



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 Weed and Pest Control Commission (Department of Agriculture and Natural Resources): (March 7, 2023) intends to amend a rule to add wild parsnip to the local noxious weed and declared pest list. The general authority for these rules, as cited by the commission, is SDCL 38-22-9 and 38-22-11.1.

A public hearing will be held at the SDSU Regional Extension Center, 412 West Missouri Avenue, Pierre, South Dakota, on April 18, 2023, at 1:00 p.m. (CT). Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, the Department of Agriculture and Natural Resources, Division of Resource Conservation and Forestry, Plant Industry Program, 523 East Capitol Avenue, Pierre, South Dakota 57501. Comments may also be emailed to Brenda.Sievers@state.sd.us. Material sent by mail or email must reach the department by April 17, 2023, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3623 at least 48 hours before the public hearing.

Civil Service Commission (Bureau of Human Resources): (March 9, 2023) intends to amend rules to better define employee types and amend the paid family leave program. The general authority for these rules, as cited by the commission, is SDCL 3-6C-3, 3-6C-5, 3-6C-7, 3-6C-7.1, 3-6C-18, 3-6D-7, 3-6D-10, 3-6D-11, and 3-6D-14.

A public hearing will be held in Room B20, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota, on April 4, 2023, at 1:30 p.m. (CT). Interested parties may also attend via [Zoom](#) or by calling (253) 205-0468 and using meeting ID 950 5103 4210 and passcode 705760. Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, the Civil Service Commission, c/o South Dakota Bureau of Human Resources, Room 110, 500 East Capitol Avenue, Pierre, South Dakota 57501-1234. Comments may also be emailed to BHRInfo@state.sd.us. Material sent by mail or email must reach the commission by March 31, 2023, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the commission can make arrangements may call (605) 773-3148 at least 48 hours before the public hearing.

State Dakota State Fair (Department of Agriculture and Natural Resources): (March 10, 2023) intends to amend a rule to increase gate admission for the South Dakota State Fair. The general authority for this rule, as cited by the department, is SDCL 1-21-10 (17).

A public hearing will be held at the Nordby Exhibit Hall, South Dakota State Fairgrounds, 1060 3rd Street Southwest, Huron, South Dakota, on April 6, 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, State Fair Division, 1060 3rd Street Southwest, Huron, South Dakota 57350. Written comments may be sent to the Department of Agriculture and Natural Resources, 523 East Capitol, Pierre, South Dakota, 57501-1234 or by email to peggy.besch@state.sd.us. The deadline to submit written comments for

consideration is April 16, 2023. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 353-7340 at least 48 hours prior to the hearing.

Petition for Rules

The **Department of Game, Fish and Parks** on March 9, 2023, served on the Interim Rules Review Committee and director of the Legislative Research Council seven tranches of petitions received from interested persons, per [SDCL 1-26-13](#), to amend or create administrative rule as follows: adjust the preference point structure for applicants 70 years of age or older regarding elk and bighorn sheep permits ([ARSD 41:06:01:10](#)); change the daily limit of yellow perch caught East River ([ARSD 41:07:03:01](#)); create a rule which would specify when elk draw results are to be finalized ([ARSD 41:06:01](#)); split Corson County into two west river deer hunting units ([ARSD 41:06:20:02](#)); allow paddlefish take below Fort Randall Dam ([ARSD 41:07:05:02](#)); and change the deer drawing structure ([ARSD 41:06:01:08](#)). The [Game, Fish and Parks Commission](#) reviewed the petitions at its March 9, 2023, meeting.

SCHEDULED PUBLIC HEARINGS

3-14-2023	South Dakota Commission on Gaming (Department of Revenue) : 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	State Board of Elections (Office of the Secretary of State) : 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	South Dakota Board of Water and Natural Resources (Department of Agriculture and Natural Resources) : 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.
4-4-2023	Civil Service Commission (Bureau of Human Resources) : Amend rules to better define employee types and amend the paid family leave program; 49 SDR 8, March 13, 2023.
4-6-2023	State Dakota State Fair (Department of Agriculture and Natural Resources) : Amend a rule to increase gate admission for the South Dakota State Fair; 49 SDR 78, March 13, 2023.

4-17-2023	<u>South Dakota Board of Education Standards (Department of Education)</u> : Amend rules to create a student teach permit and advanced student teacher permit; 49 SDR 76, March 6, 2023.
4-18-2023	<u>South Dakota Weed and Pest Control Commission (Department of Agriculture and Natural Resources)</u> : Amend a rule to add wild parsnip to the local noxious weed and declared pest list; 49 SDR 78, March 13, 2023.
4-24-2023	<u>Office of the Attorney General</u> : Adopt rules to provide information about the form to be used by law enforcement agencies to file a forfeiture report, the deadline to submit a forfeiture report, and the procedures necessary to submit the report; 49 SDR 76, March 6, 2023.

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee met March 6, 2023, to determine the 2023 Interim schedule. The following meeting schedule has been set for the 2023 Interim: April 11, May 2, June 13, July 18, August 8, September 12, and November 7. 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.