



SOUTH DAKOTA REGISTER

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FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notice of Proposed Rules

Date in parentheses indicates when rules were filed with the Legislative Research Council.
Copies of proposed rules may be obtained for no charge at <https://rules.sd.gov> or from the agency directly.

South Dakota Board of Water and Natural Resources (Department of Agriculture and Natural Resources):

(February 21, 2023) intends to amend rules to increase the minimum wastewater rate required for an applicant to receive principle forgiveness on a loan; establish minimum rates required to receive principal forgiveness from the new Emerging Contaminants funding; provide the board authority for projects that are subject to the Build America, Buy American procurement requirements to offer a reduced interest rate on a loan; adjust the median household income thresholds established in affordability criteria; revise the items required to be submitted with an application in order to be considered complete; update or correct references to the Clear Water Act authorizing legislation, census data, and state statutes; increase the minimum water rate required for an applicant to receive principle forgiveness on a loan; establish minimum rates required to receive principal forgiveness from the new Emerging Contaminants and Lead Service Line Replacement funding; define emerging contaminants; increase the eligible water systems that can access Emerging Contaminants and Lead Service Line Replacement funding; revise the priority points by providing points to projects addressing emerging contaminants, adjusting the affordability criteria, expanding the types of projects receiving points for projects developing a new water source, increasing points for the removal of lead lines, and redefining line replacement projects receiving priority points; provide projects that are using the Lead Service Line Replacement funding a loan with no interest; update or correct references to the Safe Drinking Water Act authorizing legislation, census data, and state statutes; and make minor grammatical changes. The general authority for these rules, as cited by the department, is SDCL 46A-1-60.1, 46A-1-60.2, and 46A-1-60.3.

A public hearing will be held at the Floyd Matthew Training Center, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on March 30, 2023, at 10:00 a.m. (CT). Copies of the proposed rules may be obtained without charge from the Department of Agriculture and Natural Resources, Division of Financial and Technical Assistance, 523 East Capitol, Pierre, South Dakota, 57501. Written comments may be sent to the Board of Water and Natural Resources, Department of Agriculture and Natural Resources, 523 East Capitol, Pierre, South Dakota, 57501, or submitted online at <https://danr.sd.gov/public/default.aspx>. The deadline to submit written comments for consideration is seventy-two hours before the date of the public hearing. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-5559 or email Brian.Pontious@state.sd.us at least 48 hours prior to the hearing.

SCHEDULED PUBLIC HEARINGS

3-9-2023	<u>Department of Game, Fish and Parks:</u> Amend rules to designate Newton Hills State Park, Rocky Point Recreation Area, and Lake Poinsett Recreation Area as shotgun with shotshells and archery-hunting only parks; designate Revheim Bay Recreation Area as an archery-hunting only area; expand the no
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	boating safety zone near the dam on Angostura Reservoir; require any archery hunter who is hunting public land to first obtain an access permit; expand deer and mourning dove hunting opportunities within the portions of Oahe Downstream Recreation Area west of Highway 1806; modify the number and type of archery deer licenses available to nonresidents; modify the application date for when a nonresident could obtain a public land archery deer license; modify the number and types of archery licenses available to archery deer hunters; modify the archery deer application requirements to require nonresidents to provide the name and contact information from a landowner from whom they've received permission to hunt; modify the number of nonresident archery antelope licenses available and create a lottery for drawing; require nonresidents who obtain a private land license to provide they name and contact information of the South Dakota landowner from whom they've received permission to hunt; and close the mountain goat season; 49 SDR 72, February 21, 2023.
3-14-2023	<u>South Dakota Commission on Gaming (Department of Revenue)</u> : Amend rules to clarify the minimum requirements for supervision of gaming floors to prevent minors from wagering and to ensure minors do not remain in close physical proximity to gaming tables and devices; address repeated instances of minors being in close physical proximity to gaming devices for extended periods of time; authorize a new variation of an existing table side bet and pay table; authorize a new variation of craps known as Dice-Ology; allow the commission to utilize testing conducted for other jurisdictions on equipment and systems utilized for sports wagering; and adjust timeframes for when a system integrity and security risk assessment may be conducted; 49 SDR 72, February 21, 2023.
3-15-2023	<u>State Board of Elections (Office of the Secretary of State)</u> : Amend a rule to update the voter registration form in accordance with Rosebud Sioux Tribe, et. al. v. Steve Barnett, in his official capacity as Secretary of State, et. al. CIV. No. 5:20-CV-5058 (D.S.D. May 17, 2022); 49 SDR 70, February 13, 2023.
3-30-2023	<u>South Dakota Board of Water and Natural Resources (Department of Agriculture and Natural Resources)</u> : Amend rules to increase the minimum wastewater rate required for an applicant to receive principle forgiveness on a loan; establish minimum rates required to receive principal forgiveness from the new Emerging Contaminants funding; provide the board authority for projects that are subject to the Build America, Buy American procurement requirements to offer a reduced interest rate on a loan; adjust the median household income thresholds established in affordability criteria; revise the items required to be submitted with an application in order to be considered complete; update or correct references to the Clear Water Act authorizing legislation, census data, and state statutes; increase the minimum water rate required for an applicant to receive principle forgiveness on a loan; establish minimum rates required to receive principal forgiveness from the new Emerging Contaminants and Lead Service Line Replacement funding; define emerging contaminants; increase the eligible water systems that can access Emerging Contaminants and Lead Service Line Replacement funding; revise the priority points by providing points to projects addressing emerging contaminants, adjusting the affordability criteria, expanding the types of projects receiving points for projects developing a new water source, increasing points for the removal of lead lines, and redefining line replacement projects receiving priority points; provide projects that are using the Lead Service Line Replacement funding a loan with no interest; update or correct references to the Safe Drinking Water Act authorizing legislation, census data, and state statutes; and make minor grammatical changes; 49 SDR 74, February 27, 2023.

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will hold an organizational meeting for the 2023 Interim on Tuesday, February 28, 2023, at noon (CT) in Room 464 of the Capitol. Find notices of committee meetings in this publication, on the [LRC website](#), and at the Capitol. The Drafting Manual for Administrative Rules in South Dakota is available on the [Administrative Rules Manual page](#) of the LRC website and is updated regularly to reflect changes in drafting styles and procedures.