

REGISTER



South Dakota Legislative Research Council

Volume 42

Tuesday, 8:00 a.m., September 8, 2015

NOTICE OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Education: Board of Education: (August 31, 2015) intends to amend a Certification rule to increase educator certification application fees effective July 1, 2016, and clean up language in the section. The general authority for this rule, as cited by the board, is SDCL §§ 13-1-12.1 and 13-42-3.

A public hearing will be held at Lake Area Technical Institute (fourth level), 1201 Arrow Ave. NE, Watertown, South Dakota, on September 21, 2015, at 10:30 a.m. CT. Copies of the proposed rules may be obtained without charge from the Department of Education, Attn: Ferne Haddock, 800 Governors Drive, Pierre, South Dakota 57501 or at <http://www.doe.sd.gov/board/index.aspx>. Written comments may be sent to the board at the address above and must be received by September 18, 2015, 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) 773-5669 at least 48 hours before the hearing.

Office of the State Auditor: (September 2, 2015) is proposing to repeal a rule regarding the minimum amount guidelines for electronic fund transfers evaluated by the Office of the State Auditor. The general authority for this rule, as cited by the department, is SDCL § 4-9-1.1.

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on October 13, 2015, at 10:00 a.m. Copies of the

proposed rule may be obtained without charge from and written comments sent to the Office of the State Auditor, Room 209, State Capitol, 500 East Capitol, Pierre, South Dakota 57501. Material sent by mail must reach the department by October 12, 2015, 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) 773-3341 at least 48 hours before the public hearing.

Department of Game, Fish, and Parks: (September 3, 2015) intends to 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. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-6-10, 41-6-18.4, 41-6-19.6, 41-8-15, 41-8-20, 41-13-6, and 41-17-1.1.

A public hearing will be held at the Spearfish Holiday Inn Convention Center, 305 N. 27th St.,

Spearfish, South Dakota, on October 1, 2015, at 2:00 p.m. (MDT). 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 or 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 Appointments:

Thore Jenshus, Rapid City was appointed on September 1, 2015, to the **Board of Vocational Rehabilitation**, to replace Leo Hallan, effective immediately and shall continue until June 30, 2017.

Terri Brown, Sioux Falls, was appointed on September 2, 2015, to the **Board of Addiction and Prevention Professionals**, to replace John Fokken, effective immediately and shall continue until October 30, 2017.

Alan Vandenburg, Sioux Falls, was appointed on September 2, 2015, to the **Board of Service to the Blind and Visually Impaired**, to replace Steve Kelsey, effective immediately.

Jill Viedt, Sioux Falls, was appointed on September 3, 2015, to the **Board of Addiction and Prevention Professionals**, to replace Kathy

White, effective October 31, 2015, and shall continue until October 30, 2018.

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

9-21-2015	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; 42 SDR 39, September 8, 2015.
9-24-2015	Department of Revenue: SD 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; 42 SDR 31, August 24, 2015.
10-1-2015	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; 42 SDR 39, September 8, 2015.
10-1-2015	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; 42 SDR 35, August 31, 2015.
10-13-2015	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; 42 SDR 39, September 8, 2015.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, September 21, 2015, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2015 interim: November 9 and December 14.

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