Wheat Utilization Research and Marketing Development Commission**, effective immediately and shall continue until October 30, 2017.

Kelly Hepler, Pierre, was appointed on February 26, 2015, to the position of **Secretary of the Department of Game, Fish and Parks**, effective March 2, 2015.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. 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

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| 3-11-2015 | Health: Board of Medical and Osteopathic Examiners | Adopt rules to establish what constitutes a conflict of interest and a potential conflict of interest related to hearings held by the board; establish best practices related to prescribing controlled substances; and add a code of ethics to existing rules; 41 SDR 126, February 17, 2015. |
| 3-17-2015 | Secretary of State: Board of Finance | Amend rules to increase the allowance for use of a privately owned vehicle, airplane rates, and per diem rates (out-of-country, out-of-state |

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| | | <p>and in-state); increase the allowance for use of a privately owned vehicle and the lodging reimbursement for individuals with special needs; remove the evening supper allowance; increase the per diem rate for use of a private trailer house; and amend what is included in registration expense; 41 SDR 137, March 2, 2015.</p> |
| <p>3-18-2015</p> | <p>Revenue: Commission on Gaming</p> | <p>Amend Gaming rules to add a free bonus feature to Buster Blackjack; clarify the rules of the game of War blackjack; provide for consistency among progressive games for Three-card poker, Let it ride and let it ride bonus including three card bonus optional side bet or progressive optional side bet, Caribbean stud poker, Four-Card poker, Texas Hold'em Bonus poker, Mississippi Stud, and Ultimate Texas Hold'em; and add an optional four card bet to Silverado Stud poker; 41 SDR 131, February 23, 2015.</p> |
| <p>3-26-2015</p> | <p>Environment and Natural Resources: Board of Water and Natural Resources</p> | <p>Amend Consolidated water facilities construction program rules to increase the amount in the definition of "Minimum established rates" for water and wastewater users in an incorporated municipality or sanitary district, remove application restrictions that prohibit a project from including preliminary design costs in the total project cost, remove the requirements of applications to include the status of permits, required lands, easements and right of way, and provide a time length for the applicant to correct the identified deficiencies; amend State water pollution control revolving fund program rules to update the definition of "Act", revise the definition of "Interim financing" from three years to five years, establish a definition for "Median household income" and source for that information, increase the amount in the definition of "Minimum established rates" for wastewater users in an incorporated municipality or sanitary district, establish a definition for "Unemployment rate" and the source for that information, revise the definition of "wastewater treatment works", repeal the "Green infrastructure priority points" section and remove references to this section, revise the criteria for principal</p> |

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| | | <p>forgiveness eligibility, establish affordability criteria to receive principal forgiveness, revise required information to be submitted as part of the application for funding, add a section reference, and extend the duration of assistance for interim financing to five years and minor grammatical changes; amend Solid waste management programs rules to change the requirements of documents that must be submitted as a part of the application, provide a time length for the applicant to correct the identified deficiencies, and repeal a duplicate section; and amend Drinking water state revolving fund program rules to update the definition of "Act", increase the amount in the definition of "Disadvantaged community" for water users in an incorporated municipality or sanitary district, revise the definition of "Interim financing" from three years to five years, update the definition for "Median household income" and the source for that information, increase the amount in the definition of "Minimum established rates" for water users in an incorporated municipality or sanitary district, repeal the "Green infrastructure priority points" section, and remove references to this section, adjust the affordability priority point criteria, revise required information to be submitted as part of the application for funding, and extend the duration of assistance for interim financing to five years, and provide for financing to increase from 20 years to up to 30 years as permitted by the Act; 41 SDR 131, February 23, 2015.</p> |
| 4-9-2015 | Agriculture: SD Weed and Pest Control Commission | Amend a rule to add Japanese beetle and tarragon to the local noxious weed and declared pest list; 41 SDR 143, Marcy 9, 2015. |
| 5-28-2015 | Tourism: State Historical Society | Amend rules to increase the membership fees for the State Historical Society; increase fees at the State Archives for microfilm production and add fees for new services of digital camera use and microfiche scanning; and amend fees charged by the Archaeological Research Center for its services regarding curation, permits, and data services, and remove fees charged for certain other services; 41 SDR 137; March 2, 2015. |

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will have an informal meeting near the close of the Ninetieth Legislative Session to set the tentative meeting schedule for the 2015 interim. Watch for a notice of this informal meeting 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://legis.sd.gov/Rules/RulesManual.aspx>.