

# REGISTER



## *South Dakota Legislative Research Council*

*Volume 43*

*Monday, 8:00 a.m., September 19, 2016*

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### **FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:**

**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:*** (September 14, 2016) intends to amend Depredation Permits rules to combine the elk depredation hunt registration and selection process with the deer, antelope and turkey registration and selection process; require online registration for all depredation hunts; require that landowners receiving big game depredation assistance must allow hunting access to hunters that possess a big game depredation permit without charge; enable the GFP Commission by resolution to determine the number of elk depredation permits and authorize the Secretary to issue permits where appropriate; allow elk depredation hunts to be utilized throughout the year if deemed necessary; establish a process whereby hunters who register for the elk pool from December 1 – 31 will be randomly selected to determine the order in which they are contacted if a depredation hunt is needed and after December 31, additional hunters will be registered in the pool in the order that they enroll; limit those who may register for an elk depredation hunt to only residents who were not issued an elk license from the current regular elk drawing; establish a \$20 fee for an elk depredation permit with no charge for landowner permits; limit the maximum number of landowner/operator elk depredation permits that may be issued to one per household or ranch; authorize elk depredation hunts to be utilized in an established elk hunting unit as well as areas outside an established elk hunting

unit; establish that elk depredation hunts will not occur within an established elk hunting unit during any open elk hunting season; provide that landowner preference or preference points do not apply to the issuance of elk depredation permits; provide that participation in an elk depredation hunt does not affect future eligibility or preference points in future lottery drawings for elk seasons; provide that the nine year waiting period does not apply to a person who registers for an elk depredation permit; and provide that the pool of registered elk depredation hunters expires on December 31 of the following year; repeal the chapter regarding Elk Depredation Permits rules and combine/consolidate it with the general rule chapter pertaining to issuance of depredation permits; amend Fishing Seasons and Methods rules to allow for baitfish use within the Black Hills Management Area and remove high-grading regulations specific to South Dakota/Minnesota border waters and replace them with the South Dakota inland regulations; provide authorization for landowners to perform fisheries management activities on created, man-made impoundments on land they own or lease; remove the 15 inch minimum size restrictions for black bass (largemouth and smallmouth bass) on Carthage, Dimock, Vermillion, Hanson and Staum Lakes; remove the 14 to 18 inch protected slot limit for black bass on Enemy Swim and Pickerel Lakes; and remove the 15 inch minimum size restriction for walleye and the 14 to 18 inch protected slot limit for black bass from Campbell Sough; reopen a snagging season for salmon on Lake Oahe during the months of October and November; clarify the hours during which snagging of paddlefish can occur on portions of the Big Sioux River included in the fall

paddlefish snagging season; lengthen the spearing/archery season for game fish (except paddlefish and sturgeon) in inland waters open to game fish spearing from current dates of June 15 through March 15 to May 1 through March 31, inclusive; change hours from sunrise to sunset to one-half hour before sunrise to sunset; add crossbows as a legal method of take for game fish on inland and border waters; open all inland waters (including rivers and streams during open seasons), except those managed for muskies or closed elsewhere in administrative rule, to take of catfish and northern pike during established season dates; close Middle Lynn Lake to the spearing of catfish and northern pike; and open Waubay and Bitter Lakes in Day County, Swan and Dry #2 Lakes in Clark County, Albert, Henry, Thompson and Whitewood Lakes in Kingsbury County, to spearing of all game fish except paddlefish and sturgeon during established season dates; allow non-commercial take of bait in the Black Hills Fish Management Area except from Pactola, Deerfield and Sheridan Lakes; amend Special Permits and Licenses rules to allow fish health inspections to be conducted according to the "World Animal Health Organization (OIE) Aquatic Code 19<sup>th</sup> Edition, 2016" or according to the American Fisheries Society Fish Health Section's "Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens, 2014 Edition;" establish an application fee for fishing tournaments based upon a fee schedule with the applicable fee to increase as the number of tournament boats/participants increases and provide that participation in a non-permitted fishing tournament is a violation of rule. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-6-21, 41-6-29.1, and 42-8-1.1.

A public hearing will be held at the Wrangler Inn, 820 W. Grand Crossing, Mobridge, South Dakota, on October 6, 2016, at 2:00 p.m. CDT. Copies of the proposed rules may be obtained from and written comments sent to the office of

the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Copies of the proposed rules are also available at: <https://rules.sd.gov/>. 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. on the date of the hearing. Comments may also be sent by email to either [wildinfo@state.sd.us](mailto:wildinfo@state.sd.us) or [gfpadminrules@state.sd.us](mailto:gfpadminrules@state.sd.us). All written and email comments must include the commenter's name, home town/city, and state. 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) before the hearing.

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

##### **Executive Order:**

The Governor has signed **Executive Order 2016-06** dated September 14, 2016. This order declares that the Watertown Readiness Center is renamed the Brigadier General Ernie Edwards Readiness Center to honor this outstanding leader for his success, sacrifice and years of dedicated service to our state and nation.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov/>. 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**

<b>9-20-2016</b>	<b>Department of Education: Board of Education</b> Amend rules to add private, non-profit entities that provide specialized career and technical services and education to the list of eligible recipients for Workforce Education Grants; 43 SDR 21, August 15, 2016.
<b>9-1-2016 Date Changed to 9-21-2016</b>	<b>Bureau of Administration: Obligation Recovery Center</b> Adopt rules to establish specific procedures that must be followed by the Obligation Recovery Center in handling debt and by any state agency, Unified Judicial System, Board of Regents, or constitutional office that refers debt to the Obligation Recovery Center; 43 SDR 21, August 15, 2016.
<b>9-26-2016</b>	<b>Department of Transportation</b> Amend Speed Limits in Codington County on U.S. Highway 81 beginning 1.13 miles south of the junction of U. S. Highway 212 and U.S. Highway 81, then north for 0.7 mile is being reduced from 50 mph to 35 mph; in Custer County, the 35 mph speed limit on State Trunk Highway 36 beginning at the junction of U.S. Highway 16A near the east gate of Custer State Park, then northeasterly for 0.5 mile is being extended an additional 0.2 mile, the speed limit on U.S. Highway 385 and State Trunk Highway 89 beginning at the junction with U.S. Highway 16 in Custer, then south for 0.2 mile is being reduced from 45 mph to 35 mph; repeal a redundant speed limit on U.S. Highway 385 and State Highway 89; amend a speed limit on U.S. Highway 16 and U.S. Highway 385 beginning at the junction of U.S. Highway 16 and 385 in the west part of the city of Custer, then easterly to the intersection of Third Street is being reduced to 25 mph; and amend a Rest Area Newspaper Vending Devices rule to require the owner of a newspaper vending device at an interstate rest area to display a clear and visible notice on the device that identifies the name, mailing address, and telephone number of the person responsible for refunds and for the day-to-day operation and maintenance of the devices and display a clearly visible statement that rest area personnel are not responsible for refunds; 43 SDR 35, September 6, 2016.
<b>9-26-2016</b>	<b>Department of Labor and Regulation: Division of Securities</b> Amend rules to delete references to citations that were previously repealed and delete the Standard & Poor's Corporation Descriptions manual from the list of approved manuals; 43 SDR 41, September 12, 2016.
<b>10-6-2016</b>	<b>Department of Game, Fish, and Parks</b> Amend Depredation Permits rules to combine the elk depredation hunt registration and selection process with the deer, antelope and turkey registration and selection process; require online registration for all depredation hunts; require that landowners receiving big game depredation assistance must allow hunting access to hunters that possess a big game depredation permit without charge; enable the GFP Commission by resolution to determine the number of elk depredation permits and authorize the Secretary to issue permits where appropriate; allow elk depredation hunts to be utilized throughout the year if deemed necessary; establish a process whereby hunters who register for the elk pool from December 1 – 31 will be randomly selected to determine the order in which they are contacted if a depredation hunt is needed and after December 31, additional hunters will be registered in the pool in the order that they enroll; limit those who may register for an elk depredation hunt to only residents who were not issued an elk license from the current regular elk drawing; establish a \$20 fee for an elk depredation permit with no charge for landowner permits; limit the maximum number of landowner/operator elk depredation

	<p>permits that may be issued to one per household or ranch; authorize elk depredation hunts to be utilized in an established elk hunting unit as well as areas outside an established elk hunting unit; establish that elk depredation hunts will not occur within an established elk hunting unit during any open elk hunting season; provide that landowner preference or preference points do not apply to the issuance of elk depredation permits; provide that participation in an elk depredation hunt does not affect future eligibility or preference points in future lottery drawings for elk seasons; provide that the nine year waiting period does not apply to a person who registers for an elk depredation permit; and provide that the pool of registered elk depredation hunters expires on December 31 of the following year; repeal the chapter regarding Elk Depredation Permits rules and combine/consolidate it with the general rule chapter pertaining to issuance of depredation permits; amend Fishing Seasons and Methods rules to allow for baitfish use within the Black Hills Management Area and remove high-grading regulations specific to South Dakota/Minnesota border waters and replace them with the South Dakota inland regulations; provide authorization for landowners to perform fisheries management activities on created, man-made impoundments on land they own or lease; remove the 15 inch minimum size restrictions for black bass (largemouth and smallmouth bass) on Carthage, Dimock, Vermillion, Hanson and Staum Lakes; remove the 14 to 18 inch protected slot limit for black bass on Enemy Swim and Pickerel Lakes; and remove the 15 inch minimum size restriction for walleye and the 14 to 18 inch protected slot limit for black bass from Campbell Sough; reopen a snagging season for salmon on Lake Oahe during the months of October and November; clarify the hours during which snagging of paddlefish can occur on portions of the Big Sioux River included in the fall paddlefish snagging season; lengthen the spearing/archery season for game fish (except paddlefish and sturgeon) in inland waters open to game fish spearing from current dates of June 15 through March 15 to May 1 through March 31, inclusive; change hours from sunrise to sunset to one-half hour before sunrise to sunset; add crossbows as a legal method of take for game fish on inland and border waters; open all inland waters (including rivers and streams during open seasons), except those managed for muskies or closed elsewhere in administrative rule, to take of catfish and northern pike during established season dates; close Middle Lynn Lake to the spearing of catfish and northern pike; and open Waubay and Bitter Lakes in Day County, Swan and Dry #2 Lakes in Clark County, Albert, Henry, Thompson and Whitewood Lakes in Kingsbury County, to spearing of all game fish except paddlefish and sturgeon during established season dates; allow non-commercial take of bait in the Black Hills Fish Management Area except from Pactola, Deerfield and Sheridan Lakes; amend Special Permits and Licenses rules to allow fish health inspections to be conducted according to the "World Animal Health Organization (OIE) Aquatic Code 19<sup>th</sup> Edition, 2016" or according to the American Fisheries Society Fish Health Section's "Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens, 2014 Edition;" establish an application fee for fishing tournaments based upon a fee schedule with the applicable fee to increase as the number of tournament boats/participants increases and provide that participation in a non-permitted fishing tournament is a violation of rule; 43 SDR 45, September 19, 2016.</p>
<p><b>10-18-2016</b></p>	<p><b>Office of the Secretary of State: Board of Finance</b>                  Amend rules to remove the signature definition in order to facilitate electronic signatures, update an obsolete statute reference, and change the minimum salary grade threshold to match the current general pay structure; 43 SDR 35, September 6, 2016.</p>

**RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held on Monday, September 26, 2016, in Room 414, Fourth Floor of the State Capitol. Other DDN sites will be: Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145 and Spearfish – Black Hills State University, 1200 University Station, Room Lib 009. The committee chair has set the following meeting schedule for the 2016 Interim: November 14.

**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>.

