



SouthDakota

# Legislative Research Council

## Rules Review Committee Agenda

Senator Mike Vehle, Chair  
Representative Timothy Johns, Vice Chair

Three hundred fifty-third meeting  
Monday  
November 9, 2015

Room 414  
State Capitol  
Pierre, South Dakota

**Other DDN Site Locations:**

SD School of Mines & Technology  
501 E. St. Joseph St., Room CB 109  
Rapid City, South Dakota

University Center  
4801 N. Career Ave., Room FADM 145  
Sioux Falls, South Dakota

Department of Transportation  
1306 W. 31<sup>st</sup> St.  
Yankton, South Dakota

**Agencies are asked to have a representative present at the meeting  
to give background information on their rules.**

10:00 a.m. CT Call to order, roll call, approval of minutes, and staff report  
9:00 a.m. MT

Review of proposed rules

**Senator Vehle**

Department of Game, Fish and Parks – Amend Mountain Lion Hunting Season and License Forms and Fees rules to modify the mountain lion harvest limit for the Black Hills Fire Protection District (including Custer State Park), establish a nonresident mountain lion hunting license at a fee of \$121 (includes \$6 surcharge), authorize the issuance of nonresident mountain lion hunting licenses (excluding Custer State Park), and amend the use of dogs for hunting mountain lions in Custer State Park; amend General Provisions (Fishing Seasons and Methods) rules to change the name of the "Black Hills Trout Management Area" to the "Black Hills Fish Management Area," correct the boundary description of the Black Hills Fish Management Area, and adopt a rule to allow white bass to be declared rough fish for the purpose of contracted commercial fishing; amend Fish Limits rules to change white bass limits on Nebraska border waters to match those of Nebraska, remove the restriction allowing only largemouth and smallmouth bass that are less than 14 inches in length or 18 inches or greater in length to be harvested from Lake Cochrane in Deuel County and Waubay Lake in Day County, remove the 15 inch minimum length restriction exemption in July and August for walleye from Ft. Randall Dam down to the South Dakota-Nebraska state line on the Missouri River,

remove the 15 inch minimum length restriction for walleye from the Cattail/Kettle Lake Complex in Marshall County and Bitter Lake in Day County, remove the 15 inch minimum length restriction and remove the two fish daily limit restriction for walleye from Opitz Lake in Day and Marshall Counties, add a 15 inch minimum length restriction for largemouth and smallmouth bass in Bismarck Lake, Custer County, change the name of the "Black Hills Trout Management Area" to the "Black Hills Fish Management Area", and allow removal of fish eyes for use as bait while on the water and specify that the requirement that fish remain whole while on the water only applies to gamefish; amend a Paddlefish Snagging rule to allow snagging of paddlefish on the Big Sioux River during the October paddlefish season below Gavins Point Dam and delete language in current rule which provides that "Any paddlefish tag that is locked closed before attachment or that is altered or modified in any way is void and may not be replaced."; amend a Spearing rule to change the archery paddlefish season below Gavins Point Dam to run from June 1 through June 30; amend a Bait rule to change the name of the "Black Hills Trout Management Area" to the "Black Hills Fish Management Area;" amend a Bobcat Trapping and Hunting Season rule to add Clay, Hughes, Hutchinson, Hyde and Union counties to the open area for the East River season; and amend a Private Fish Hatcheries rule to require an applicant for renewal of a private aquaculture license to include a copy of the aquaculture facility's previous year's fish health inspection results with each license renewal application as a condition of renewal of the license.

Department of Transportation – Amend a Hughes County speed zone on U.S. Highway 14 and U.S. Highway 83 in Pierre beginning at Fourth Street northeasterly for .065 mile, 35 mph, then northeasterly for 3.2 miles, 55mph; and on U.S. Highway 14 and U.S. Highway 83 Truck Bypass in Pierre, beginning at the junction with State Trunk Highway 34, then north for 2.19 miles, 35 mph, then north to its junction with U.S. Highway 14 and U.S. Highway 83, 45 mph.

### **Representative Johns**

Department of Education: Board of Education – Amend a Certification rule to increase educator certification application fees effective July 1, 2016, and clean up language in the section.

### **Senator Bradford**

Department of Labor and Regulation: Division of Insurance – Amend rules to update the insurance holding companies reporting requirements and amend rules regarding certificates of creditable coverage.

Department of Revenue: Commission on Gaming – Amend Gaming rules to add a definition for House Banked Table Games; add new versions of blackjack to the list of authorized blackjack games; include within the authorized games of poker new games adopted by the Commission; authorize a variation of Mississippi Stud poker; create a new variation of poker known as Flushes Gone Wild; and create a variation of poker known as Hot Poker Spot.

### **Representative Gibson**

Department of Health: Board of Dentistry – Amend rules to remove obsolete provisions and references; update references; update permits to administer general anesthesia and

deep sedation, moderate sedation, nitrous oxide inhalation analgesia, local anesthesia and permits to monitor patients under anesthesia or sedation; require continued competency for anesthesia and sedation permit holders; update rules related to contracting with licensed anesthesia providers; allow a dentist that holds a general anesthesia and deep sedation or moderate sedation permit to authorize a dental hygienist, registered dental assistant or dental assistant operating under direct visual supervision to inject medication pursuant to a verbal command and set forth the requirements for this authorization to occur; and update the anesthesia credentials committee.

Office of the State Auditor – Repeal a rule regarding the minimum amount guidelines for electronic fund transfers evaluated by the Office of the State Auditor.

### **Representative Hunhoff**

Department Health: Division of Health and Medical Services – Amend rules to add Coccidioidomycosis, Leptospirosis, Middle East respiratory syndrome (MERS), chikungunya, Colorado Tick Fever, Lead (elevated blood levels in children and adults), Silicosis, Carbon monoxide poisoning and Pesticide-related illness and injury, acute to the South Dakota Reportable Disease list.

1:00 p.m. Adjourn

\* Breaks will be at the call of the chair.

**NOTE: A copy of the proposed rules being reviewed at the meeting may be obtained without charge by contacting the department, board, or commission. Copies may also be available at <https://rules.sd.gov/default.aspx>.**

**Members:** Senator Mike Vehle (Chair); Representative Timothy Johns (Vice Chair); Senators Jim Bradford and Phyllis Heineman; and Representatives Peggy Gibson and Jean Hunhoff.

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