

# REGISTER



## South Dakota Legislative Research Council

Volume 36

Tuesday, 8:00 a.m., February 16, 2010

**NOTICES 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:** (February 12, 2010) intends to amend Public Water Zoning rules to repeal the "no motors over 25 h. p. zone" on Putney Slough Game Production Area (Brown County); repeal the "no motors over 8 h. p. zone" on the waters of Blythe Slough (Codington County); and establish a "no motors zone" and "no swimming zone" on the waters of Family Park (Minnehaha County); amend Refuges rules to remove portions of the current refuge designation for the Chamberlain State Waterfowl Refuge and create two separate state waterfowl refuges; and remove the entire refuge designations of the Elm Creek, Buryanek, and Platte State Waterfowl Refuges; amend Special Buck Licenses rules to increase East River resident special buck licenses from 400 to 500 licenses; make available the opportunity to purchase a preference point for the West River Special Any Deer License by establishing a unit with no licenses (WSD-ZZ1); and make available the opportunity to purchase a preference point for the East River Special Any Deer License by establishing a unit with no licenses (ESD-ZZ1); and amend Raptors rules to adopt by reference the new federal regulations as promulgated by the U.S. Fish and Wildlife Service in 50 C.F.R. Part 21 thereby making the falconry standards in South Dakota the same as the federal regulations. This recommendation would change the current falconry program by revising the take season for the trapping of passage raptors from between September 21 and January 31 to between August 1 and March 31 (eyas may be taken between May 1 and July

31), and all administrative duties and permitting now will be the responsibility of the Wildlife Division; applications and permits will no longer have to be approved by the U.S. Fish & Wildlife Service. The general authority for these rules, as cited by the department, is SDCL 32-3A-1, 41-2-18, and 41-6-21.

A public hearing will be held at Floyd Matthews Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on March 4, 2010, at 2:00 p.m. (CST). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol Avenue, 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 [chuck.schlueter@state.sd.us](mailto:chuck.schlueter@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.

### FILINGS IN THE SECRETARY OF STATE'S OFFICE:

**DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF INSURANCE:** 20:06:18:01, 20:06:18:03, 20:06:18:03.01, 20:06:18:04, 20:06:18:05, 20:06:18:20; 20:06:39:41; 20:06:40:28; and

20:06:48:22.

History-Notice: 36 SDR 99, Nov. 30, 2009  
 Hearing: December 22, 2009  
 Filed: February 8, 2010  
 Effective: March 1, 2010

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**

<p>3-4-2010</p>	<p>Game, Fish and Parks</p>	<p>Amend Public Water Zoning rules to repeal the "no motors over 25 h. p. zone" on Putney Slough Game Production Area (Brown County); repeal the "no motors over 8 h. p. zone" on the waters of Blythe Slough (Codington County); and establish a "no motors zone" and "no swimming zone" on the waters of Family Park (Minnehaha County); amend Refuges rules to remove portions of the current refuge designation for the Chamberlain State Waterfowl Refuge and create two separate state waterfowl refuges; and remove the entire refuge designations of the Elm Creek, Buryanek, and Platte State Waterfowl Refuges; amend Special Buck Licenses rules to increase East River resident special buck licenses from 400 to 500 licenses; make available the opportunity to purchase a preference point for the West River Special Any Deer License by establishing a unit with no licenses (WSD-ZZ1); and make available the opportunity to purchase a preference point for the East River Special Any Deer License by establishing a unit with no licenses (ESD-ZZ1); and amend Raptors rules to adopt by reference the new federal regulations as promulgated by the U.S. Fish and Wildlife Service in 50 C.F.R. Part 21 thereby making the falconry standards in South Dakota the same as the federal regulations. This recommendation would change the current falconry program by revising the take season for the trapping of passage raptors from between September 21 and January 31 to between August 1 and March 31 (eyas may be</p>
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		taken between May 1 and July 31), and all administrative duties and permitting now will be the responsibility of the Wildlife Division; applications and permits will no longer have to be approved by the U.S. Fish & Wildlife Service; 36 SDR 127.
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### **RULES REVIEW COMMITTEE MEETINGS**

The Interim Rules Review Committee will have an informal meeting near the close of the Eighty-fifth Legislative Session to set the tentative meeting schedule for the 2010 interim. Watch for a notice of this informal meeting on the LRC website and at the Capitol.

**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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