

REGISTER



South Dakota Legislative Research Council

Volume 45

Monday, 8:00 a.m., September 17, 2018

GET COPIES OF PROPOSED RULES AND OTHER INFORMATION AT NO CHARGE at <https://rules.sd.gov> or by contacting the agency directly via the means outlined in their notice of hearing.

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

Notice of Proposed Rules: (The date in parentheses is the date the rules were filed with the Legislative Research Council.)

Department of Game, Fish and Parks: (September 13, 2018) intends to amend rules to restrict applicants for East River, West River, Black Hills, or Muzzleloader deer hunting seasons to submitting no more than one license application for the combined drawing for these seasons; establish a drawing structure in which applicants have to choose a preferred license in either the special buck drawing or the first combined drawing of the East River, West River, Black Hills, or Muzzleloader deer hunting seasons; allow applicants a choice to use preference points for leftover licenses in the first three combined deer drawings; allow for an elk license to be made for a raffle conducted by a nonprofit organization; eliminate the definition of "liberalized fishing" and create a definition for "possession limit"; repeal the liberalized fishing waters restriction; eliminate the license and fee requirement for game fish spearing and archery fishing; remove the closed fishing season for game fish during the spring; repeal rules regulating liberalized fishing; eliminate restrictions on waters in Codington, Hamlin, Day, Marshall, Roberts, and Lake Counties;

eliminate the daily harvest restriction of 25 white bass and rock bass, and make the daily limit and possession limited unlimited for inland waters; eliminate the 15 inch minimum requirement for large and small mouth bass except on Lake Yankton and Burke Lake; eliminate or revise length limits for certain fish caught on special management waters; remove the reference to snagging being allowed as a method of take on waters where liberalized fishing rules are in place; allow for the use of a legal bow and arrow to take a paddlefish on Lake Francis Case during the established annual paddlefish snagging season; allow for the use of a legal crossbow and spear guns to take fish and expand the season to year-round; eliminate the requirement to purchase a game fish spearing and archery fishing permit and expand the areas and times in which spearing can take place; change the SD-NE boundary waters gamefish spearing and archery season from July 1 through November 30 to July 1 through December 31; allow the taking of gamefish below Gavins Point Dam on the Missouri River by spearing and archery during established season dates; expand the areas where spearing and bowfishing are prohibited to include the Lewis and Clark and Angostura marinas; add the starry stonewort to the list of plants that are considered aquatic invasive species; allow for the commercial harvest and landowner removal of certain aquatic invasive species; authorize the department secretary to allow for instances in which removal of all water from a boat would not be required prior to leaving a boat ramp parking area; and add Lake Yankton to the list of lakes designated as containment waters. The general authority for these rules, as cited by the department, is

SDCL §§ 41-2-18, 41-6-10, 41-6-21, and 41-6-37.1.

A public hearing will be held at the Cadillac Jack's Springhill Suites, 360 Main Street, Deadwood, South Dakota, on October 4, 2018, at 2:00 p.m. MT. Copies of the rules may be obtained without charge from and written comments sent to the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 E. Capitol, Pierre, SD 57501. The rules are also available online at <https://rules.sd.gov>; comments may be submitted on the department website at <http://gfp.sd.gov/forms/positions>. Material sent by mail or email must reach the department at least 72 hours prior to the date of the hearing 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) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf).

Department of Health: (September 13, 2018) intends to amend rules to allow air ambulance services to transport critical care patients by ground under specific circumstances. The general authority for these rules, as cited by the department, is SDCL § 34-11-5.

A public hearing will be held at the South Dakota State Health Laboratory, Room 102, 615 East Fourth Street, Pierre, South Dakota, on October 12, 2018, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Health, 600 E. Capitol, Pierre, SD 57501. They are also available online at <https://doh.sd.gov/News> or <https://rules.sd.gov>. Material sent by mail and electronic comments must reach the department by October 22, 2018, 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) 773-3361 at least 48 hours before the public hearing.

Department of Human Services: (September 13, 2018) intends to amend rules to reflect new federal mandates in the CHOICES waiver services program. The general authority for these rules, as cited by the department, is SDCL § 27B-2-26.

A public hearing will be held in the Large Conference Room, Hillsvie Plaza, 3800 East Hwy 34, Pierre, South Dakota, on October 17, 2018, at 1:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Human Services, Hillsvie Plaza, 3800 E. Hwy 34, c/o 500 E. Capitol, Pierre, SD 57501. Material sent by mail must reach the department by 5:00 p.m. CT on October 29, 2018, 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) 773-5990 or (605) 773-6412 (TTY) at least 48 hours before the public hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)

NOTE REGARDING ADOPTED 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 the Department of Labor and Regulation for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

<p>9-17-2018</p>	<p>Department of Education: South Dakota Board of Education Standards: Amend rules to remove the requirements for paraprofessional educators to obtain and renew state-issued certificates; 45 SDR 30, August 27, 2018.</p>
<p>9-21-2018</p>	<p>Department of Labor and Regulation: South Dakota Board of Technical Professions: Amend rules to update terms to match recent changes made by the National Council of Architectural Registration Boards regarding education tracking, and update when a seal is required to be used by a licensee; 45 SDR 34, September 4, 2018.</p>
<p>9-24-2018</p>	<p>Department of Transportation: Amend rules to reduce a 50 miles per hour speed zone on State Trunk Highway 81 in and around Watertown to 45 miles per hour, and extend it further south on State Trunk Highway 81; 45 SDR 34, September 4, 2018.</p>
<p>10-2-2018</p>	<p>Department of Agriculture: Amend rules to allow quarantines to be established in South Dakota to combat the spread of emerald ash borer; 45 SDR 30, August 27, 2018.</p>
<p>10-4-2018</p>	<p>Department of Game, Fish and Parks: Amend rules to restrict applicants for East River, West River, Black Hills, or Muzzleloader deer hunting seasons to submitting no more than one license application for the combined drawing for these seasons; establish a drawing structure in which applicants have to choose a preferred license in either the special buck drawing or the first combined drawing of the East River, West River, Black Hills, or Muzzleloader deer hunting seasons; allow applicants a choice to use preference points for leftover licenses in the first three combined deer drawings; allow for an elk license to be made for a raffle conducted by a nonprofit organization; eliminate the definition of "liberalized fishing" and create a definition for "possession limit"; repeal the liberalized fishing waters restriction; eliminate the license and fee requirement for game fish spearing and archery fishing; remove the closed fishing season for game fish during the spring; repeal rules regulating liberalized fishing; eliminate restrictions on waters in Codington, Hamlin, Day, Marshall, Roberts, and Lake Counties; eliminate the daily harvest restriction of 25 white bass and rock bass, and make the daily limit and possession limited unlimited for inland waters; eliminate the 15 inch minimum requirement for large and small mouth bass except on Lake Yankton and Burke Lake; eliminate or revise length limits for certain fish caught on special management waters; remove the reference to snagging being allowed as a method of take on waters where liberalized fishing rules are in place; allow for the use of a legal bow and arrow to take a paddlefish on Lake Francis Case during the established annual paddlefish snagging season; allow for the use of a legal crossbow and spear guns to take fish and expand the season to year-round; eliminate the requirement to purchase a game fish spearing and archery fishing permit and expand the areas and times in which spearing can take place; change the SD-NE boundary waters gamefish spearing and archery season from July 1 through November 30 to July 1 through December 31; allow the taking of gamefish below Gavins Point Dam on the Missouri River by spearing and archery during established season dates; expand the areas where spearing and bowfishing are prohibited to include the Lewis and Clark and Angostura marinas; add the starry stonewort to the list of plants that are considered aquatic invasive species; allow for the commercial harvest and landowner removal of certain aquatic invasive species; authorize the department secretary to allow for instances in which</p>

	removal of all water from a boat would not be required prior to leaving a boat ramp parking area; and add Lake Yankton to the list of lakes designated as containment waters; 45 SDR 39, September 17, 2018.
10-10-2018	Department of Environment and Natural Resources: Amend rules to increase the air fees assessed to businesses that are applicable to the Title V air quality permitting program; 45 SDR 37, September 10, 2018.
10-12-2018	Department of Health: Amend rules to allow air ambulance services to transport critical care patients by ground under specific circumstances; 45 SDR 40, September 17, 2018.
10-17-2018	Department of Human Services: Amend rules to reflect new federal mandates in the CHOICES waiver services program; 45 SDR 40, September 17, 2018.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2018 Interim is September 17, 2018, at 10:00 a.m. in Room 414 of the State Capitol. The final scheduled meeting for the 2018 interim will be November 13.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://www.sdlegislature.gov/Rules/RulesManual.aspx>.