

REGISTER



South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., March 23, 2015

NOTICE OF PROPOSED RULES: (None)

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Jody Kuper, Milbank, was appointed on March 3, 2015, to the **American Dairy Association of South Dakota**, to replace Jarrod Otta, effective immediately and shall continue until October 30, 2015.

Don Reinesch, Kimball, was appointed on March 3, 2015, to the **South Dakota 911 Coordination Board**, to replace Dennis Falken, effective immediately and shall continue until June 30, 2017.

Executive Orders:

The Governor has signed **Executive Order 2014-02** dated February 2, 2015. This order creates the Native American Student Achievement Advisory Council under the direction of the Department of Education. The council shall report its findings to the Legislature and the Governor no later than December 1, 2015.

The Governor has signed **Executive Order 2015-03** dated March 10, 2015. This order declares that the offices of state government, within the executive branch, shall be administratively closed for the afternoon of Good Friday, April 3, 2015.

The Governor has signed **Executive Order 2015-04** dated March 20, 2015. In anticipation of potential wildland fires in the Black Hills, this order grants authority to the South Dakota Division of Wildland Fire to augment its firefighting response efforts with the assets of the South Dakota National Guard for the 2015 fire season running from April 1 through October 31. This order expires on January 1, 2016.

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

3-26-2015	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
-----------	--	--

	<p>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 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</p>
--	--

		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.
3-25-2015	Transportation	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.
4-1-2015	Game, Fish and Parks	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 th 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>.