

# REGISTER



## *South Dakota Legislative Research Council*

*Volume 41*

*Monday, 8:00 a.m., March 16, 2015*

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

***Department of Transportation:*** (March 9, 2015) is proposing to amend a Speed Limits rule in Grant County to extend a 45 mph limited speed zone on U.S. Highway 12 on the east side of Milbank an additional 0.60 mile east past the new Runnings store. The general authority for this rule, as cited by the department, is SDCL § 32-25-7.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on March 26, 2015, at 9:30 a.m. CST. Copies of the proposed rule may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by March 25, 2015, 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) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

***Department of Game, Fish, and Parks:*** (March 11, 2015) intends to amend a Hunting Requirements and Prohibited Methods rule to clarify that the 20 person limit on those who are engaged in party hunting only includes those persons in the party who are carrying a firearm, crossbow or bow and arrow; amend Black Hills Elk Hunting Season rules to adjust the number of licenses available for "any elk" and "antlerless elk"; allocate a pool of "antlerless

elk" contingency licenses, up to 20% of antlerless elk licenses available from all Black Hills hunting units, which would be issued by GFP Commission resolution in August if summer range conditions dictate the use of contingency licenses; and repeal Unit BHE-ZZ1; amend a Custer State Park Elk Hunting Season (Any Elk) rule to adjust the number of licenses available for "any elk" and repeal Unit CUE-ZZ1; amend Mountain Goat Hunting Season rules to offer 2 "any mountain goat" licenses and change the season dates from the first Saturday of October to October 31, to September 1 to December 31; amend an Archery Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk" and repeal Unit AEE-ZZ1; amend a Prairie Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk"; no licenses would be issued for Unit 30A (portions of Gregory County); add that portion of Jackson County south of Highway 44 and BIA Highway 2 to Unit 11A, B, C, and D; adjust the season dates for Unit 11C from the second Sunday of October to December 31, to the second Sunday of October to November 30; and repeal Unit PRE-ZZ1; and amend a Custer State Park Non-Trophy Bison Harvest rule to change the season length and season dates from 49 days beginning the first Saturday in October to 47 days beginning the 4<sup>th</sup> Monday in January. 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 Days Inn Convention Center, 2500 E. 6<sup>th</sup> Street, Brookings, South Dakota, on April 1, 2015, at 2:00 p.m. (CDT). Copies of the proposed rules may be obtained from and written comments

sent to the office of the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Copies of the proposed rules are also available at: <https://rules.sd.gov/>. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 p.m. three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by email to either [wildinfo@state.sd.us](mailto:wildinfo@state.sd.us) or [gfpadminrules@state.sd.us](mailto:gfpadminrules@state.sd.us). All written and email comments must include the commenter's name, home town/city, and state. 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) before the hearing.

## FILINGS IN THE SECRETARY OF STATE'S OFFICE:

### Executive Appointment:

**Carol Twedt**, Sioux Falls, was appointed on March 5, 2015, to the **State Library Board**, to replace Steven Willard, effective immediately and shall continue until October 30, 2017.

### Legislative Appointments:

**Senators Jim Bradford, Phyllis Heineman, and Mike Vehle** were appointed on March 13, 2015, to the **Interim Rules Review Committee**. These appointments will expire at noon on Tuesday, January 10, 2017.

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

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 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.
3-18-2015	Revenue: Commission on Gaming	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.
3-26-2015	Environment and Natural Resources: Board of Water and Natural Resources	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 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

		<p>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>
3-25-2015	Transportation	<p>Amend a Speed Limits rule in Grant County to extend a 45 mph limited speed zone on U.S. Highway 12 on the east side of Milbank an additional 0.60 mile east past the new Runnings store; 41 SDR 147, March 9, 2015.</p>
4-1-2015	Game, Fish and Parks	<p>Amend a Hunting Requirements and Prohibited Methods rule to clarify that the 20 person limit on those who are engaged in party hunting only includes those persons in the party who are carrying a firearm, crossbow or bow and arrow; amend Black Hills Elk Hunting Season rules to adjust the number of licenses available for "any elk" and "antlerless elk"; allocate a pool of "antlerless elk" contingency licenses, up to 20% of antlerless elk licenses available from all Black Hills hunting units, which would be issued by GFP Commission resolution in August if summer range conditions dictate the use of contingency licenses; and repeal Unit BHE-ZZ1; amend a Custer State Park Elk Hunting Season (Any Elk) rule to adjust the number of licenses available for "any elk" and repeal Unit CUE-ZZ1; amend Mountain Goat Hunting Season rules to offer 2 "any mountain goat" licenses and change the season dates from the first</p>

		Saturday of October to October 31, to September 1 to December 31; amend an Archery Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk" and repeal Unit AEE-ZZ1; amend a Prairie Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk"; no licenses would be issued for Unit 30A (portions of Gregory County); add that portion of Jackson County south of Highway 44 and BIA Highway 2 to Unit 11A, B, C, and D; adjust the season dates for Unit 11C from the second Sunday of October to December 31, to the second Sunday of October to November 30; and repeal Unit PRE-ZZ1; and amend a Custer State Park Non-Trophy Bison Harvest rule to change the season length and season dates from 49 days beginning the first Saturday in October to 47 days beginning the 4 <sup>th</sup> Monday in January; 41 SDR 147; March 16, 2015.
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 next meeting of the Interim Rules Review Committee will be held on Monday, April 20, 2015, in Room 413, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2015 interim: June 8, July 20, August 17, September 21, November 9, and December 14.

**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>.

