

REGISTER



South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., June 24, 2013

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

Department of Game, Fish and Parks:

(June 17, 2013) intends to adopt a Hunting Requirements and Prohibited Methods rule to require any person who harvests a wolf to notify a conservation officer within 24 hours of the kill and submit the wolf for inspection by a conservation officer or other department representative no later than 48 hours following the kill; amend a Safe Grouse Hunting Season rule to close the season; amend Antelope Hunting Season rules to adjust the number of licenses/tags available and close Units 45A and 45B to archery antelope hunting; amend an Early Fall Canada Goose Hunting Season rule and a Waterfowl Hunting Seasons rule to change the opening date of the season from the first Saturday in September to September 1, and modify boundaries of Units 1 and 2; and amend a Bobcat Trapping and Hunting Season rule to change the west river season dates, implement a harvest limit of 600 bobcats west of the Missouri River with the season to close prior to March 1 if the harvest limit is reached, and change the east river season dates. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-6-21, 41-8-20, and 41-11-5.

A public hearing will be held at the Best Western Ramkota Conference Center, 920 West Sioux Avenue, Pierre, South Dakota, on July 8, 2013, at 2:00 p.m. CDT. Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. 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 Wildinfo@state.sd.us. All written and email comments must include the commenter's name and address. 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) 773-3387 before the hearing.

Department of Public Safety: South Dakota

911 Coordination Board: (June 19, 2013) intends to amend rules to define "County 911 Coordinator", conform to legislative changes, make the rules uniform in regard to required procedures, remove outdated references, correct a statutory reference, clarify financial and accounting standards requirements, and define allowable personnel costs for County 911 Coordinators and other 911 or PSAP employees. The general authority for these rules, as cited by the department, is SDCL § 34-45-18.2.

A public hearing will be held in the Walden Room of the AmericInn, 312 Island Drive, Fort Pierre, South Dakota, on July 18, 2013, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Public Safety, 118 West Capitol, Pierre, South Dakota 57501. Material sent by mail must reach the Department of Public Safety by July 18, 2013, 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) 773-3178 at least 48 hours before the hearing.

Department of Education: Board of Education: (June 20, 2013) intends to amend Special Education rules to reference the most current State and Federal Regulations, remove excessive criteria in eligibility categories, and add provisions to address coordinated early intervening services funded through State Aid for Special Education; amend Career and Technical Education rules to establish a methodology for forecasting contributions from student fees and state appropriations available to meet projected payment schedules on outstanding bonds for lease purchase agreements with the four postsecondary technical institutes and clarify the process by which the Board of Education makes determinations of whether to approve requests for issuance of new bonds from the postsecondary technical institutes; amend an Individualized Family Service Plan rule to remove "working" from 24:14:13:03 (06); amend Certification rules to streamline the certification process for military spouses leaving employment as certified teachers in other states to accompany their spouses to South Dakota; amend a State Accreditation and Approval System rule to allow for an accreditation review desk audit rather than team visits to the district being reviewed; and amend Public School Accountability System rules to update and clarify the accountability rules under the Elementary and Secondary Education Act Waiver. The general authority for these rules, as cited by the board, is SDCL §§ 1-16A-93, 1-16A-94, 1-16A-95, 1-16A-96, 13-1-12.1, 13-3-1.4, 13-3-47, 13-3-51, 13-3-69, 13-13-18, 13-37-1.1, 13-37-31, 13-37-52, 13-37-55, 13-37-56, 13-37-57, 13-37-58, 13-37-59, 13-39-13, 13-39-19, 13-39-37, 13-39-38, 13-42-3, 13-42-67, 13-42-68, and 13-42-69.

A public hearing will be held in Conference Room 4, Second Floor, MacKay Building, 800 Governors Drive, Pierre, South Dakota, on July 18, 2013, at 10:00 a.m. CDT. Copies of the proposed rules may be obtained without charge from the Department of Education, Ferne Haddock, 800 Governors Drive, Pierre, South Dakota 57501 or from the Internet at <http://www.doe.sd.gov/board/index.aspx>. Written comments may be sent to the board at the address above and must be received by July 16, 2013, 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) 773-3553 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Order:

The Governor has signed **Executive Order 2013-09** dated June 20, 2013. The Order declares a disaster to exist due to damage from a continuous pattern of severe thunderstorms, flooding and tornadoes in Corson, Lawrence, Lincoln, Union, and Bennett counties and the Pine Ridge Reservation that lies within Bennett County.

Note: A copy of the rules may be obtained directly from the above agencies. 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

6-27-2013	Environment and Natural Resources: Board of Water and Natural Resources	Amend Director Areas in Water Development Districts rules to redraw the director areas in
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	<p><i>(As amended June 4, 2013)</i></p>	<p>the James River, East Dakota, and West Dakota Water Development District areas; amend Consolidated Water Facilities Construction Program rules to allow applicants to receive funding for project design activities without being placed in the state water facilities plan <u>allow projects that have received funding from the board to remain in the state water facilities plan for the purpose of requesting additional funding</u>, 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</p>
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	<p>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</p>
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		<p>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; 39 SDR 201.</p>
7-8-2013	Game, Fish and Parks	<p>Adopt a Hunting Requirements and Prohibited Methods rule to require any person who harvests a wolf to notify a conservation officer within 24 hours of the kill and submit the wolf for inspection by a conservation officer or other department representative no later than 48 hours following the kill; amend a Safe Grouse Hunting Season rule to close the season; amend Antelope Hunting Season rules to adjust the number of licenses/tags available and close Units 45A and 45B to archery antelope hunting; amend an Early Fall Canada Goose Hunting Season rule and a Waterfowl Hunting Seasons rule to change the opening date of the season from the first Saturday in September to September 1, and modify boundaries of Units 1 and 2; and amend a Bobcat Trapping and Hunting Season rule to change the west river season dates, implement a harvest limit of 600 bobcats west of the Missouri River with the season to close prior to March 1 if the harvest limit is reached, and change the east river season dates; 39 SDR 233.</p>
7-10-2013	Public Safety	<p>Amend rules to provide the minimum requirements for obtaining and maintaining school bus inspector certification from the Highway Patrol and the process for revoking and regaining school bus inspector certification; update the adoption of the Commercial Vehicle Safety Alliance North American standard Out-of-service Criteria; further define unprofessional or dishonorable conduct for purposes of emergency medical technician-basic licensure, to provide for revoking and regaining of emergency medical</p>

		<p>technician-basic licensure for unprofessional or dishonorable conduct, and to clarify that transfer-only ambulance services are prohibited in South Dakota; allow the Director of Highway Safety to approve motorcycle safety course curricula, and set forth the process for approving motorcycle safety course curricula; update the Code of Federal Regulation adoptions for commercial driver licensing rules, and change the commercial driver licensing third party tester fees from \$80 to \$90; 39 SDR 227.</p>
7-12-2013	Health: Board of Pharmacy	<p>Amend rules to establish the ability of pharmacies to retain health records, including prescription orders, in an electronic format; 39 SDR 211.</p>
7-18-2013	Education: Board of Education	<p>Amend Special Education rules to reference the most current State and Federal Regulations, remove excessive criteria in eligibility categories, and add provisions to address coordinated early intervening services funded through State Aid for Special Education; amend Career and Technical Education rules to establish a methodology for forecasting contributions from student fees and state appropriations available to meet projected payment schedules on outstanding bonds for lease purchase agreements with the four postsecondary technical institutes and clarify the process by which the Board of Education makes determinations of whether to approve requests for issuance of new bonds from the postsecondary technical institutes; amend an Individualized Family Service Plan rule to remove "working" from 24:14:13:03 (06); amend Certification rules to streamline the certification process for military spouses leaving employment as certified teachers in other states to accompany their spouses to South Dakota; amend a State Accreditation and Approval System rule to allow for an accreditation review desk audit rather than team visits to the district being reviewed; and amend Public School Accountability System rules to update and clarify the accountability rules under the Elementary and Secondary Education Act Waiver; 39 SDR 234.</p>

7-18-2013	Public Safety: South Dakota 911 Coordination Board	Amend rules to define "County 911 Coordinator", conform to legislative changes, make the rules uniform in regard to required procedures, remove outdated references, correct a statutory reference, clarify financial and accounting standards requirements, and define allowable personnel costs for County 911 Coordinators and other 911 or PSAP employees; 39 SDR 233.
8-15-2013	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2010 through June 30, 2012. Changes include establishing procedures for identifying and managing certain hazardous secondary materials destined for recycling, and making technical and typographical corrections to the federal rules; 39 SDR 201.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, July 9, 2013, in Room 413, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2013 interim: August 20, September 17, November 12, and December 17.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

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