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2016 Game, Fish, and Parks Commission Schedule

Meeting times are Thursday 1-5 p.m. and continues Friday 8 a.m.-noon

Revised

January 14-15, 2016 Thursday-Friday	Pierre - RedRossa Convention Center 808 W Sioux Avenue, Pierre, SD 57501
February 2016	No meeting
March 3-4, 2016 Thursday-Friday	Pierre - RedRossa Convention Center 808 W Sioux Avenue, Pierre, SD 57501
April 7-8, 2016 Thursday-Friday	Brookings - McCrory Gardens 621 22 nd Avenue, SDSU Brookings, SD Rooms at Fairfield Inn
May 5-6, 2016 Thursday-Friday	CSP – Creekside Lodge US Hwy 16A, Custer, SD 57730
June 2-3, 2016 Thursday-Friday	Watertown Convention Center 1901 9 th Ave SW, Watertown, SD 57201
July 7-8, 2016 Thursday-Friday	Pierre - RedRossa Convention Center 808 W Sioux Avenue, Pierre, SD 57501
July 21-22, 2016	Reserve for possible Contested Case Hearing-Pierre
August 4-5, 2016 Thursday-Friday	Pierre - RedRossa Convention Center 808 W Sioux Avenue, Pierre, SD 57501
September 2016	No meeting
October 6-7, 2016 Thursday-Friday	Mobridge – Wrangler Inn 820 W Grand Crossing, Mobridge, SD 57601
Nov. 3-4, 2016 Thursday-Friday	Brandon Holiday Inn Express 1103 N Splitrock Blvd, Brandon, SD 57005
Dec. 15-16, 2016 Thursday-Friday	Pierre - RedRossa Convention Center 808 W Sioux Avenue, Pierre, SD 57501
January 12-13, 2017 Thursday-Friday	Pierre - RedRossa Convention Center 808 W Sioux Avenue, Pierre, SD 57501
March 2-3, 2017 Thursday-Friday	Pierre - RedRossa Convention Center 808 W Sioux Avenue, Pierre, SD 57501

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Staff Attorney

Richard Neill (605) 773-2750

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Chris Petersen (605) 773-3396

Parks & Recreation Division

Parks & Recreation Division Director

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Parks & Recreation Division Assistant Director

Bob Schneider (605) 773-3391

Parks & Recreation Division Secretary

Deb Ascher (605) 773-3391

Wildlife Division

Wildlife Division Director

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Wildlife Division Assistant Director – Operations and Chief of Terrestrial Resources

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Chief of Aquatic Resources

John Lott (605) 773-4508

Chief of Administrative Resources

Scott Simpson (605) 773-8239

Wildlife Division Law Enforcement Secretary

Joy Johnson (605) 773-3387

Division Communications Manager

Emily Kiel (605) 773-3904

Region 1 Regional Supervisor

Mike Kintigh (605) 394-6837

Region 2 Regional Supervisor

Mark Ohm (605) 734-4530

Region 3 Regional Supervisor

Emmett Keyser (605) 362-2706

Region 4 Regional Supervisor

Scott Lindgren (605) 882-5201

State Park Office Phone Numbers

Adams Homestead and Nature Preserve
(605) 232-0873

Angostura Recreation Area
(605) 745-6996

Bear Butte State Park
(605) 347-5240

Big Sioux Recreation Area
(605) 582-7243

Chief White Crane Recreation Area
(605) 668-2985

Custer State Park
(605) 225-4515

Farm Island Recreation Area
(605) 773-2885

Ft. Sisseton Historical State Park
(605) 448-5474

Indian Creek Recreation Area
(605) 845-7112

Hartford Beach State Park
(605) 432-6374

Lake Herman State Park
(605) 256-5003

Lake Louise Recreation Area
(605) 853-2533

Lake Poinsett Recreation Area
(605) 627-5441

Lake Thompson Recreation Area
(605) 847-4893

Lake Vermillion Recreation Area
(605) 296-3643

Lewis and Clark Recreation Area
(605) 668-2985

Newton Hills State Park
(605) 987-2263

North Point Recreation Area
(605) 487-7046

Oahe Downstream Recreation Area
(605) 223-7722

Oakwood Lakes State Park
(605) 627-5441

Palisades State Park
(605) 594-3824

Pelican Lake State Park
(605) 882-5200

Pickerel Lake Recreation Area
(605) 486-4753

Pierson Ranch Recreation Area
(605) 668-2985

Randall Creek Recreation Area
(605) 487-7046

Richmond Lake Recreation Area
(605) 626-3488

Rocky Point Recreation Area
(605) 584-3896

Roy Lake State Park
(605) 448-5701

Sandy Shore Recreation Area
(605) 882-5200

Shadehill Recreation Area
(605) 374-5114

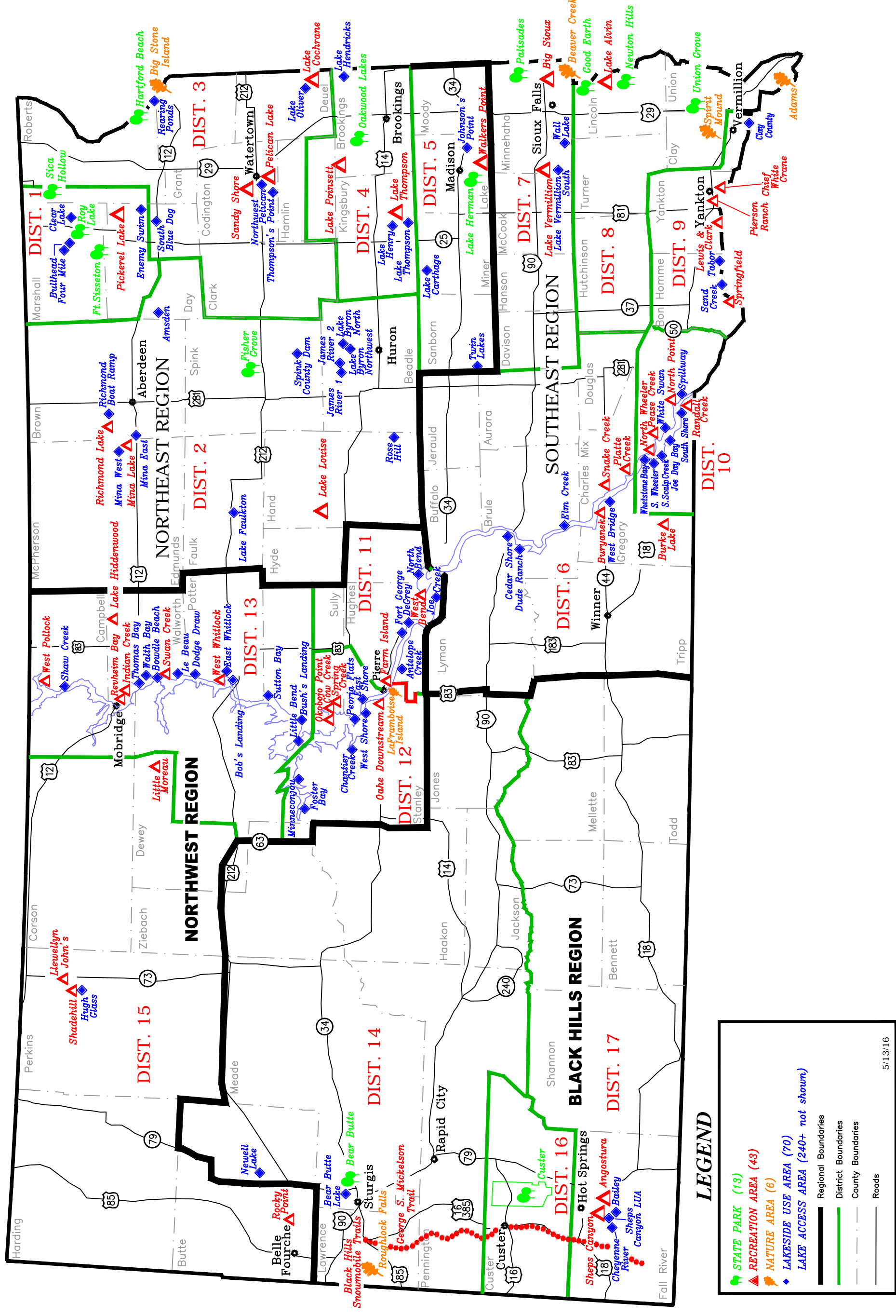
Snake Creek Recreation Area
(605) 337-2587

Springfield Recreation Area
(605) 668-2985

West Bend Recreation Area
(605) 773-2885

West Whitlock Recreation Area
(605) 765-9410

SOUTH DAKOTA'S STATE PARK SYSTEM 2016

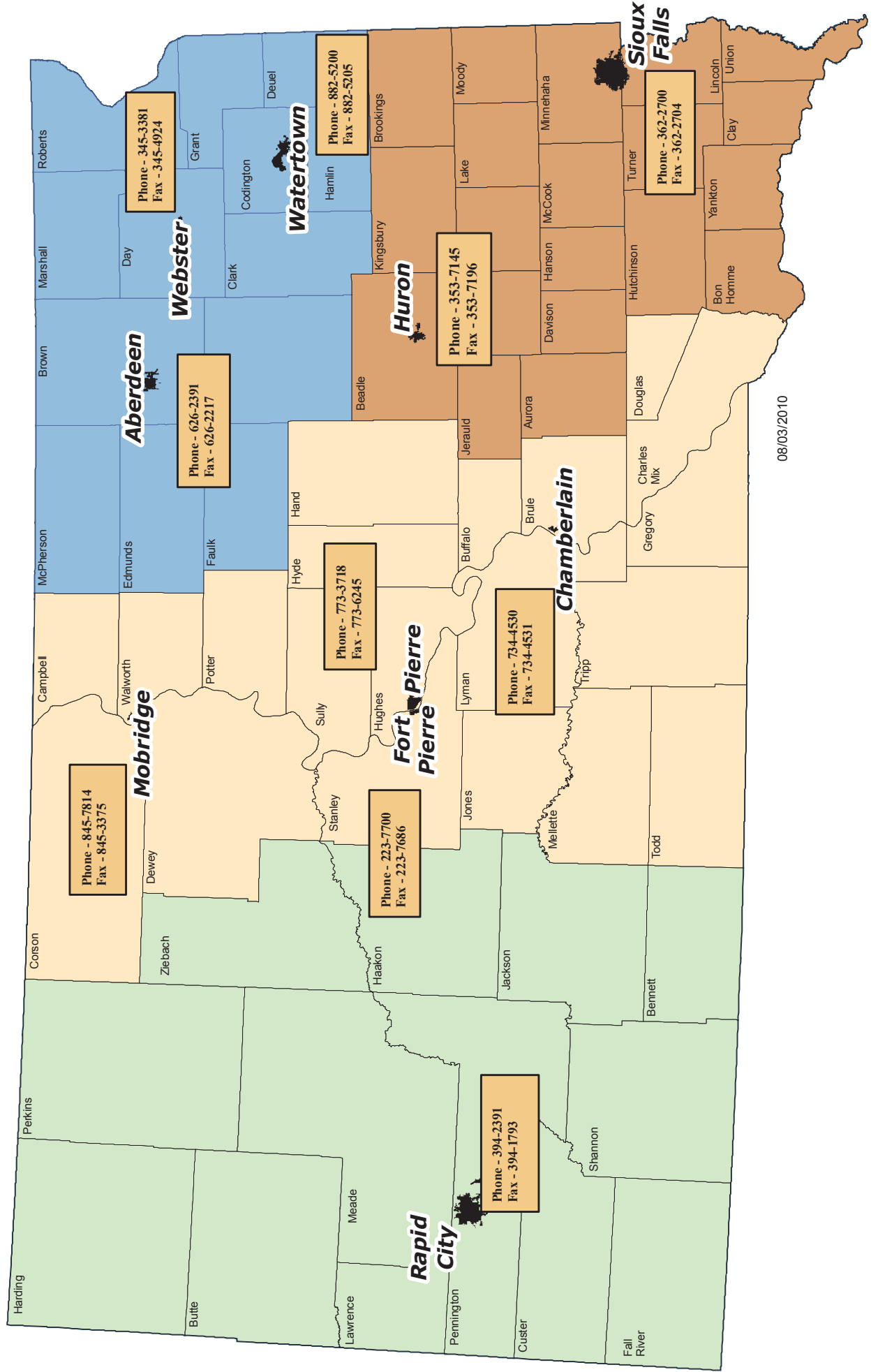


LEGEND

- STATE PARK (13)
- ▲ RECREATION AREA (43)
- NATURE AREA (6)
- LAKESIDE USE AREA (70)
- LAKE ACCESS AREA (240+ not shown)
- Regional Boundaries
- District Boundaries
- County Boundaries
- Roads

5/13/16

GFP Wildlife Office Phone Numbers

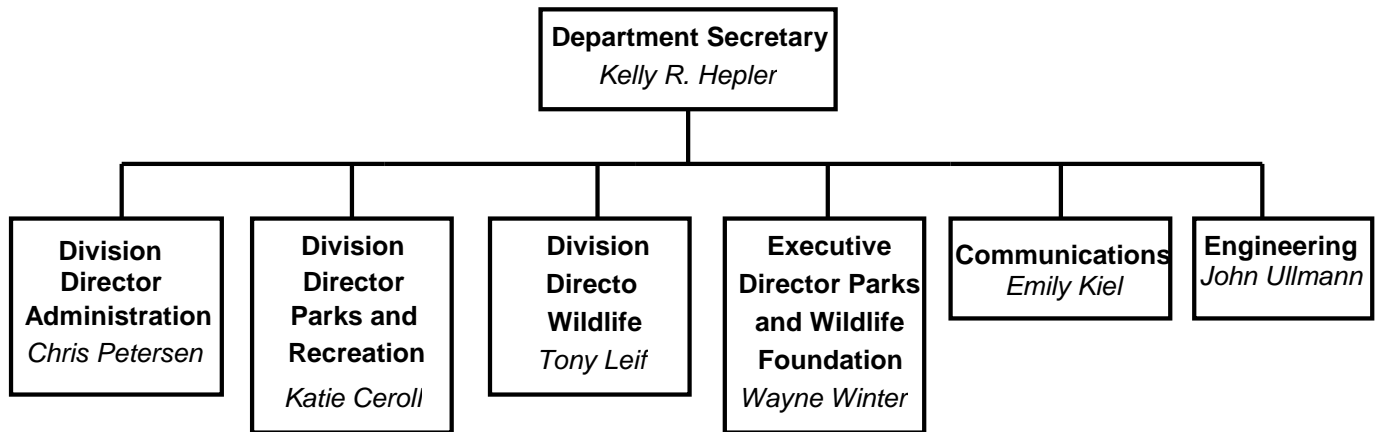


Department of Game, Fish, and Parks

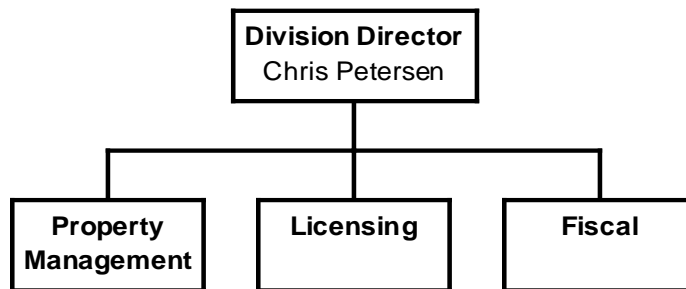
Mission Statement

To perpetuate, conserve, manage, protect, and enhance South Dakota's wildlife resources, parks, and outdoor recreational opportunities for the use, benefit, and enjoyment of the people of this state and its visitors; and, to give the highest priority to the welfare of this state's wildlife and parks, and their environment, in planning and decisions.

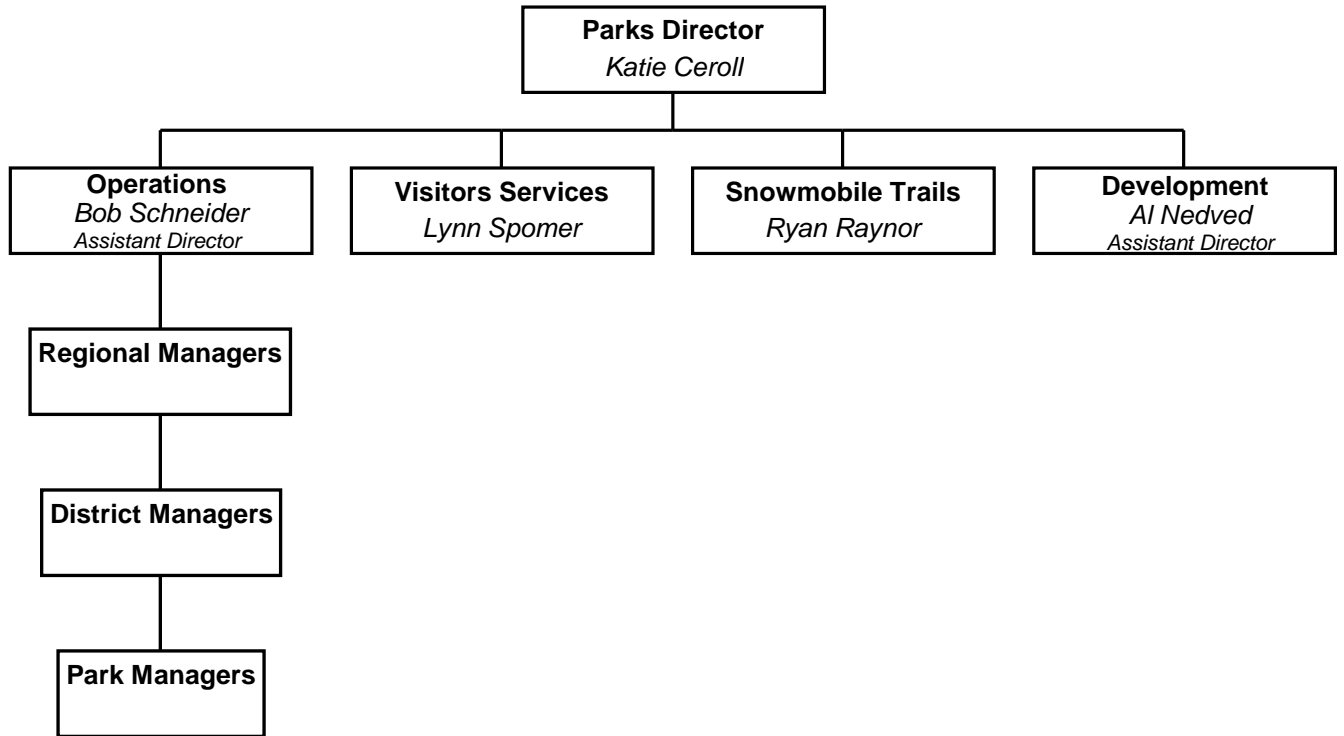
Organizational Chart



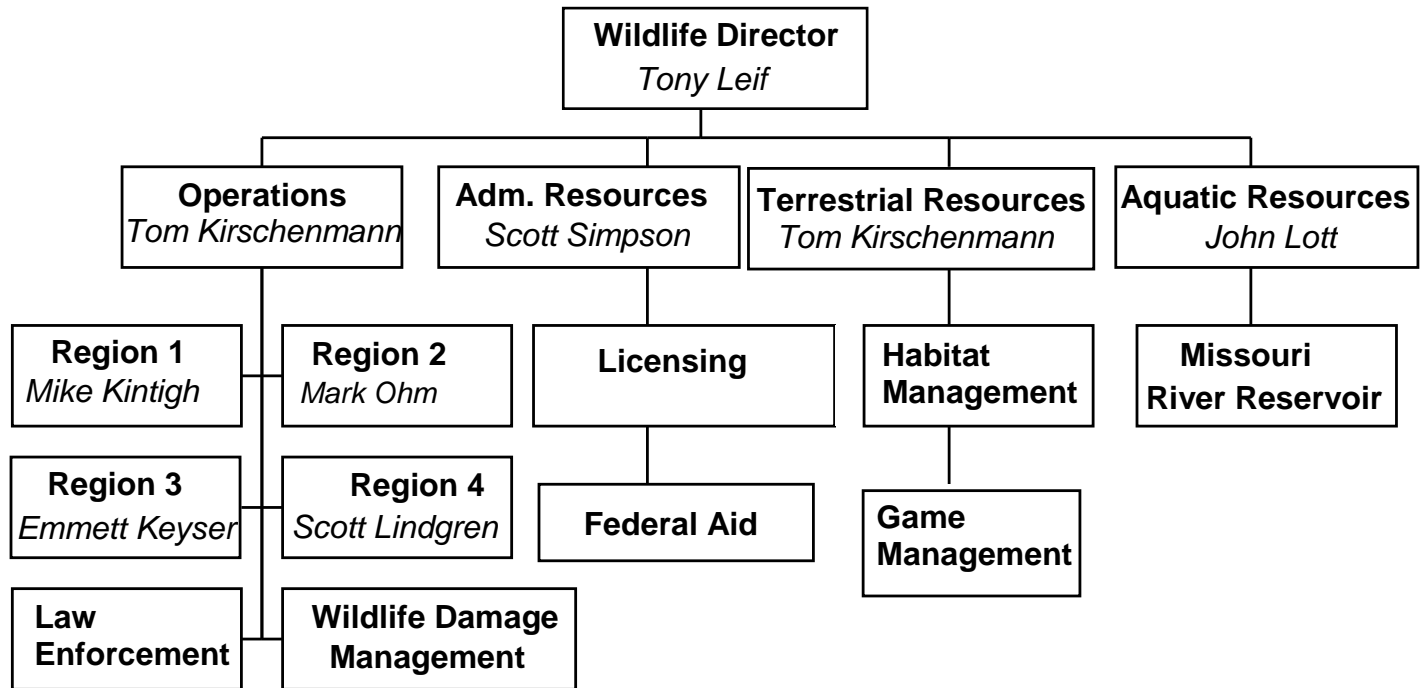
Division of Administration



Division of Parks and Recreation



Division of Wildlife



DIVISION OF ADMINISTRATION

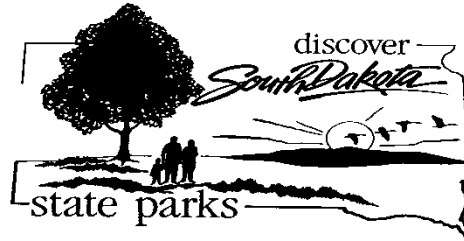
Mission Statement

The Division of Administration will provide administrative and technical support to the department's line divisions to enable them to provide the optimum in consumptive recreation, resource management, and informed use and enjoyment of the state's natural resources.

The Division of Administration is responsible for several important areas related to the successful operation of the other divisions of the South Dakota Game, Fish, and Parks. The Division of Administration is sub-divided into four programs:

- **The Licensing program** is responsible for all wildlife and parks licenses available in South Dakota. This includes both license vendors as well as the internet licensing system.
- **Property Management** is responsible for all property within the agency. This includes uniforms, computers, and physical property such as, chairs, desks, etc..
- **Fiscal Management** is responsible for all financial aspects of the Department.
- **The Engineering Section** works with all Department staff to coordinate and review construction and improvement projects for Department facilities.

DIVISION OF PARKS AND RECREATION



Mission Statement

The Division of Parks and Recreation is committed to providing diverse outdoor recreational opportunities, acting as a catalyst for a growing tourism economy and preserving the resources with which we are entrusted. We will accomplish this through efficient, responsive, and environmentally sensitive management, and constructive communication with those we serve.

Parks and Recreation Program

The Parks and Recreation Program consists of two areas: Operations & Development. The Operations Program Team includes: Director, Assistant Director of Operations, Visitor Services Coordinator, Secretaries, Program Specialists, Naturalists, Regional and District Supervisors, Park Managers and Assistant Park Managers, Conservation, Building and Equipment Technicians and Foremen, Foresters, Ecologist, Buffalo Herd Manager and Law Enforcement Rangers. The Development Program Team includes Director, Assistant Director of Planning & Development, Park Planners, Park Concessions and Special Lands Use Administrator, Grant Program Administrator, Cultural/Environmental Resource Specialist, and Building Engineer Assistant.

There are over 300 seasonal jobs including crew leaders, program coordinators, seasonal park rangers, and park aides. Most seasonal employees are employed during the spring and summer months that coincide with the period of heavy park use and a few positions are hired during the spring and fall seasons and during the winter months. Duties assigned to the positions include maintenance, fee collection, interpretive and programming activities, crew-leaders, trail maintenance and improvement projects, and enforcement of park regulations. The Division of Parks and Recreation also utilizes volunteers throughout the system taking on a variety of different roles.

Division employees are responsible for operation and maintenance of 13 state parks, 43 recreation areas, 5 nature areas, one historic prairie, 10 marina/resorts, the George S. Mickelson Trail, 69 lakeside use areas, and 240 public water access areas. While the public water access areas are owned by the Division of Wildlife; the Division of Parks and Recreation is responsible for the maintenance and upkeep.

The Administrative Rules of South Dakota (ARSD) Chapter 41 contains the rules that govern the activities and user fees for the Division of Parks and Recreation. The Game, Fish, and Parks Commission holds the authority for rule making and the setting of park entrance and camping fees. The budget authority for Administration and Operations and Maintenance is with the legislature.

Development Program

The program mission is to construct park facilities within the state park system to meet the recreational demands of the public; to renovate and replace existing park facilities in need of major repair through scheduled preventative maintenance; to administer South Dakota's annual federal Land and Water Conservation Fund apportionment for park development to state and local projects; to administer all other federal aid programs for the Division, including Federal Aid to Sport Fish Restoration (Dingell-Johnson), Bureau of Reclamation Cost Sharing, and Coast Guard Cost Sharing; and, to coordinate all division land transfers.

Projects funded through the water-based budget improve facilities for boaters and fishermen. The main federal fund source is the Sport Fish Restoration Fund (Dingell-Johnson Fund) which is derived from an excise tax on fishing and boating equipment. Other federal funding sources are the Bureau of Reclamation, Land and Water Conservation Fund, and Coast Guard Boater Safety funds. The State match-funding source is the Motor Boat Fuel Fund, which represents the state fuel taxes paid by boaters. The Motor Boat Fuel Fund is dedicated for the benefit of boaters.

Projects funded through the preventative maintenance budget restore and maintain the quality and usability of existing facilities in the state park system. Projects involve the renovation or replacement of existing facilities, which have deteriorated because of age or use. Fund sources for the preventative maintenance budget include federal Land and Water Conservation Funds, Bureau of Reclamation Cost Sharing, state general funds, and "other" funds generated through the operation of the state park system.

Projects funded through the other development budget are priority projects that are needed to sustain the quality of South Dakota's State Parks. These are primarily new developments as opposed to renovation or replacement of existing facilities. Trail development projects currently make up a large part of the other development budget. Fund sources for this budget include the National Recreation Trail Fund, U.S. Forest Service Cost Sharing, federal Land and Water Conservation Funds, Bureau of Reclamation Cost Sharing, and "other" funds generated through the operation of the state park system.

Land and Water Conservation Fund (LWCF)

The Land and Water Conservation Fund Act (Public Law 88-578) became effective January 1, 1965. Under the provisions of this federal legislation, the Land and Water Conservation Fund (LWCF) provides federal financial assistance to the states at a 50% match rate for a wide array of outdoor recreation projects. Eligible projects include the acquisition of land, the development of outdoor recreation facilities/structures, and the renovation of existing facilities/structures. Examples of typical projects are ball fields, swimming pools, trails, rest rooms, and parkland acquisitions. Funds for the program are derived primarily from the sale of surplus federal property and federal offshore mineral lease revenues. Congress annually appropriates the funds made available under the program to the states on the basis of a prescribed formula.

The National Park Service (NPS) administers the LWCF program at the federal level. At the state level, the program is administered by the Department of Game, Fish, and Parks, Division of Parks and Recreation. To remain eligible to receive the funds annually, the state must complete a Statewide Comprehensive Outdoor Recreation Plan (SCORP) once every five years. A new SCORP was produced effective January 2013.

States are allowed discretion to award funds to subordinate levels of government for eligible projects. With the exceptions of 2000, 2001, and 2002, South Dakota has historically split the annual apportionment equally between the state park system and grants for local government projects. Since 1965, South Dakota's annual apportionments have ranged from zero in the years 1996 through 1999 to a high of just over \$3 million in 1979.

Approximately 248 communities and counties in South Dakota have received assistance totaling around \$37.8 million from the LWCF since 1965. States are required to have an NPS approved project application-rating system. While not required, NPS recommends some form of public board, commission, or committee review of the rated local project applications. In South Dakota GFP staff has historically reviewed and rated local project applications.

Recreation Trails Program

The Recreation Trails Program (RTP) is a federally funded grant, administered by the Division of Parks and Recreation. Grant monies are collected by the Federal Highway Administration and state apportions are based upon the number of licensed, motorized recreational vehicles. Grants may be used to develop and maintain recreation trails, purchase trail maintenance equipment, or create trail-related educational materials.

South Dakota receives about \$1,000,000 annually for recreational trail projects. About one-half of these monies are used by the Division of Parks and Recreation for both motorized and non-motorized trail projects. The balance is awarded to communities, federal land management agencies, tribal governments, and other entities on a competitive basis. Recommendations for RTP funding are made by a five-person board, which is appointed by the governor.

Snowmobile Program

The snowmobile trails program is entirely self-sufficient and receives no general fund monies for its annual operations. Funding comes from three main sources: resident snowmobile license sales, a four percent registration fee, and fuel tax reimbursement which is based upon the number of licensed snowmobiles in our state. The Governor's Snowmobile Advisory Council provides recommendations for funding approval and program guidelines, this seven-person body is appointed by the Governor. Funding recommendations that are approved by this body will ultimately require approval by the Game, Fish, and Parks Commission.

The snowmobile trails program currently includes more than 1,455 miles of groomed trails. This includes 350 miles in the Black Hills and 1,105 miles in eastern South Dakota.

In the Black Hills, the trails are established and maintained by department staff. The area is consistently named one of the best in the nation. Grooming operations begin December 15 and end March 31.

In eastern South Dakota, the trails are established and maintained by local snowmobile clubs through a Grant-in-Aid Program. The program provides clubs with funding, supplies, and equipment to maintain their individual trail systems. This has been very successful and the result has been tremendous growth in eastern South Dakota riding opportunities.

Coast Guard Recreational Boating Safety (CGRBS) Funds

The Coast Guard Recreational Boating Safety Fund was established in 1984 and provides federal financial assistance to the states at a 50% match rate for certain boating facilities and boater safety programs. Typical activities would include the construction of boat ramps, docks, boat ramp parking lots, law enforcement equipment related to boater safety, and conservation officer boating safety patrol duty. Funds for the program are derived from the Boat Safety Account of the Aquatic Resources Trust Fund. The fund derives its revenue from excise and federal motor boat fuel taxes. Congress annually appropriates the funds made available under the program to the states on the basis of a prescribed formula.

The US Coast Guard, previously in the Department of Transportation now in Homeland Security, administers the Recreational Boating Safety program at the federal level. At the state level, the program is administered by the Department of Game, Fish, & Parks, Division of Parks & Recreation. To remain eligible to receive the funds annually, the state must complete specified boat licensing, accident reporting, and other annual reports.

States are allowed discretion to award funds to subordinate levels of government for eligible projects. While not necessarily an annual occurrence, the Department has on occasion provided federal aid to local levels of government. Eligible projects include boats, motors, trailers, and other rescue type equipment for emergency boater rescue events.

The Coast Guard grants run in the neighborhood of \$1 million annually. State funds make up 50% and 50% are Coast Guard funds. The two largest cost elements in the grant are public access projects and law enforcement. Public access projects include boat docks, boat ramp parking lots, boat ramps, toilet facilities at or near boat ramps, and sediment removal near boat ramps or projects that enhance boater use, safety, or enjoyment. Law enforcement projects primarily fund personnel and equipment costs for conservation officers when on the water conducting boater safety inspections.



History and Status of Custer State Park

Custer State Park is South Dakota's oldest state park. It was established in 1919 through an innovative land exchange with the U.S. Forest Service, largely due to the visionary efforts of Governor Peter Norbeck. Consequently, Governor Norbeck, who went on to serve as U.S. Senator from South Dakota, is known today as the Father of Custer State Park.

Custer State Park maintained separate division status within Game, Fish, and Parks from inception in 1919 until 2004. In January of 2004, Governor Mike Rounds issued an Executive Order that combined the Division of Custer State Park and the Division of Parks and Recreation into one statewide state park system and division of the department. The 2004 legislature did not disapprove the Executive Order thereby allowing it to become effective at the conclusion of the 2004 legislative session.

The park is over 70,000 acres in size, making it one of the largest state parks in the country. It is home to a variety of wildlife species including bison, elk, deer, pronghorn, bighorn sheep, mountain goat, coyote, bobcat, mountain lion, and turkey. It contains four man-made lakes, numerous streams, four resort complexes, nine campgrounds, and virtually unlimited opportunities for outdoor recreational activities such as hiking, biking, boating, camping, horseback riding, rock climbing, fishing, picnicking, and wildlife viewing and driving for pleasure. Two park roads (Needles Highway and Iron Mountain Road) are part of a designated national scenic byway while a third road (Wildlife Loop Road) is designated as a state scenic byway.

In addition, the park is home to a number of unique facilities and attractions. These include the Black Hills Playhouse operated by a private non-profit corporation, 36 privately owned cabins that sit on leased land owned by the state, a Governor's retreat lodge called Valhalla, and a number of structures constructed by the Civilian Conservation Corps in the 1930's and now placed on the National Register of Historic Places. One of the park's four resort facilities, the State Game Lodge, is known as The Summer White House due to visits by Presidents Calvin Coolidge in 1927 and Dwight Eisenhower in 1953.

Visitation to Custer State Park has grown from 1.2 million in 1990 to over 1.9 million in 2013. This increased use and activity is the result of an aggressive improvement program to upgrade the quality of facilities and services provided to park visitors and an expanded marketing effort to promote the park as a travel destination for South Dakota.

The park's day to day management activities can be broken down into the four programs of Administration, Maintenance, Resource Management, and Visitor Services. Each of these programs has an assigned Program Manager responsible for the activities of that particular section with overall responsibility and oversight provided by the Park Superintendent.

Administration is responsible for matters concerning fiscal, personnel, inventory, purchasing, contract administration, concession management, and law enforcement.

Maintenance is responsible for the care and upkeep of buildings, grounds, utilities, vehicles, equipment, roads, and bridges.

Resource Management is responsible for the management of park forestlands, rangelands, wildlife, and bison.

Visitor Services is responsible for the operation of park entrance stations, campgrounds, visitor centers, interpretive and promotion activities, and the volunteer program.

These activities are supported by 31 full-time positions and a large contingency of seasonal employees and volunteers. A private concessionaire leases the four resort complexes in the park and operates and manages them under the terms of a concession lease agreement with the state.

Major preventative maintenance and development initiatives in recent years include an upgrade of the park's water and wastewater infrastructure system and renovation and expansion of the resort complexes.

The upgrade of the park's primary water and wastewater systems is a major accomplishment that places the park on a firm foundation for the future. Water systems have been upgraded to ensure quality and quantity and wastewater systems have been improved and expanded to meet the demands and environmental requirements placed on them.

A development plan to upgrade park concession facilities was authorized by the State Legislature in 1989. Improvements were accomplished through a bonding program with concession lease fees being utilized to make the annual bond payments. Improvements accomplished through this program included the construction of a 12-unit addition onto Sylvan Lake Lodge, sixteen new log cabins at Blue Bell Resort, and new dormitories for seasonal employees. Modern restroom additions were added to lakeshore stores and lodging rental units at all four of the resorts were remodeled and upgraded. Prison inmate crews have also been utilized over the past few years to re-roof all the resort buildings and to repair tuck-pointing and stonework as needed.

A development plan was approved by the Commission and funded by the 2007 Legislature using a \$12 million bonding program to accomplish the addition of the Creekside Lodge, a year round conference facility with 30 rooms near the State Game Lodge complex. Additional improvements at Game Lodge included renovation of the dining room, kitchen, and gift shop making all of this ADA compliant. Improvements at the Bluebell Lodge and kitchen, upgrading the kitchen and dining room at Sylvan Lake Lodge, a water and sewer upgrade at Legion Lake, improved facilities for seasonal staff, and the addition of camping cabins and electrical hook ups for campers in Custer State Park.

In 2014 the Commission approved a Custer State Park Resort Master Plan that included the addition of additional group/reunion cabins at State Game Lodge, Blue Bell Resort, and Sylvan Lake Resort, a remodel of the lodging rooms at the State Game Lodge, renovation and replacement of several existing cabins, a complete replacement of the main lodge building at Legion Lake Resort and several utility, infrastructure, and supporting facility improvements. The Legislature approved \$11,000,000 of bonds in 2015, and the Commission approved an amendment to Concession Agreement in December 2014 that raised the franchise fee to 14.4% and extended the term of the agreement for another 5 years

DIVISION OF WILDLIFE



Mission Statement

The Division of Wildlife will manage South Dakota's wildlife and fisheries resources and their associated habitats for their sustained and equitable use, and for the benefit, welfare, and enjoyment of the citizens of this state and its visitors.

Wildlife Program

The Division of Wildlife is responsible for managing wildlife resources that belong to the citizens of our state. Our strategic commitment is to continuously improve efforts to foster and maintain an organization that efficiently achieves the Division's mission. Wildlife Division programs are defined by species, species groups, habitats, support services, client, or activity. Collectively, these programs form a structure that defines the Division's product and/or service.

Fisheries Program

Nearly 30 fish species provide anglers with a variety of fishing in South Dakota. The most popular fish include walleye, salmon, bluegill, crappie, perch, bass, pike, trout, and catfish. South Dakota's fishing season, with some exceptions, is open year-round, providing quality, four-season fishing.

The Fisheries program is responsible for the management of fish species, aquatic habitat, aquatic nuisance species, and sport fishing. Aquatic education is also a component of the program including the promotion of ethical and responsible fishing. The Fisheries program can be broken down into four sub-programs:

- **Stream Fisheries** – manages all cold and warm water streams, except the Missouri River.
- **Small Lakes and Ponds Fisheries** – manages all cold and warm water ponds, lakes, and impoundments less than 150 acres.
- **Large Lakes and Reservoirs Fisheries** – management of all lakes and reservoirs, other than the Missouri River reservoirs, greater than 150 acres.
- **Missouri River Fisheries** – management of all reservoirs, tailraces, boundary waters, and un-impounded reaches of the Missouri River in South Dakota.

Game Program

About fourteen species of game and twenty species of waterfowl reside in South Dakota and management of these species is the responsibility of the Game program. This program is also responsible for habitat management on public lands and the setting of all hunting and trapping season dates and limits. The Game program is divided into the following sub-programs:

- **Big Game** – includes white-tailed deer, mule deer, pronghorn, elk, wild turkey, bighorn sheep, mountain lion, and mountain goat.
- **Small Game** – includes ring-necked pheasant, partridge, bobwhite quail, sharp-tailed grouse, greater prairie chicken, sage grouse, ruffed grouse, cottontail rabbits, and tree squirrels.
- **Migratory Game Birds** – includes ducks, geese, tundra swans, sandhill cranes, doves, snipes, crows, and coot.
- **Furbearer and Other Game Mammals** – includes bobcat, marten, muskrat, beaver, weasel, coyote, skunks, fox, raccoon, opossum, jackrabbits, prairie dogs, ground squirrels, and other game mammals.

Wildlife Diversity

The South Dakota Wildlife Diversity Program's primary goal is to inventory, protect, and manage the species and habitats that comprise the biological diversity of South Dakota in a manner that meets the needs and desires of the people of the state. The Wildlife Diversity Program maintains the South Dakota Natural Heritage Program, works to improve the public's understanding of wildlife diversity issues, and takes conservation measures to sustain all native plants and animals and associated habitats.

The South Dakota Natural Heritage Program was established in 1981 in cooperation with The Nature Conservancy and the Wildlife Division. The function of the program is to identify the habitats of rare, threatened, and endangered species of plants and animals and provide this information to planners, government agencies, the scientific community, and the public as needed.

The Wildlife Diversity Small Grants Program provides funding for researchers, educators, and naturalists to carry out projects focused toward native fauna.

Wildlife Damage Management & Animal Damage Control Programs

The Wildlife Damage Management program covers actions to limit crop, livestock, and property damage by predators, big game, waterfowl, and other nuisance wild animals. This program is carried out in cooperation with private landowners and utilizes tools including fencing and stack yards.

The Animal Damage Control program assists state producers suffering animal damage to their livestock or crops. Staff provides much of the on-ground assistance to the landowners, as well as information to the general public when needed. South Dakota is the only state to run its own animal damage control program. All other states rely on federal programs.

Habitat Management and Acquisition Program

Land in South Dakota is about 90% privately owned; as a result, the Division focuses attention on managing wildlife and their habitats on private land, while also encouraging hunting access. The Division has limited funding to manage habitat and hunting on private lands, all of it coming from hunters and anglers. The Division has developed programs that (1) take advantage of or improve programs already available to landowners, (2) maintain partnerships with a number of government and private organizations, and (3) seek to acquire lands with optimum wildlife management potential. This program has two sub-divisions:

- **Private Land Habitat and Access** – All wildlife habitat programs on private land. Various projects include Pheasants for Everyone contracts, wetland developments and Walk In Access.
- **Public Land Habitat and Acquisition** – All existing Wildlife Division lands and lands managed and owned by other state and federal agencies. Land projects involve special emphasis to adequately fund their optimum wildlife management potential. Land acquisition projects are developed based on a publicly supported, statewide, long-term plan.

Environment and Natural Resource Program

Reviews activities that influence and advocates public policies to benefit South Dakota's wildlife resources including environmental review and interagency coordination.

Conservation Law Enforcement

Covers all law enforcement activities pertaining to hunting, fishing, trapping, boating, and other laws for which the department has specific authority. Also, includes law enforcement training, special permits and regulatory services, ethics and compliance education, special operations/investigations and the TIPS program.

Communications

- **Information Services** – Coordinates communication and informational efforts and produces or coordinates media products and services for the division, such as hunting and fishing guides, Conservation Digest, radio/television spots.
- **Education Services** – Coordinates Project WILD, aquatic resource education, and other education activities pertaining to wildlife in South Dakota.
- **The Outdoor Campus** – Teaches environmental education and basic fundamentals of outdoor skills for a variety of activities in South Dakota through classes, seminars, programs, displays, exhibits, and education materials.
- **Hunting/Boating Safety** – Coordinates hunter safety and boating safety instruction.

Administrative Services

Covers grant administration, leadership, employee development, harvest surveys, human dimensions, public involvement, and planning coordination.

WHAT IS THE SOUTH DAKOTA PARKS AND WILDLIFE FOUNDATION?



Mission Statement

To solicit and encourage private and public support for conservation and management of our State's natural resources, for the benefit and enjoyment of South Dakotans and their guests.

The South Dakota Parks and Wildlife Foundation is a hybrid of several different types of foundations in that:

- The Foundation is a nonprofit, non-governmental corporation founded by a group of individuals and managed by an independent, 17-member board of directors.
- The Foundation is operated for a specific geographic region.
- The Foundation does not generally make grants.
- The Foundation's funds are expended to operate its own charitable or specific purpose programs all designed to serve the common good.
- All contributions to the Foundation are tax deductible.
- New board members are elected to the foundation by current board members.

The SDPWF was chartered specifically to: (From the original charter dated October 7, 1985)

To solicit and receive contributions, gifts, grants, devises or bequests of real or personal property, or cash, from individuals, foundations, partnerships, associations, governmental bodies, or public or private corporations, and to maintain, use, and apply the whole or any part of the income therefrom, and the principal thereof, to the purposes of contributing to and cooperating with, the South Dakota Department of Game, Fish and Parks, in carrying out its existing and future governmental purposes and activities, as defined by the constitution and laws of the State of South Dakota.

The specific purposes of the SDPWF are to: (Abridged from the original charter October 7, 1985)

1. To solicit and receive contributions to improve the diversity, number, health or stability of biotic communities managed, studied or protected by the SDGFP.
2. To solicit and receive contributions that add to or improve the quality or utility of any land or water managed by the SDGFP for public recreation; education; or wildlife and fish conservation.
3. To acquire real and personal property for public recreation or education; scientific study; archeological, cultural or historical preservation; or wildlife or fish conservation, or any other purpose related to the functions of the SDGFP, and to apply such property to the purposes of this Charter as the Board of Directors, in its discretion, shall see fit.
4. To solicit and receive any and all contributions of property, whether real, personal, or cash, and to apply any such funds or property to any purpose in support of the governmental functions of the SDGFP in any of its lawful functions.

Public Involvement and Stakeholders

Public Involvement

Public involvement by the Department and the Commission is mandated in state statute. Formal requirements aside, the needs of the resource cannot be met without strong public support, and decisions cannot be made without involving the values and beliefs of the public. When the public is involved in the decision-making process, people understand the complexity of the issues and are much more likely to support the solution. This buy-in is critical when it comes time to implement solutions. Although involving the public may seem tedious and cumbersome, it is the only way to accomplish lasting solutions.

Compounding the complexity of public involvement is the lack of understanding about resource management. Many citizens do not understand that the resource and the Department belong to all of the people – not just license buyers or landowners – and that migratory species belong to citizens of several states or nations. Similarly, many urbanites do not understand the wildlife issues facing landowners. Adding to the confusion, many citizens are unclear of the Commission’s role versus the Department’s role in managing the resource.

Definition: Public Involvement

Known by many names, “citizen participation”, “public participation”, and “partnering”, public involvement is the total process of including the public in the planning and decision-making process (Wiedman 1992).

A genuine commitment to citizen participation requires that the Commission (1) remain receptive to all sides of an issue and give consideration to recommendations and input before developing an objective decision; (2) share information; and (3) act responsibly to needs. Public participation should not be confused with simply allowing the public to listen to a meeting or to gathering public input which is not utilized in the decision process.

In order to provide a framework for public involvement, the following is a summary of some of the elements of public involvement.

Public Involvement

- | | |
|---|--|
| ~ Understand when citizen participation is needed. | ~ Strive to understand the different publics. |
| ~ Make a sincere commitment to citizen participation. | ~ Ensure that all information that you communicate to various interests is received and understood by them. |
| ~ Remain open-minded. | ~ Ensure that you receive and understand all of the information that the various interests communicate to you. |
| ~ Utilize a well-planned delivery process. | |
| ~ Build trust. | ~ Clearly show that input was important, respected, and considered. |

Public Involvement

- ~ Inform and invite a broad range of publics.
- ~ Nurture and protect your credibility.
- ~ Involve publics at the earliest possible time.
- ~ Provide full information to help the public understand issues, costs, etc.
- ~ Be focused.
- ~ Articulate and clarify key issue.
- ~ Seek common elements of agreement.
- ~ Present the public with a draft action plan, then seek their approval.
- ~ Be careful not to rely solely on a few highly vocal members of the public.
- ~ Evaluate your progress.

Why Involve Stakeholders?

1. Stakeholders have the legal right to provide input and to receive information on wildlife management.
2. Stakeholders can help the Commission make better decisions, build support for these decisions, and improve implementation of decisions.
3. Stakeholders can help the Commission understand the values, priorities, and preferences of the public, and how to be more responsive to public expectations or needs.
4. Stakeholders can influence outcomes of policy or legislation, through their position and contacts, input to decision-makers, filing lawsuits, and influencing legislation.
5. Stakeholders could become partners with the Commission in joint efforts to make, change, or influence policy.
6. Stakeholders provide Commissioners with much of the informal power they need to be effective.
7. Stakeholder involvement can lead to greater confidence in government because of an increase in public understanding of issues and obstacles.
8. The major decisions facing commissions today are settled primarily on the basis of economic, social, and political concerns rather than strictly biological and technical issues.

Who Are Stakeholders

Stakeholders are individuals, groups, and organizations potentially affected by consequences of Commission policies and actions now or in the future. Stakeholders of the Commission are not just the groups the Commission shares a common interest with but also those who might be outside of its typical comfort zone. Many stakeholders have ongoing relationships with the Commission, while others might be small and only involved for a brief period of time. Although the Commission will have a different degree of involvement with each stakeholder, they must be cognizant of each stakeholder's needs and treat each with an attitude of respect, regardless of their size.

Stakeholders can have significant influence on the success or failure of Department programs. Developing and maintaining relationships among a wide range of stakeholders should be one of the primary functions of the Commission. Failure to offer ample opportunity for and consideration of public input is often the grounds needed for successfully challenging the Commission's actions.

Stakeholder Management

Stakeholder management requires responsiveness by the Commission to stakeholder needs. This can only happen if the Commission properly identifies their stakeholders, determines these stakeholders' expectations and goals, make efforts to build stakeholder relationships, and evaluates the relationship.

▶ *Identifying Stakeholders*

The Commission needs to continually identify the individuals, groups, and organizations potentially affected by or have an interest in activities, functions, and policies of the Commission.

One approach to identifying stakeholders is to “brainstorm” on potential stakeholders who are impacted by a particular issue. This impact might be a result of their personal interest in the issue, demographics, or even geographic location. Stakeholders can also be asked to identify other stakeholders who might be interested in an issue. Stakeholder identification efforts need to ensure that the broadest group possible has been identified.

▶ *Determining Stakeholder Needs, Expectations, and Goals*

Stakeholder relationships must have clearly identified needs, expectations, and goals for each party. This includes the stakeholders' importance to the success of the policy effort, influence, and potential. Misleading promises will result in lost credibility. Stakeholders, particularly the public, can tell if they are truly part of the process or if their involvement is devalued by only the illusion of involvement.

▶ *Building Relationships with Stakeholders*

Good relationships with stakeholders do not just happen. They require a commitment of time and energy as well as the development of organized processes which promote relationship building.

Some of these processes include:

- Engaging stakeholders in identifying issues, objectives, and solutions.
- A decision-making process that includes specific steps for stakeholder participation.
- Gathering and managing information about stakeholders (their needs, interests, goals).
- Keeping stakeholders informed on current issues, final policy results, and uses of stakeholder input.
- Effective communication (including an understanding of proper medium for a message to be sent – personal contact, media, direct mail, public meeting, etc.)

▶ *Evaluating Stakeholder Relationships*

The stakeholder's perception of the Commission's ability to meet their expectations should be analyzed periodically. This could include asking stakeholders for feedback on:

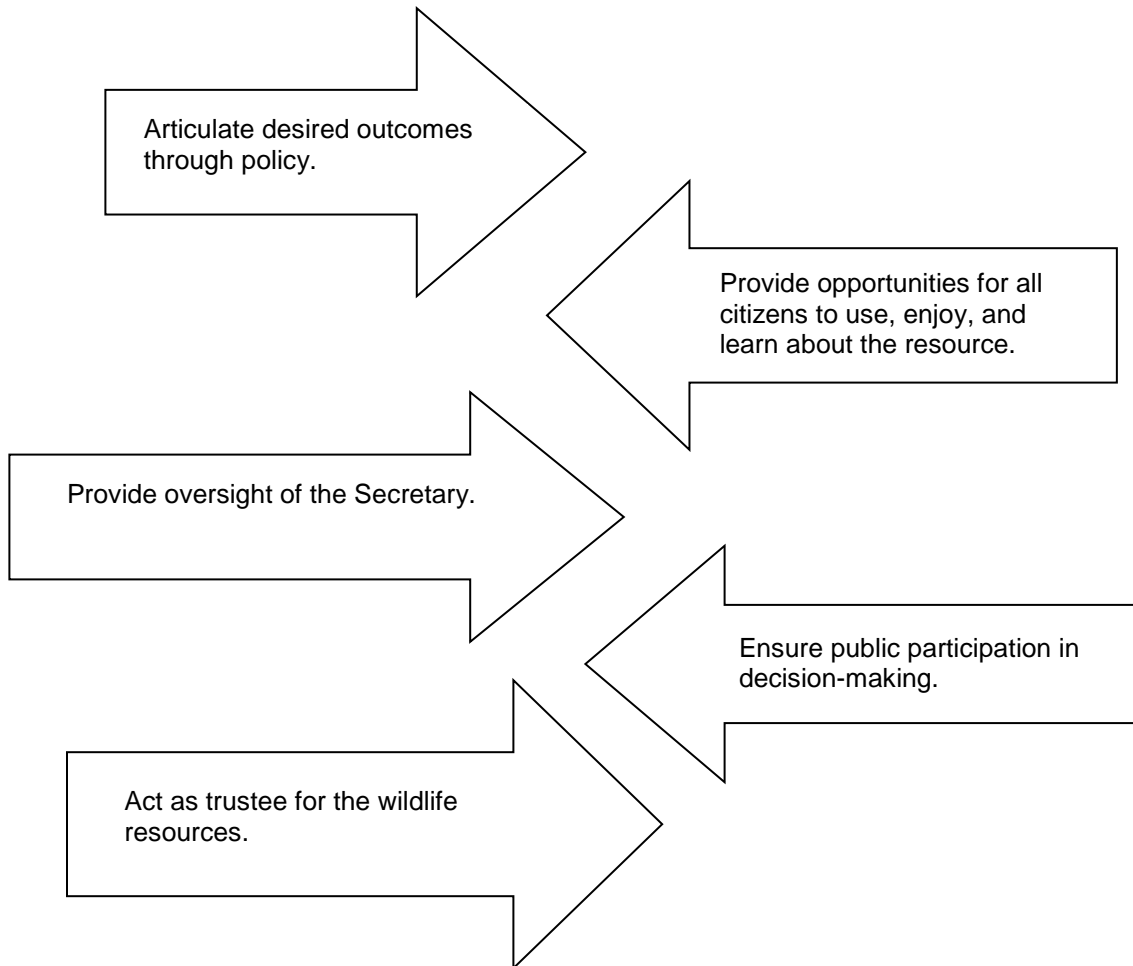
- How relations can be improved.
- The Commission's communication process with the stakeholder.
- The Commission's ability to fulfill the stakeholders' expectations.
- Elements which were missing in the stakeholder process.
- The Department staff's assistance.

Working with the Media

The media is a powerful tool that, when used properly, can inform stakeholders about the resources and Department activities. Stakeholders have a right to obtain information on Commission and Department activities and can receive much of this through the media. In addition, the media can reach constituents who cannot be reached in any other way. Following are a few tips about working with the media.

- ▶ Always remember that when you are talking to a reporter **NOTHING IS OFF THE RECORD!** If you do not want it repeated, do not say it. Assume that all telephone calls from reporters are being recorded.
- ▶ In a TV interview, make your point as briefly and clearly as possible. The average sound bite on local TV news is six seconds; network TV bites average four seconds. Get to the point quickly!
- ▶ Do not make “cute” or off-color statements; do not use inappropriate language, and do not offer personal opinions to a reporter. Remember who you are a public official representing the people of South Dakota.
- ▶ Never say “no comment”. The reporter will assume you have something to hide. If you cannot answer a question because you have no knowledge on the subject or if it is a sensitive issue, tell the reporter why you cannot answer and refer him or her to the appropriate Department representative, or offer to find out the information and then get back to them. Be helpful in retrieving information whenever possible.
- ▶ Always get your story out first. If there is an important point you want to make in an interview, emphasize it and repeat it often.
- ▶ Do not show favoritism to any reporter.
- ▶ For the ‘best’ TV appearance: do not wear sunglasses, do not have articles in a front shirt pocket, and do not put your hands in your pockets. Always look at the reporter and not at the camera and be aware of your body language.
- ▶ Have prior notice of the interview, get organized, and be in charge of the situation.
- ▶ Always be 100 percent accurate and honest in dealing with the media.
- ▶ Certain kinds of issues should not be discussed with the media, including sensitive law enforcement issues, acquisition negotiations, and personnel matters. Make sure the reporter knows why you cannot answer the question.

WHAT IS THE ROLE OF THE COMMISSION?



The Commissioner

Do's And Don'ts for a Commissioner

DO	DON'T
<ol style="list-style-type: none"> 1. <i>Prepare for the role.</i> 2. <i>Make every effort to attend all commission meetings.</i> 3. <i>Be open, imaginative, enthusiastic, and positive.</i> 4. <i>Understand and support the Agency's mission and mandate.</i> 5. <i>Look at the big picture and the long-term implications of all decisions.</i> 6. <i>Understand the policy-making process of the commission and the public's need to be involved.</i> 7. <i>Respect the many divergent views of the public.</i> 8. <i>Work collaboratively with other commissioners in meetings and out.</i> 9. <i>Remember to go through the Secretary or Director when communicating with staff.</i> 10. <i>Build relationships with a wide range of public/interest groups.</i> 	<ol style="list-style-type: none"> 1. <i>Underestimate time and energy commitments.</i> 2. <i>Lose focus on what is important.</i> 3. <i>Make commitments you cannot keep.</i> 4. <i>Speak for the group unless authorized to do so or anticipate its positions before it has formally taken one.</i> 5. <i>Overstep the limits of your responsibilities as a commissioner.</i> 6. <i>Make uninformed decisions or forget to take past commission decisions into consideration.</i> 7. <i>Ignore your personal commissioner accountability and legal liability.</i> 8. <i>Be afraid to admit you do not know the answer and need to seek out more information.</i> 9. <i>Misuse the power of the position.</i> 10. <i>Erode the chain of command within the organization by addressing issues with staff before addressing them with the Secretary or Director.</i>

What to Expect As a Commissioner

First and foremost, commission service is an all-consuming vocation. **Expect to spend significant time and thought in order to do a good job.** The many calls, letters, and interruptions can place tremendous pressure on a new commissioner. The time and energy demands far exceed what most commissioners initially anticipate.

Expect that working within a government structure will have many complexities and frustrations. Although solutions to problems may seem obvious, unavoidable budget and time obstacles can interfere. In addition, laws, agency requirements, and governmental controls can prolong problem resolution. Acknowledge the reality of departmental requirements, talk to the Department representatives, and find ways to work within the system.

Expect that because of the position, you are in and the decisions you make, people may direct their anger toward you. There are going to be differences of opinion that will translate into conflict. At times, your decisions will have a significant impact on individuals and groups, and you must therefore be clear and firm about your judgment.

Expect the reward for serving on the Commission, and the ability to influence the outcome of events affecting wildlife and parks, to far outweigh any sacrifices that must be made.

Responsibilities of a Commissioner

1. **Act as a trustee for the resource.** A commissioner is entrusted with stewardship of some of society's most precious resources: wildlife and parks. He or she is given the responsibility of ensuring that wildlife and parks are protected, preserved, enhanced, and managed. Commissioners should think "BIG", focusing on the state as a whole, not just their given area.
2. **Attend and participate at Commission meetings.** Recognize from the onset that if you accept the position of Commissioner you must attend and be prepared to participate at all Commission meetings. While it is permissible for a Commissioner to influence fellow members, he should not attempt to coerce or pressure the others to vote his way.
3. **Understand and support the Department's mission and legal mandate.** Without this clear understanding, effective policy setting becomes impossible.
4. **Ensure Commission effectiveness.** Sound governance is as important to the Department as is sound management. Commissioners should stay informed on the issues facing them; this includes reviewing items on the agenda before the meeting.
5. **Make wise decisions.** Commission decisions can only be made by a formal vote of the Commission meeting as a whole and in public. It is necessary for you to give the utmost consideration to staff recommendations and public comment, without being a "rubber stamp" in their approval or adoption.
6. **Know the limits of your responsibilities.** It is as important to know what is not your responsibility as a Commissioner, as it is to know what is your responsibility as a Commissioner.
7. **Communicate thoroughly.** Your effectiveness as a Commission member relies heavily on how well you communicate and interact with other members of the Commission, the Department, and stakeholders. Except for routine matters, always go through the Secretary or Director when addressing the staff.

****NOTE: When communicating, it is important to start with the presumption that people mean well before concluding otherwise.**

What is a “Good” Commissioner? By Bruce Cowgill

excerpts from Thoughts and Reflections of a Wildlife Commissioner: As He Looks Back at the Job

This commissioner is certain that anyone appointed to a wildlife commission wants to be both a good and an effective commissioner. His or her cohorts along with commission staff, in all likelihood, are hoping for the same thing.

While many of the qualities and attributes that are important to being a “good” commissioner are so inherent in nature that they will be changed little, if any, by all the in-service tools in the world; there are those characteristics, however, that can make any commissioner a better commissioner if they are willing to become involved.

It is for this purpose that this section is included. In repetition, it is not written on the basis of one who “has all the answers” but rather because there are those basic qualities so common and so fundamental in nature that they are applicable in making a person as well.

For starters, a genuine interest and concern for the whole outdoors, with all its related resources and activities, and a desire to see that they are perpetuated for future generations is a far-reaching quality that would be applicable to service on a commission.

There are many other qualities that contribute to making one a better commissioner. With no attempt to either include them all or list them in order of priority, some of these qualities are listed below.

1. A commissioner is one part of the Board, and one part only. To be effective, all members need to work together for the good of the organization. The only time that individual action on the part of any member is justified is when it is so delegated by the rest of the commission.
2. A “good” commissioner seeks the acts, studies all the available options, works hard for what he believes is right and then votes his convictions. Whatever the result, he should support the decision of the majority, whether he agrees with it or not.
3. While it is certainly permissible for a commissioner to try to influence fellow board members through the presentation of pertinent facts and data, he should not attempt to coerce them or put undue pressure on them to vote his way. Above all things he should not carry personal animosity out of the room with him.
4. Commissioners should think POSITIVELY. The best board members are those that look for the good in the organization and try to make it better. A good sense of humor can be a real help in positive thinking as can an ability to “roll with the punches.”
5. A public servant should think BIG. Although commissioners might be appointed or elected as representatives of a given district, their obligations are to the citizens of the state as a whole. This can be done while still being sensitive to the needs of those in the district or area represented.
6. A “good” commissioner needs to be objective. A state commissioner, or any other commission or board member, should have no “axes to grind.” He should always do what is best for all concerned even though it might not always reflect what his own personal preferences might be.
7. When voting on seasons, bag limits, etc., a commissioner’s concern should be to utilize the wildlife resources yet protect them fully. It should be the goal to harvest what can be harvested without threat to the perpetuation of the species. If there is any doubt as to what this might be, it is better to err on the side of the conservative.
8. Since commissioners in most cases are not professionals in the field of wildlife, it behooves them to give the utmost consideration to staff recommendations in all areas, without being a “rubber stamp” in their approval or adoption. Staff recommendations are made only after many hours of research and, quite naturally, would tend to be more objective than those of any commissioner. Staff recommendations need not be adopted verbatim, however. If a commissioner has any doubts or questions any specific recommendation, he should address these questions to the staff accordingly. There is a fine line between being supportive and being a “rubber stamp,” and it is an area in which commissioners probably learn best through experience.
9. Commissioners should stay informed on the issues facing them. In most states a copy of the agenda, along with detailed information materials relative to the same, is sent to the commissioner prior to the meeting. When commissioners do their “homework” in advance of the meeting, it not only saves meeting time but contributes to more knowledgeable decisions as well. (Commissioners should always weigh and consider all the options before making either a decision or a commitment, as once made it is difficult to get either withdrawn.)
10. On anything other than routine or mundane matters, commissioners should go through the Secretary or Director in all communication with staff. To do otherwise erodes the chain of command necessary to maintaining an efficient and harmonious organization.
11. When questions, criticism, complaints, suggestions, etc. are directed at the commission through an individual commission member, the best policy is generally one of referral to the administrative staff with a request that they be acknowledged and answered.
12. Commissioners should always be true sportsmen when going afield. While this is always good advice to anyone, it is no doubt important for those serving on a wildlife commission. To be otherwise discredits not only the individual but the whole organization as well. Good sportsmanship should be a factor, too, in choosing partners in the field. To be involved with companions who are less than true sportsmen can be embarrassing to all concerned.

REGULAR PROCEDURE FOR DEALING WITH CONFLICT WAIVER REQUESTS

1. Commission member makes a determination whether he/she has an actual or potential conflict for which a formal waiver is required by going through and answering the questions in the WAIVER DECISION MATRIX.
2. If Commission member determines that he/she has an actual or potential conflict, the member needs to fill out and sign the REQUEST FOR STATE BOARD WAIVER form. If the potential for conflict exists, member should immediately prepare and submit the waiver form before entering into a conflicted contract or transaction. When in doubt, disclose and seek a conflict waiver!
3. Commission member files the completed and signed REQUEST FOR STATE BOARD WAIVER form with the Executive Secretary of the GFP Commission who will then:
 - a.) deliver a copy of the waiver request to each member of the GFP Commission, Department Secretary and Department legal counsel prior to the next regularly scheduled monthly commission meeting;
 - b.) post the waiver request on the GFP website with other monthly meeting information; and
 - c.) place the waiver request on the agenda for the next regularly scheduled monthly meeting. If necessary, a special commission meeting may be called for the purpose of addressing a waiver request.
4. GFP Commission will have a standing item on its monthly meeting agenda at the beginning of the meeting during which the Commission will address conflict waiver requests.
5. When the waiver request comes up on the agenda, the Commission member requesting the conflict waiver will explain the conflict and provide his/her justification for requesting a waiver of the conflict. The requesting member needs to be prepared to answer any questions the other Commission members may have concerning the waiver request.
6. Once the waiver request has been presented to the GFP Commission, the requesting member will leave the meeting at which time the remaining Commission members will discuss the merits of the request and determine whether granting a waiver is appropriate.
7. Both the waiver request and the GFP Commission's determination concerning the request will be included in the meeting minutes.
8. If the waiver request is granted, a WAIVER AUTHORIZATION form will be completed, signed by the Chair of the GFP Commission, and filed with the Office of the Auditor General at Department of Legislative Audit.

ALTERNATIVE PROCEDURE FOR AUTHORIZING WAIVER REQUESTS

In order to utilize the alternative procedure, the Commission's meeting agenda must include an item for conflicts disclosure prior to consideration of any substantive matter on the agenda, and the conflict item must relate to a substantive matter on the agenda. A perfect example of this is the scenario portrayed in Example #3 of the EXAMPLES OF TRANSACTIONS PROHIBITED ABSENT A WAIVER on page 5 of the STATE BOARD WAIVER INSTRUCTIONS (which pertains to the GFP Commission's adoption of a Resolution approving a grant of money to Sportsmen Against Hunger). Under these circumstances:

1. Commission member reviews the meeting agenda and makes a determination whether he/she has an actual or potential conflict relating to a substantive matter on the agenda for which a formal waiver is required by going through and answering the questions in the WAIVER DECISION MATRIX.
2. The requesting commission member may publicly disclose a direct benefit or other conflict with regard to a substantive matter on the agenda without prior written disclosure. The commission member needs to be prepared to explain "the matter underlying the conflict" to the satisfaction of the Commission.
3. After the requesting member discloses the conflict, explains "the matter underlying the conflict," and answers any questions from other Commission members, the requesting member must be excused from the discussion and consideration of the substantive matter.
4. The Commission may waive the conflict if it determines that, based upon a review of the essential terms of the contract, transaction, or conflict and the requesting member's role in the same, the transaction and the terms of the contract are fair, reasonable, and not contrary to the public interest.
5. Both the disclosure by the requesting member and determination of the Commission must be included in the meeting minutes made available to the public and a copy of the meeting minutes must be filed with the Office of the Auditor General at Department of Legislative Audit.

REQUEST FOR STATE BOARD WAIVER

THIS IS A PUBLIC DOCUMENT

Date: June 20, 2016

Name of Board Member or Former Board Member: Susan Aguilar

Name of Board, Authority or Commission: South Dakota Board of Education

Brief explanation of your potential conflict of interest:

My husband is on the board of directors of Lutheran Social Services (LSS), and LSS has two contracts with the South Dakota Department of Labor and Regulation (DLR) which could fall within "subject matter" of the South Dakota Board of Education.

Brief explanation of the current or anticipated business transaction with a State agency or with a political subdivision of the State and your role in the transaction:

I have no role in the transaction, nor does my husband. I am requesting a waiver out of abundance of caution because he sits on the LSS board of directors.

Brief explanation of the essential terms of the contract or transaction:

The previous contracts are attached as Exhibits A and B. These agreements will be renewed effective July 1, 2016. Contract 16-AB-005 provides grant funds for the Adult Education and Literacy (AEL) program, at least part of which relates to career readiness and obtaining a GED credential. The amount of the renewed contract will be \$112,000. Contract 16-AB-006 provides grant funds for various literacy and civics projects. The amount of the renewed grant will be \$28,810.

Brief explanation of why you believe a waiver should be granted:

I had nothing to do with the award of these contracts, and my household receives no income or benefit as a result of these contracts so there is no conflict of interest. In addition, the services provided serve the public interest.

Signature of Person Requesting Waiver: _____

REQUEST FOR STATE BOARD WAIVER

THIS IS A PUBLIC DOCUMENT

Date: June 20, 2016

Name of Board Member or Former Board Member: Glenna N. Fouberg

Name of Board, Authority or Commission: South Dakota Board of Education

Brief explanation of your potential conflict of interest:

I occasionally fill in at Northern State University (NSU) to monitor the administration of Praxis tests. I do things like making sure the test-takers get their computers set up and that the area is secure. I do not score the tests.

Brief explanation of the current or anticipated business transaction with a State agency or with a political subdivision of the State and your role in the transaction:

When others are unavailable, I will fill in to do the work described above on or after July 1, 2016.

Brief explanation of the essential terms of the contract or transaction:

I do not have a formal employment contract with NSU, but I may be paid \$40-\$100 per month for the work depending on what months and how often I need to fill in.

Brief explanation of why you believe a waiver should be granted:

This is not a conflict with my role as a Board of Education member, and it is in the public interest for NSU to have someone to do this so these test-takers can get their Praxis test done. Because it is a contract with the State (NSU) which is potentially within the subject matter of the Board of Education, I am seeking a waiver for this work going forward.

Signature of Person Requesting Waiver: _____

REQUEST FOR STATE BOARD WAIVER

THIS IS A PUBLIC DOCUMENT

Date: June 20, 2016

Name of Board Member or Former Board Member: Donald A. Kirkegaard

Name of Board, Authority or Commission: South Dakota Board of Education

Brief explanation of your potential conflict of interest:

I am the superintendent of the Meade School District and have an employment contract with the district, which is a political subdivision.

Brief explanation of the current or anticipated business transaction with a State agency or with a political subdivision of the State and your role in the transaction:

See above.

Brief explanation of the essential terms of the contract or transaction:

I sign a yearly contract with the Meade School District to serve as superintendent. I perform duties as outlined by the Meade School District Board of Education.

Brief explanation of why you believe a waiver should be granted:

I am disclosing the existence of the employment contract because the contract is with a political subdivision which administers similar subject matter programs as the Board of Education. The Board of Education has no oversight of funds received by the district from the Department of Education. The Meade School District Board of Education determines whether to renew my contract and terms of my contract, in the public interest of the students and citizens of the district.

Signature of Person Requesting Waiver: _____

REQUEST FOR STATE BOARD WAIVER

THIS IS A PUBLIC DOCUMENT

Date: June 20, 2016

Name of Board Member or Former Board Member: Donald A. Kirkegaard

Name of Board, Authority or Commission: South Dakota Board of Education

Brief explanation of your potential conflict of interest:

I am the superintendent of the Meade School District. The District receives grant money from the South Dakota Department of Education, as do all school districts in South Dakota.

Brief explanation of the current or anticipated business transaction with a State agency or with a political subdivision of the State and your role in the transaction:

The school district submits a consolidated application for various state and federal education funds and also submits applications for various funds through the National School Lunch Program. The amount of these funds is publicly available, and I am attaching as Exhibit A the printout from the Department of Education's website which lists the various amounts and sources of funds received by Meade County School District for previous fiscal years. The district also receives state aid to education, and the amounts are publicly available.

Brief explanation of the essential terms of the contract or transaction:

The district agrees to various assurances as part of its applications for funds which I have attached as Exhibit B. Because the consolidated application has only recently been submitted, the final amount of grant funds has not yet been determined. However, because the effective date of many of these grants will be July 1, 2016, I am requesting the waiver at this time.

Meade County has applied for the following amounts for the next fiscal year as of the date of this waiver request:

Summer Food Service Program (2 sites – funding by reimbursement per meal);

<i>ESEA Title I Part A</i>	<i>\$609,930</i>
<i>ESEA Title II Part A</i>	<i>\$209,553</i>
<i>IDEA Part B Section 611</i>	<i>\$587,292</i>

IDEA Part B Section 619 (Preschool) \$16,825

Carl D. Perkins Career and Technical Education \$36,014

Brief explanation of why you believe a waiver should be granted:

The district is already required to abide by the attached assurances and all federal and state laws and regulations regarding receipt and use of the funds referenced herein, and amounts received will be publicly available on the Department's website. Neither Meade School District nor myself are receiving any special benefit in regard to these funds because all school districts apply for the same. The purpose of all these funds is to provide services to students, so they are obviously in the public interest. The South Dakota Board of Education has no oversight of this funding.

Signature of Person Requesting Waiver: _____

**STATE BOARD DISCLOSURE AND
WAIVER DECISION MATRIX FOR
SDCL 3-23-1 through 3-23-5 (hereinafter the “Disclosure Laws”)
Effective July 1, 2016**

DO I NEED TO REQUEST A WAIVER?

This matrix will assist a present or past state board member to determine whether it is necessary to seek a waiver in order to be a party to, or receive a benefit from, a contract with a State agency or with a political subdivision of the State. This matrix is not designed to be used in isolation: instead, it should be used in conjunction with the State Board Waiver Instructions and Form for the Disclosure Laws, a review of the Disclosure Laws, and contact with legal counsel. This matrix is intended as a general guide only and is not by itself determinative of whether a conflict of interest exists.

The questions in this matrix may not address your specific situation. In addition, to answer these questions, you should keep in mind that an agreement does not always need to be in writing to be considered a contract. If you have any doubt as to the answer to any of the questions below, you are encouraged to choose “YES” for the purposes of completing the matrix and deciding whether you need to ask for a waiver.

1. As of July 1, 2016 or thereafter, was I a member of one of the boards, commissions, or authorities listed below?

- (1) South Dakota Building Authority;
- (2) Board of Economic Development;
- (3) South Dakota Housing Development Authority;
- (4) South Dakota Health and Education Facilities Authority;
- (5) Science and Technology Authority Board of Directors;
- (6) South Dakota Ellsworth Development Authority;
- (7) South Dakota Commission on Gaming;
- (8) South Dakota Lottery Commission;
- (9) State Brand Board;
- (10) Game, Fish and Parks Commission;
- (11) Banking Commission;
- (12) Board of Trustees of the South Dakota Retirement System;
- (13) Aeronautics Commission;
- (14) South Dakota State Railroad Board;
- (15) Transportation Commission;
- (16) South Dakota Board of Education;
- (17) Board of Regents;
- (18) Board of Pardons and Paroles;
- (19) Board of Minerals and Environment;
- (20) Board of Water and Natural Resources;
- (21) South Dakota Railroad Authority; and

(22) Board of Water Management.

If YES, proceed to next question.

If NO, no request for waiver is needed.¹

2. If I am no longer a member of a board, commission, or authority listed in question 1, did my membership end within the last year?

If YES, proceed to next question.

If NO, no request for waiver is needed

3. Will or do I, my spouse or any other person with whom I live and commingle assets have a five percent or more ownership or other interest (such as being a creditor) of any business or entity that contracts or does business with the State or with a political subdivision of the State?

If YES, proceed to question 8.

If NO, proceed to next question.

4. Will or do I, my spouse or any other person with whom I live and commingle assets earn or receive any income, compensation or commission directly from any contract with the State or with a political subdivision of the State, or from any business or entity that contracts or does business with the State or with a political subdivision of the State?

If YES, proceed to question 8.

If NO, proceed to next question.

5. Will or do I, my spouse or any other person with whom I live and commingle assets acquire any property as a result of any contract with the State or with a political subdivision of the State?

If YES, proceed to question 8.

If NO, proceed to next question.

6. Do I, my spouse or any other person with whom I live and commingle assets serve on the board of directors of an entity, including a nonprofit entity, that receives or obtains any income, compensation, commission or property from any contract with the State or with a political subdivision of the State?

¹ This matrix does not address conflicts for a board member, fiscal agent, officer, or executive of a local service agency, education service agency, nonprofit education service agency, or jointly governed education service agency that receives money from or through the State. However, such persons are also subject to the Disclosure Laws.

If YES, proceed to question 8.
If NO, proceed to next question.

7. Have I, my spouse or any other person with whom I live and commingle assets entered into, or am I or any of the foregoing persons considering entering into, any contract or business transaction with the State or with a political subdivision of the State?

If YES, proceed to the next question.
If NO, no waiver is necessary.

8. Is the contract or transaction with the board, commission or authority on which you serve or served within the last year or with the State Agency that assists such board, commission or authority?

If YES, you need to request a waiver.
If NO, proceed to next question.

9. Is the contract or transaction within the jurisdiction or related to the subject matter of the board, commission or authority on which you serve or served within the last year?

If YES, you need to request a waiver.
If NO, proceed to next question.

10. Is the contract or transaction with a political subdivision of the State that administers or executes a program with similar subject matter as the board, commission or authority on which you serve or served within the last year?

If YES, you need to request a waiver.
If NO, no waiver is necessary.

**STATE BOARD WAIVER
INSTRUCTIONS AND FORM FOR
SDCL 3-23-1 through 3-23-5 (hereinafter the “Disclosure Laws”)
Effective July 1, 2016**

INTRODUCTION

Absent a waiver, the Disclosure Laws prohibit current and certain former members of certain State boards, commissions and authorities (hereinafter “Boards” and “Board Members” or “Members”) from contracting with, or from deriving direct benefits from a contract with, a State agency if the contract is within the jurisdiction or related to the subject matter of the Board. Absent a waiver, the Disclosure Laws also prohibit Board Members from contracting with, or deriving direct benefits from contracts with, political subdivisions of the State that administer or execute similar subject matter programs as the Member’s Board. The foregoing prohibitions also apply to direct benefits derived from a State or political subdivision contract by a spouse or other person living with the Board Member and commingling assets with the Board Member.

The Disclosure Laws, however, do not apply to all State boards, commissions and authorities. The Disclosure Laws also do not supplant existing prohibitions applicable to members of certain State boards, commissions, and authorities, the prohibitions on self-dealing applicable to all public officers found at SDCL 3-16-8, or the prohibitions on State employees receiving dual compensation for serving on a State board, commission, or authority found in SDCL 3-8-4.1. The Disclosure Laws apply to persons serving as Board Members on or after July 1, 2016, and extend for a period of one year after the end of the Member’s term on the Board.

These instructions will assist a current or former Board Member with determining whether a prohibited conflict exists or might exist and, if so, will guide the current or former Board Member through the process for requesting a waiver. The instructions will also guide the Board in acting on the waiver request. However, the instructions are not intended to be used in isolation: instead, they should be used in conjunction with a review of the Disclosure Laws and the State Board Disclosure and Waiver Decision Matrix. Attorneys for the State agency, board, authority or commission may answer general questions about the applicability of the Disclosure Laws or about the other laws that address self-dealing or dual compensation. However, because these attorneys represent the agency, board, or commission and not the Board Members in their individual capacities, Board Members should contact a private attorney if they have questions as to how the Disclosure Laws apply to their individual interests and contracts.

SUMMARY OF THE DISCLOSURE LAWS

Who the Disclosure Laws apply to:

The prohibitions apply only to individuals who, on or after July 1, 2016, are members of the following State boards, commissions and authorities:

- (1) South Dakota Building Authority;
- (2) Board of Economic Development;
- (3) South Dakota Housing Development Authority;
- (4) South Dakota Health and Education Facilities Authority;
- (5) Science and Technology Authority Board of Directors;
- (6) South Dakota Ellsworth Development Authority;
- (7) South Dakota Commission on Gaming;
- (8) South Dakota Lottery Commission;
- (9) State Brand Board;
- (10) Game, Fish and Parks Commission;
- (11) Banking Commission;
- (12) Board of Trustees of the South Dakota Retirement System;
- (13) Aeronautics Commission;
- (14) South Dakota State Railroad Board;
- (15) Transportation Commission;
- (16) South Dakota Board of Education;
- (17) Board of Regents;
- (18) Board of Pardons and Paroles;
- (19) Board of Minerals and Environment;
- (20) Board of Water and Natural Resources;
- (21) South Dakota Railroad Authority; and
- (22) Board of Water Management.

The prohibitions apply while the member serves on the board, and for a period of one year after the end of the member's term.

What the Conflicts Laws do:

The Disclosure Laws prohibit a Board Member from contracting with the State, or from deriving a direct benefit from a contract or transaction with the State, if the contract or transaction is within the jurisdiction or relates to the subject matter of the Member's Board. The Disclosure Laws also prohibit a Board Member from contracting with, or deriving a direct benefit from, a contract with a political subdivision of the State if the political subdivision administers or executes similar subject matter programs as the Member's Board. The foregoing prohibitions also apply to certain former Board Members, as will be explained below.

What “derive a direct benefit” from a contract means:

A Board Member derives a direct benefit from the contract if one or more of the following is true of the Member, the Member’s spouse, or a person with whom the Member lives with and commingles assets:

- 1) Has a five percent ownership or other interest in an entity that is a party to the contract;
- 2) Derives income, compensation or commission directly from the contract or from the entity that is a party to the contract;
- 3) Acquires property under the contract; or
- 4) Serves on the board of directors of an entity (including a nonprofit) that derives income or commission directly from the contract or acquires property under the contract.

“Direct benefit” does not include gain from a contract based solely on the value of a Board Member’s investment in an entity that is a party to the contract, if that investment represents less than a five percent ownership in the entity. It also does not apply to contracts or transactions where the Board Member only benefits from an act of the Board that has general application, such as a decision by the Board to increase or decrease a fee that many South Dakotans pay.

Note the Disclosure Laws apply to public employment contracts.

EFFECT ON FORMER BOARD MEMBERS

The law prohibits a Board Member from entering into a conflicted transaction during the Board member's term and for a period of one year after the Member's term on the Board. The law becomes effective July 1, 2016.

Accordingly, a Board Member who enters into a conflicted transaction on or after July 1, 2016, will need to obtain a waiver. This will apply to every conflicted transaction during the Board member's term and for one year after the end of that term.

However, the law is not retroactive. Thus, it does not apply to former Board Members whose term ended before July 1, 2016. Therefore, any Board member who does not wish to be subject to the new law must resign before July 1, 2016. *Note that resignations should be submitted as soon as possible because resignations are generally not effective until a replacement board member is appointed.*

CONTRACTS AWARDED PRIOR TO JULY 1, 2016

The Disclosure Laws are not retroactive, and thus do not apply to contracts or transactions entered into and effective prior to July 1, 2016 – even if the contract continues in effect on or after July 1, 2016. The exception is a contract that was entered into prior to July 1, 2016 which includes a renewal provision that is effective on or after July 1, 2016. A Board Member who, prior to July 1, 2016, entered into or derived a direct benefit from a contract with the State or a political subdivision which contains such a renewal provision should go through the waiver process described below even if the provision states that the contract renews automatically.

EXAMPLES OF TRANSACTIONS PROHIBITED ABSENT A WAIVER

- 1) A current commissioner of Game, Fish and Parks enters into a seasonal contract to mow Game Fish and Park properties, or a contract with a city or county to mow park properties. These are prohibited direct contracts with the State related to the subject matter of the commission or contracts with a political subdivision of the State that administers similar programs as the commission (Parks). The contracts are allowable only if proper waiver is sought and secured from the Commission.

- 2) A current member of the State Board of Education lives with and commingles assets with a person employed by a staff recruiting agency. That recruiting agency enters into a contract with a school district to recruit speech and language pathologists for the school district. This is a prohibited contract with a political subdivision of the State (the school district) that administers similar subject matter programs (K-12 education) as the Board of Education. The contract is allowable only if proper waiver is sought and secured from the Board.

- 3) A current Game Fish & Parks (GFP) commission member also serves on the board of directors of a non-profit organization which facilitates providing game meat to organizations who use the meat to feed the hungry. On an annual basis, the GFP Commission adopts a resolution which approves a grant of X thousand dollars to the nonprofit organization to use to defray the costs of processing the game as well as to pay an individual (other than the GFP commission member) a stipend and out-of-pocket expenses for coordinating the program. Because the nonprofit organization derives income directly from a contract (i.e., the grant) awarded to it by the GFP Commission, this is a prohibited transaction allowable only if proper waiver is sought and secured from the GFP Commission.

AGENCY-SPECIFIC CONFLICTS STATUTES

There may be other specific conflict of interest laws relating to a specific board, commission or authority. In the event the Disclosure Laws described in these instructions and the laws specific to the board, commission, or authority are different, the more restrictive law will be applied.

PENALTIES FOR NON-COMPLIANCE WITH THE DISCLOSURE LAWS

Any Board Member who knowingly violates the provisions of the Disclosure Laws shall be removed from the Board and is guilty of a Class 1 misdemeanor. The contract is voidable by the Board. Any benefit that the Board Member received from the contract is subject to forfeiture.

WAIVERS

A waiver may be granted to authorize a Board Member to derive a direct benefit from a contract with the State or with a political subdivision that administers or executes programs similar to the subject matter of the Board if the following conditions are met:

1. The Board Member provides a full written disclosure to the Board;
2. The Board reviews the essential terms of the contract or transaction and the Member's role in the contract or transaction;
3. The transaction and terms of the contract are fair and reasonable and not contrary to the public interest; and
4. The authorization of the Board is in writing and filed with the Auditor-General.

PROCESS TO OBTAIN A WAIVER

A written request for a waiver should be submitted to the Board prior to a meeting. Boards are advised to have a standing item at the beginning of their meeting agendas during which the

Board will address any Board Member Requests. The requesting Board Member should be prepared to answer any questions the Board may have. Then, the requesting Board Member should leave the meeting while the other Board members discuss the request and determine whether authorization for waiver is appropriate. The request and the Board's determination shall be included in the minutes of the meeting.

CAUTION: The failure of a Board to act on a request for a waiver does not mean the waiver was or will be allowed. The Board Member requesting waiver is responsible to follow up on waiver requests as necessary.

INSTRUCTIONS FOR STATE BOARD MEMBERS SEEKING WAIVER

If the potential for a conflict exists, you should immediately prepare and submit the form Request for State Board Waiver. This should be done before entering into a conflicted contract or transaction. If in doubt whether a conflict exists, disclose.

Briefly describe your relationship to the contract in question and why you believe it may be covered by the law, including how you, your spouse or anyone with whom you live and commingle assets might benefit from the contract. Examples of persons other than your spouse might include a girlfriend, boyfriend, roommate, or an adult child.

Briefly describe the essential terms of the contract. What goods or services are provided? What price is paid? What parties are involved? What is the timeframe of the transaction?

Also, briefly describe why you believe a waiver would not be contrary to the public interest. For example, was the contract part of a competitive bidding process? Were others involved in the decision-making process? Are the terms consistent with other, similar contracts?

THE REQUEST FOR WAIVER IS A PUBLIC DOCUMENT THAT WILL BE OPEN TO PUBLIC INSPECTION.

INSTRUCTIONS FOR THE STATE BOARD ACTING ON A REQUEST FOR WAIVER

A procedure for receiving and distributing waiver requests prior to a meeting should be adopted. Boards are also advised to have a standing item at the beginning of their meeting agendas during which the Board will address conflict requests and advised to establish special meetings as necessary.

The request for a waiver should be reviewed by the other Board Members prior to the next Board meeting and, to the extent necessary, the other Board Members should be prepared to ask the requesting Board Member questions during the meeting in order to determine whether the contract or transaction is eligible for waiver.

In the interest of fairness to Board Members requesting waivers and persons with whom they may be dealing, all waiver requests should be decided at the meeting in which the request is brought forth. If you deem the request form incomplete, you must ask for additional information from the requesting Board Member. The Board should avoid using an incomplete request form as a reason to extend the time for review if the needed information is readily provided by the Board Member.

Unless readily apparent from the disclosure or written request, other Board Members should ask questions to determine the requesting party's relationship to the contract; the requesting party's relationship to the outside contracting party; whether the contract terms are reasonable and in the public interest; and any other questions the other Board Members believe will help establish the true facts and circumstances surrounding the award of the contract and the request for waiver.

If the authorization is granted, the decision must be included in the meeting minutes. In addition, following the meeting a written authorization should be prepared using the appropriate State Board Disclosure Laws Waiver Authorization form, signed by the chair of the Board or other authorized Board Member, and filed with the Auditor General.

ALTERNATIVE PROCESS FOR AUTHORIZATION

An alternative procedure may be used for authorization of certain contracts, transactions, or other conflicts during a meeting of the Board. In order to utilize the alternative procedure, the Board's agenda for the meeting must include an item for conflicts disclosure prior to consideration of any substantive matters on the agenda, and the conflict item must relate to a substantive matter on the agenda. Under these circumstances, a Board Member may publicly disclose a direct benefit or other conflict in regard to a substantive matter on the agenda without prior written disclosure. After the Member discloses the conflict and answers questions from the other Board Members, the requesting Member must be excused from discussion and consideration of the substantive matter. The Board may waive the conflict if it determines that, based upon a review of the essential terms of the contract, transaction, or conflict and the Member's role in the same, the transaction and terms of the contract are fair, reasonable, and not contrary to the public interest. **Both the disclosure by the Member and determination by the Board must be included in the official minutes made available to the public and a copy of the minutes must be filed with the Auditor-General.**

REQUEST FOR STATE BOARD WAIVER

THIS IS A PUBLIC DOCUMENT

Date: _____

Name of Board Member or Former Board Member: _____

Name of Board, Authority or Commission: _____

Brief explanation of your potential conflict of interest:

Brief explanation of the current or anticipated business transaction with a State agency or with a political subdivision of the State and your role in the transaction:

Brief explanation of the essential terms of the contract or transaction.

Brief explanation of why you believe a waiver should be granted:

Signature of Person Requesting Waiver: _____

STATE OF SOUTH DAKOTA

(insert name of board/commission/authority)

STATE BOARD DISCLOSURE LAWS
WAIVER AUTHORIZATION
PURSUANT TO SDCL 3-23-3 (current member)

A written request for waiver of conflict, dated _____, was received from
_____. The request was acted upon by the members of
_____ (insert name of board/commission/authority) during a meeting held on
_____.

(check one)

_____ The request for waiver was denied for the following reasons:

_____ The request for waiver was authorized for the following reasons:

_____ The request for waiver was authorized subject to the following conditions:

Signature of Chairperson or Authorized Member

Date

Printed Name: _____

Date mailed to Auditor-General: _____

STATE OF SOUTH DAKOTA

(insert name of board/commission/authority)

STATE BOARD DISCLOSURE LAWS
WAIVER AUTHORIZATION
PURSUANT TO SDCL 3-23-4 (former member)

A written request for waiver of conflict, dated _____, was received from
_____. The request was acted upon by the members of
_____ (insert name of board/commission/authority) during a meeting held on
_____.

(check one)

_____ The request for waiver was denied for the following reasons:

_____ The request for waiver was authorized for the following reasons:

_____ The request for waiver was authorized subject to the following conditions:

Signature of Chairperson or Authorized Member

Date

Printed Name: _____

Date mailed to Auditor-General: _____

AN ACT

ENTITLED, An Act to regulate conflicts of interest for authority, board, or commission members.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That the code be amended by adding a NEW SECTION to read:

No elected or appointed member of a state authority, board, or commission may have an interest in any contract or derive a direct benefit from any contract with the state which is within the jurisdiction or relates to the subject matter of the state authority, board or commission or with a political subdivision of the state if the political subdivision administers or executes similar subject matter programs as the state authority, board or commission, nor may the member have an interest in any contract or derive a direct benefit from any contract for one year after the end of the member's term on the authority, board, or commission except as provided in section 3 and section 4 of this Act.

Section 2. That the code be amended by adding a NEW SECTION to read:

An elected or appointed member of an authority, board, or commission derives a direct benefit from a contract if the state authority, board, or commission member, the authority, board, or commission member's spouse, or any other persons the authority, board, or commission member lives with and commingles assets:

- (1) Has more than a five percent ownership or other interest in an entity that is a party to the contract;
- (2) Derives income, compensation, or commission directly from the contract or from the entity that is a party to the contract;
- (3) Acquires property under the contract; or
- (4) Serves on the board of directors of an entity that derives income or commission directly from the contract or acquires property under the contract.

An authority, board, or commission member does not derive a direct benefit from a contract

based solely on the value associated with the authority, board, or commission member's investments or holdings, or the investments or holdings of other persons the authority, board, or commission member lives with and commingles assets. A member of an authority, board, or commission does not have an interest in a contract nor does the member receive a direct benefit by participating in a vote or a decision where the member's only interest is the effect of an act of general application.

Section 3. That the code be amended by adding a NEW SECTION to read:

Any elected or appointed authority, board, or commission may authorize an authority, board, or commission member to have an interest in a contract or to derive a direct benefit from a contract if:

- (1) The authority, board, or commission member has provided full written disclosure to the authority, board, or commission;
- (2) The authority, board, or commission has reviewed the essential terms of the transaction or contract and the authority, board, or commission member's role in the contract or transaction; and
- (3) The transaction and the terms of the contract are fair, reasonable, and not contrary to the public interest.

No member of a state authority, board, or commission may participate in or vote upon a decision of the state authority, board, or commission relating to a matter in which the member has an interest or derives a direct benefit.

The authorization shall be in writing. Any authorization given pursuant to this section is a public record. Each authorization shall be filed with the auditor-general. The auditor-general shall compile the authorizations and present them annually for review by the Government Operations and Audit Committee. A member of an authority, board, or commission may comply with this section if: the authority, board, or commission puts on its regular meeting agenda an inquiry for conflicts disclosure prior to the consideration of any substantive matters; the member publicly discloses his or her

interest in a contract, direct benefits, or other conflict with any matter on the agenda; the member is excused from discussion and consideration of the matter; the board determines the matter underlying the conflict is fair, reasonable, and not contrary to the public interest; and the disclosure is included in the minutes which are publicly available.

Section 4. That the code be amended by adding a NEW SECTION to read:

Within the one-year period prohibiting any contract with an elected or appointed authority, board, or commission, the authority, board, or commission may approve a former authority, board, or commission member to contract with the elected or appointed authority, board, or commission if the authority, board, or commission determines that the transaction and the terms of the contract are fair, reasonable, and are in the best interests of the public. The authorization shall be in writing.

Any approval given pursuant to this section is a public record. Each approval shall be filed with the auditor-general. The auditor-general shall compile the approvals and present them annually for review by the Government Operations and Audit Committee.

Section 5. That the code be amended by adding a NEW SECTION to read:

Any elected or appointed authority, board, or commission member who knowingly violates sections 1 to 4, inclusive, of this Act, shall be removed from the authority, board, or commission and is guilty of a Class 1 misdemeanor. Any benefit to the authority, board, or commission member in violation of sections 1 and 2 of this Act is subject to forfeiture and any contract made in violation of this Act is voidable by the authority, board, or commission.

Section 6. That the code be amended by adding a NEW SECTION to read:

No board member, fiscal agent, officer, or executive of a local service agency, school district, cooperative education service unit, education service agency, nonprofit education service agency, or jointly governed education service entity that receives money from or through the state may have an interest in a contract nor receive a direct benefit from a contract that the local service agency,

school district, cooperative education service unit, education service agency, nonprofit education service agency, or jointly governed education service entity is a party to the contract except as provided in section 8 of this Act.

Section 7. That the code be amended by adding a NEW SECTION to read:

A person described in section 6 of this Act derives a direct benefit from a contract if the person, the person's spouse, or other persons the person lives with and commingles assets:

- (1) Has more than a five percent ownership or other interest in an entity that is a party to the contract;
- (2) Derives income, compensation, or commission directly from the contract or from the entity that is a party to the contract;
- (3) Acquires property under the contract; or
- (4) Serves on the board of directors of an entity that derives income directly from the contract or acquires property under the contract.

A person does not derive a direct benefit from a contract based solely on the value associated with the person's investments or holdings, or the investments or holdings of other persons the state officer or employee lives with and commingles assets.

Section 8. That the code be amended by adding a NEW SECTION to read:

A local service agency, school district, cooperative education service unit, education service agency, nonprofit education service agency, or jointly governed education service entity may authorize a board member, fiscal agent, officer, or executive to have an interest in a contract or derive a direct benefit from a contract if:

- (1) The person has provided full written disclosure to the agency, district, or unit governing board;
- (2) The governing board has reviewed the essential terms of the transaction or contract and

the person's role in the contract or transaction; and

- (3) The transaction or the terms of the contract are fair, reasonable, and not contrary to the public interest.

No member of a local service agency, school district, cooperative education service unit, education service agency, nonprofit education service agency, or jointly governed education service entity may participate in or vote upon a decision of a local service agency, school district, cooperative education service unit, education service agency, nonprofit education service agency, or jointly governed education service entity relating to a matter in which the member has an interest or derives a direct benefit.

The authorization shall be in writing. Any authorization given pursuant to this section is a public record. Each authorization shall be filed with the auditor-general. The auditor-general shall compile the authorizations and present them annually for review by the Government Operations and Audit Committee. A board member, fiscal agent, officer, or executive of a local service agency, school district, cooperative education service unit, education service agency, nonprofit education service agency, or jointly governed education service entity may comply with this section if: the local service agency, school district, cooperative education service unit, education service agency, nonprofit education service agency, or jointly governed education service entity puts on its regular meeting agenda an inquiry for conflicts disclosure prior to the consideration of any substantive matters; the person subject to this Act publicly discloses his or her interest in a contract, direct benefit, or other conflict with any matter on the agenda; the person is excused from discussion and consideration of such matters; the board determines the matter underlying the conflict is fair, reasonable, and not contrary to the public interest; and the disclosure is included in the minutes which are publicly available.

Section 9. That the code be amended by adding a NEW SECTION to read:

Any person who knowingly violates sections 6 to 8, inclusive, of this Act shall be removed from office or employment and is guilty of a Class 1 misdemeanor. Any benefit to a person derived from the person's knowing violation of sections 6 to 8, inclusive, of this Act is subject to forfeiture. Any contract made in violation of sections 6 to 8, inclusive, of this Act is voidable by the governing body of the local service agency, school district, cooperative education service unit, education service agency, nonprofit education service agency, or jointly governed education service entity.

Section 10. That the code be amended by adding a NEW SECTION to read:

The following authorities, boards, or commissions are subject to this Act:

- (1) South Dakota Building Authority;
- (2) Board of Economic Development;
- (3) South Dakota Housing Development Authority;
- (4) South Dakota Health and Education Facilities Authority;
- (5) Science and Technology Authority Board of Directors;
- (6) South Dakota Ellsworth Development Authority;
- (7) South Dakota Commission on Gaming;
- (8) South Dakota Lottery Commission;
- (9) State Brand Board;
- (10) Game, Fish and Parks Commission;
- (11) Banking Commission;
- (12) Board of Trustees of the South Dakota Retirement System;
- (13) Aeronautics Commission;
- (14) South Dakota State Railroad Board;
- (15) Transportation Commission;
- (16) South Dakota Board of Education;

- (17) Board of Regents;
- (18) Board of Pardons and Paroles;
- (19) Board of Minerals and Environment;
- (20) Board of Water and Natural Resources;
- (21) South Dakota Railroad Authority; and
- (22) Board of Water Management.

Section 11. That the code be amended by adding a NEW SECTION to read:

Any entity established pursuant to § 13-3-76 to 13-3-81 not subject to an audit requirement under § 13-5-33.2 shall be audited annually. Each audit required under state law shall be done to confirm compliance with sections 3 and 8 of this Act according to guidelines established by the auditor-general.

Commission Meeting Format

Commission meetings generally follow the agenda on the following page. The meetings are held in a public place with the notices going out before hand inviting the public to attend.

Meetings generally start at 1:00 p.m. on Thursday and conclude at 12:00 p.m. on Friday. Special circumstances may require special accommodations and changes in meeting schedules. Meetings are usually held at the beginning of the month, with no meetings in February or September.

Action items are items that require Commission action. These may include approval of meeting minutes, license list requests, recommendations for proposal, etc. Information items are items that require no action. These may include updates on programs, staff introduction/recognition, educational presentations, etc. Finalizations are items that were proposed at the previous month's meeting to be finalized this month. These items are available for public comment in the Public Hearing portion of the meeting.

Proposals can be initiated in three different ways. The first two are the most common: 1) Department staff recommends to the Commission a rule proposal and the Commission proposes a rule, 2) the Commission, without suggestion or recommendation, proposes a rule. The third way is less common but requires Commission action, a petition by a member of the public or an organization. Within the petition, a person or group may request the Commission initiate and propose a particular rule. The Commission must take action (propose the rule or deny the petition with reason given) within 30 days of being notified of having the petition submitted to it, unless that 30-day time frame has been waived by the petitioning group.

Before voting on anything there must be a quorum present, or five Commission members. Voting can take place one of two ways, the first being a roll call vote. Each Commissioner's name will be called and said Commissioner will vote Yeah or Nay. The second is a voice vote i.e. 'All those in favor signify by saying Yeah, opposed Nay.' ***ANY ACTION TAKEN BY THE COMMISSION MUST RECEIVE 5 AFFIRMATIVE VOTES.***

The Public Hearing generally begins at 2:00 p.m. The Hearing Officer will announce the beginning of the hearing, the public is asked to sign in, state their name, city, and their comments. Comments are restricted to the item being addressed. Only one item may be commented on at a time. After all public comment is heard on one item, the hearing will move on to the next item until all public testimony has been heard. The Hearing Officer will close the Public Hearing after all comments have been heard. The Commission will then move to finalizing each of the items.

At times, individuals/groups will request time on the agenda to address the Commission regarding Game, Fish, and Parks activities. Department employees may also request time on the agenda to present information to the Commission regarding programs, studies, or special projects.

The agenda is included in the Commission books along with proposal and finalization sheets and any other pertinent information for the meeting. A mailing of the information to be covered during the upcoming meeting will be sent out to Commissioners about a week before the meeting. Commissioners are encouraged to review the mailing prior to the meeting. A complete book with all necessary information is handed out to the Commission before the meeting starts on Thursday afternoon.

The Commission sits at a table at the front of the room with the Chairperson sitting in the center with Commissioners on either side; and the Department Secretary at one end of the table. There is a table for people addressing the Commission in front of the Commissioners and the audience behind the speaker's table. The Executive Secretary and the Communication Manager will be sitting to one side of the Commission taking meeting minutes. Locations vary from meeting to meeting, and so will the set up of the room.

AGENDA

Game, Fish, and Parks Commission

Month 1-2, 2014

Meeting Location – City, SD

Call to order 1 PM CDT June 5th

Division of Administration

Action items:

1. Approve minutes of the May 2014 meeting and teleconference
2. Additional Commissioner Salary Days
3. License List Requests

Information item:

4. License Sales Report

Open Forum

2 PM Public Hearing on Finalizations

Finalizations

5. East River Deer Hunting Season
6. Archery Equipment Restrictions

Proposals

7. Fall Turkey Hunting Season
8. Antelope Hunting Season

Division of Parks and Recreation

Information items:

9. Concession leases
10. May Revenue and Visitation Report

Division of Wildlife

Action items:

11. State Wildlife Action Plan
12. Sportsmen Against Hunger

Information items:

13. Antelope population update
14. Miscellaneous updates

Adjourn

Next meeting information:

SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE
DEPARTMENT OF GAME, FISH, AND PARKS
TRAVEL VOUCHER INFORMATION

Commissioner, please complete this form and sign the voucher as "Claimant". The voucher will be completed by the secretary.

Claimant _____

1. **Departure:** _____ **From:** _____ (home or city)
(date) (time)
2. **Traveled to:** _____ (city or location)
3. **Return:** _____ (departure from location to return home)
(date) (time)
4. **Purpose of Travel:** _____ (Commission meeting or other)

5. Transportation Information: _____ Odometer Readings

Private Automobile: _____
(License No.) (beginning) (ending)

Option: Map Mileage: _____

Other Mode of Transportation: (airlines, cab, parking, baggage check, etc.)
Airline Boarding Passes or Receipt required for reimbursement.

Travel Rates: effective July 1, 2015

In-state:

Private car	\$.42.	per mile high mileage
Breakfast	6.00	(Leave before 5:31 AM or return after 7:59 AM)
Lunch	11.00	(" " 11:31 AM or " " 12:59 PM)
Supper	15.00	(" " 5:31 PM or " " 7:59 PM)
Lodging	55.00 or 70.00	depending on time of year

Out-of-state:

Private car	\$.42	per mile
Breakfast	10.00	(time restrictions same as in-state)
Lunch	14.00	" "
Supper	21.00	" "
Lodging	150.00	plus tax

NOTE: Highlighted areas must be **COMPLETELY** filled out by the Commissioner and motel receipts **MUST** accompany it. This form will be provided at the beginning of each commission meeting.

2016 SCHEDULE FOR SETTING SEASONS/REGULATIONS

DATE	LOCATION	SEASON	PROPOSE	FINALIZE
January 14-15	Pierre <i>RedRossa Convention Room</i>	Hunting Season Dates	January	March
February		NO MEETING		
March 3-4	Pierre <i>RedRossa Convention Room</i>	CSP Bison CSP Elk (multiple seasons) Archery, Black Hills & Prairie Elk Waterfowl Hunting Seasons	March	April
April 7-8	Brookings <i>McCrary Gardens</i>	NO PROPOSALS SCHEDULED	April	May
May 5-6	CSP <i>Blue Bell Lodge</i>	CSP Deer East River Deer West River Deer Black Hills Deer Refuge Deer Archery Deer Muzzleloader Deer Youth Deer	May	June
June 2-3	Watertown <i>Convention Center</i>	Fall Turkey	June	July
July 7-8	Pierre <i>RedRossa Convention Room</i>	NO PROPOSALS SCHEDULED	July	August
August 4-5	Pierre <i>RedRossa Convention Room</i>	Bobcat Fishing Regulations Bait Fish Private Fish Hatcheries Fish Importation	August	October
September		NO MEETING		
October 6-7	Mobridge <i>Wrangler Inn</i>	CSP Spring Turkey Spring & Archery Turkey	October	November
November 3-4	Brandon <i>Holiday Inn Express</i>	NO PROPOSALS SCHEDULED	November	December
December 15-16	Pierre <i>RedRossa Convention Center</i>	NO PROPOSALS SCHEDULED	December	January

Seasons, Regulations & Management Plans Schedule

	2016	2017	2018	2019	2020	2021	2022
JANUARY		Waterfowl Public Lands Public Waters Special Buck	Waterfowl Refuges	Waterfowl Public Lands Public Waters Special Buck	Waterfowl	Waterfowl Public Lands Public Waters Special Buck Refuges	Waterfowl Res Canada Goose Plan
FEBRUARY				NO MEETING			
MARCH	CSP Bison CSP Elk Archery Elk Black Hills Elk Prairie Elk	Mountain Goat	CSP Bison CSP Elk Archery Elk Black Hills Elk Prairie Elk	Mountain Goat	CSP Bison CSP Elk Archery Elk Black Hills Elk Prairie Elk Elk Mgmt Plan	Mountain Goat	CSP Bison CSP Elk Archery Elk Black Hills Elk Prairie Elk
APRIL		Prairie Grouse Plan No Proposals Scheduled	Grouse Pheasant Partridge Quail Cottontail Rabbit Squirrel Crow/Crane/Snipe Mourning Dove	No Proposals Scheduled	No Proposals Scheduled	Grouse Pheasant Pheasant Mgmt Plan Partridge Cottontail Rabbit Squirrel Crow/Crane/Snipe Mourning Dove	No Proposals Scheduled
MAY	CSP Deer East River Deer West River Deer Black Hills Deer Refuge Deer Archery Deer Muzzleloader Deer Youth Deer	CSP Deer East River Deer West River Deer Black Hills Deer Refuge Deer Archery Deer Muzzleloader Deer Youth Deer Deer Mgmt Plan Furbearer/Trapping	No Proposals Scheduled	CSP Deer East River Deer West River Deer Black Hills Deer Refuge Deer Archery Deer Muzzleloader Deer Youth Deer Furbearer/Trapping	No Proposals Scheduled	CSP Deer East River Deer West River Deer Black Hills Deer Refuge Deer Archery Deer Muzzleloader Deer Youth Deer Furbearer/Trapping	CSP Deer Deer Mgmt Plan No Proposals Scheduled
JUNE	Fall Turkey	Antelope Archery Antelope CSP Antelope Sage Grouse	Depredation Hunts Fall Turkey	Antelope Archery Antelope CSP Antelope Antelope Mgmt Plan Sage Grouse Sage Grouse Mgmt Plan	Fall Turkey	Antelope Archery Antelope CSP Antelope Sage Grouse Depredation Hunts Turkey Mgmt Plan	Fall Turkey
JULY	No Proposals Scheduled	No Proposals Scheduled	No Proposals Scheduled	No Proposals Scheduled	No Proposals Scheduled	No Proposals Scheduled	No Proposals Scheduled
AUGUST	Bobcat Fishing Regulations Bait Fish Private Fish Hatcheries Fish Importation	Mountain Lion	Bobcat Mt. Lion Plan Fishing Regulations Statewide Fish Mgmt. Plan BH Reservoirs Mgmt Plan BH Streams Mgmt Plan	Mountain Lion Bait Fish Private Fish Hatcheries Fish Importation	Bobcat Fishing Regulations	Mountain Lion Bait Fish Private Fish Hatcheries Fish Importation	Bobcat Fishing Regulations
SEPTEMBER				NO MEETING			
OCTOBER	Spring Turkey Spring Turkey (Archery) CSP Spring Turkey	No Proposals Scheduled	Spring Turkey Spring Turkey (Archery) CSP Spring Turkey	No Proposals Scheduled	Spring Turkey Spring Turkey (Archery) CSP Spring Turkey	No Proposals Scheduled	Spring Turkey Spring Turkey (Archery) CSP Spring Turkey
NOVEMBER	No Proposals Scheduled	No Proposals Scheduled	No Proposals Scheduled	No Proposals Scheduled	No Proposals Scheduled	No Proposals Scheduled	No Proposals Scheduled
DECEMBER	No Proposals Scheduled	Bighorn Sheep	West River Fish Mgmt Plan East River Fish Mgmt Plan Missouri River Fish Mgmt Plan	Bighorn Sheep	No Proposals Scheduled	Bighorn Sheep	No Proposals Scheduled

Seasons and regulations proposed during the month listed; finalization occurring at the subsequent meeting.

3-Year Waterfowl Schedules that began in 2015 (Youth Waterfowl, Early Fall Canada Goose, Special Canada Goose, Tundra Swan, August Management Take, & Spring Light Goose)

State Park Fee History 2008-2016

	2008	2009	2010	2011	2012	2013	2014	2015	2016
Park Entrance License									
Annual	\$23.00	\$28.00	\$28.00	\$28.00	\$28.00	\$30.00	\$30.00	\$30.00	\$30.00
Second Vehicle	\$11.50	\$14.00	\$14.00	\$14.00	\$14.00	\$15.00	\$15.00	\$15.00	\$15.00
Combo		\$42.00	\$42.00	\$42.00	\$42.00	\$45.00	\$45.00	\$45.00	\$45.00
Transferable	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$65.00	\$65.00	\$65.00	\$65.00
Daily/Person	\$3.00	\$4.00	\$4.00	\$4.00	\$4.00	\$4.00	\$4.00	\$4.00	\$4.00
Daily/Vehicle	\$5.00	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00
George S. Mickelson Trail Annual Pass	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
George S. Mickelson Trail Daily Pass	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$4.00
Motorcoach	\$2.00	\$2.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00
CSP 7-Day/Vehicle	\$12.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$20.00
CSP Motorcycle Band/Motorcycle - 7-Day		\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Camping Fees									
Preferred Campgrounds	\$15.17	\$15.17	\$15.17	\$17.06	\$17.06	\$17.06	\$19.00	\$19.00	\$19.00
Modern Campgrounds	\$13.27	\$13.27	\$13.27	\$15.17	\$15.17	\$15.17	\$17.00	\$17.00	\$17.00
Lewis & Clark Waterfront Campsites	\$17.06	\$17.06	\$17.06	\$18.96	\$18.96	\$18.96	\$21.00	\$21.00	\$21.00
Basic campgrounds	\$11.37	\$11.37	\$11.37	\$13.27	\$13.27	\$13.27	\$15.00	\$15.00	\$15.00
Basic Equestrian CG except CSP	\$9.48	\$9.48	\$9.48	\$11.37	\$11.37	\$11.37	\$13.00	\$13.00	\$13.00
Semi-modern Equestrian CG except CSP	\$15.17	\$15.17	\$15.17	\$17.06	\$17.06	\$17.06	\$19.00	\$19.00	\$19.00
CSP Modern Campgrounds	\$20.86	\$20.86	\$20.86	\$22.75	\$22.75	\$22.75	\$25.00	\$25.00	\$25.00
CSP Equestrian Campground	\$23.70	\$23.70	\$23.70	\$25.59	\$25.59	\$25.59	\$30.00	\$30.00	\$30.00
CSP Center Lake Campground	\$15.17	\$15.17	\$15.17	\$17.06	\$17.06	\$17.06	\$19.00	\$19.00	\$19.00
CSP French Creek Natural Area	\$3.80/person	\$3.80/person	\$3.80/person	\$5.69/person	\$5.69/person	\$5.69/person	\$7/person	\$7/person	\$7/person
CSP Game Lodge & Stockade Group Areas	\$3.80/person	\$3.80/person	\$3.80/person	\$5.69/person	\$5.69/person	\$5.69/person	\$7/person	\$7/person	\$7/person
Youth Group Camping Statewide	\$.47/person	\$.47/person	\$.47/person	\$.47/person	\$.47/person	\$.47/person	\$.50/person	\$.50/person	\$.50/person
Camping Cabin except CSP and L&C	\$33.18	\$33.18	\$33.18	\$35.07	\$35.07	\$35.07	\$40.00	\$40.00	\$40.00
L&C Camping Cabin	\$37.91	\$37.91	\$37.91	\$39.81	\$39.81	\$39.81	\$45.00	\$45.00	\$45.00
CSP Camping Cabins	\$42.65	\$42.65	\$42.65	\$44.55	\$44.55	\$44.55	\$50.00	\$50.00	\$50.00
Group Lodge - Mina	\$127.96	\$127.96	\$127.96	\$151.66	\$151.66	\$151.66	\$185.00	\$185.00	\$185.00
Group Lodge - Shadehill	\$127.96	\$127.96	\$127.96	\$151.66	\$151.66	\$175.36	\$185.00	\$185.00	\$185.00
Group Lodge - Lake Thompson	\$189.57	\$189.57	\$189.57	\$213.27	\$213.27	\$227.49	\$240.00	\$240.00	\$240.00
Group Lodge - Newton Hills	\$189.57	\$189.57	\$189.57	\$213.27	\$213.27	\$227.49	\$240.00	\$240.00	\$240.00
Group Lodge - Pailsades	\$189.57	\$189.57	\$189.57	\$213.27	\$213.27	\$227.49	\$240.00	\$240.00	\$240.00
Group Lodge - Sheps Canyon							\$240.00	\$240.00	\$240.00
Group Meeting Lodge - Oahe Downstream	\$118.48	\$118.48	\$118.48	\$118.48	\$118.48	\$118.48	\$125.00	\$125.00	\$125.00
Miscellaneous									
Picnic Reservation	\$10.43	\$10.43	\$10.43	\$18.96	\$18.96	\$18.96	\$18.96	\$20.00	\$20.00
Firewood	\$2.84	\$2.84	\$2.84	\$3.79	\$3.79	\$3.79	\$4.74	\$4.74	\$4.74
Non-Resident on-line Reservations	\$5.00	\$7.70	\$7.70	\$7.70	\$7.70	\$7.70	\$7.70	\$7.70	\$7.70
Non-Resident call center Reservations	\$5.00	\$7.70	\$7.70	\$7.70	\$7.70	\$7.70	\$7.70	\$7.70	\$9.70
Resident on-line Reservations	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Resident call center Reservations	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2.00
Fort Sisseton S. Barracks per weekend							\$300.00	\$300.00	\$300.00
Fort Sisseton event tent - off site							\$1,000.00	\$1,000.00	\$1,000.00
Fort tent transport fee - per mile over 25							\$2.00/mile	\$2.00/mile	\$2.00/mile
Fort grounds - outdoor wedding if benches used							\$125.00	\$125.00	\$125.00
Lewis & Clark catamaran dry storage							\$300.00	\$300.00	\$300.00
Angostura catamaran dry storage							\$150.00	\$150.00	\$150.00
Boat License Fees									
1-year under 19 ft motorized	\$15.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$25.00
1-year 19 & over motorized	\$30.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$45.00
1-year non-motorized/electric	\$10.00	\$12.50	\$12.50	\$12.50	\$12.50	\$12.50	\$12.50	\$12.50	\$15.00

yellow represents most recent fee adjustment

RESIDENT LICENSE FEES

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Fishing													
annual	\$21	\$25	-----							\$25	\$28	\$28	\$28
senior	\$5	\$10	-----							\$10	\$12	\$12	\$12
one-day	\$7		-----							\$7	\$8	\$8	\$8
paddlefish tag	\$5	\$20	-----							\$20	\$25	\$25	\$25
game fish spearing									\$5	\$5	\$5	\$5	\$5
Combination													
junior	\$44	\$49	-----						\$49	\$50	\$55	\$55	\$55
senior	\$23	\$25	-----						\$34	\$35	\$40	\$40	\$40
Small game													
annual	\$27	\$29	-----						\$29	\$30	\$33	\$33	\$33
youth	\$5		-----							\$5	\$5	\$5	\$5
one-day	\$8	\$10	-----							\$10	\$12	\$12	\$12
Migratory bird certification													
Canada goose special tags	\$3	\$5	-----							\$5	\$5	\$5	\$5
Tundra Swan tag	\$10		-----						\$10	\$11	\$15	\$15	\$15
	\$10		-----						\$10	\$11	\$18	\$18	\$18
Turkey													
spring one-tag	\$20		-----						\$20	\$21	\$25	\$25	\$25
spring two-tag	\$25		-----						\$25	\$26	\$35	\$35	\$35
fall one-tag	\$10		-----						\$10	\$11	\$15	\$15	\$15
fall two-tag	\$15		-----						\$15	\$16	\$20	\$20	\$20
Deer													
one-tag "any"	\$30	\$35	-----						\$35	\$36	\$40	\$40	\$40
two-tag "any+antlerless"	\$45		-----						\$45	\$46	\$50	\$50	\$50
one-tag antlerless	\$15		-----						\$15	\$16	\$20	\$20	\$20
two-tag antlerless	\$25		-----						\$25	\$26	\$30	\$30	\$30
special buck	\$155		-----						\$155	\$156	\$175	\$175	\$175
youth	\$5		-----							\$5	\$5	\$5	\$5
Antelope													
one-tag "any"	\$30	\$35	-----						\$35	\$36	\$40	\$40	\$40
two-tag "any+doe-fawn"	\$45		-----						\$45	\$46	\$50	\$50	\$50
one-tag "doe-fawn"	\$15		-----						\$15	\$16	\$20	\$20	\$20
two-tag "doe-fawn"	\$25		-----						\$25	\$26	\$30	\$30	\$30
Elk													
any elk	\$105	\$155	-----						\$155	\$156	\$175	\$175	\$175
antlerless	\$105		-----						\$105	\$106	\$116	\$116	\$116
Mountain goat													
	\$105	\$255	-----						\$255	\$256	\$280	\$280	\$280
Bighorn sheep													
	\$505	\$255	-----						\$255	\$256	\$280	\$280	\$280
Mountain lion													
		\$15	-----		\$15	\$25	-----		\$25	\$26	\$28	\$28	\$28
Furbearer													
	\$20	\$25	-----							\$25	\$30	\$30	\$30
Predator/varmint													
	\$5		-----							\$5	\$5	\$5	\$5
Application fee													
elk, sheep, mt goat	\$5		-----							\$5	\$5	\$10	\$10

NONRESIDENT LICENSE FEES

								2013	2014	2015	2016
Fishing											
annual	\$59	\$60	-----					\$60	\$67	\$67	\$67
youth							\$25	\$25	\$25	\$25	\$25
family	\$59	\$60	-----					\$60	\$67	\$67	\$67
one-day	\$12	\$14	-----					\$14	\$16	\$16	\$16
three-day	\$30	\$32	-----					\$32	\$37	\$37	\$37
paddlefish tag	\$5	\$20	-----					\$20	\$40	\$40	\$40
game fish spearing							\$5	-----	-----	\$5	\$5
Small game											
ten-day	\$100	\$110	-----				\$110	\$121	-----	\$121	\$121
youth	\$25					\$25	\$10	\$10	-----	\$10	\$10
Shooting preserve											
one-day		\$35	-----				\$35	\$46	-----	\$46	\$46
five-day		\$65	-----				\$65	\$76	-----	\$76	\$76
annual	\$35	\$85	-----				\$85	\$121	-----	\$121	\$121
Waterfowl											
ten-day or annual	\$105	\$110	-----				\$110	\$121	-----	\$121	\$121
three-day	\$75						\$75	\$86	-----	\$86	\$86
spring light goose	\$45						\$45	\$46	-----	\$50	\$50
youth spring light goose	\$25						\$25	\$26	-----	\$26	\$26
early fall Canada goose	\$45						\$45	\$46	-----	\$50	\$50
tundra swan tag	\$10	\$15	-----				\$15	\$16	-----	\$25	\$25
youth										\$10	\$10
Turkey											
spring one-tag	\$85						\$85	\$86	\$100	\$100	\$100
spring two-tag	\$100						\$100	\$101	\$125	\$125	\$125
fall one-tag	\$75						\$75	\$76	\$90	\$90	\$90
fall two-tag	\$85						\$85	\$86	\$100	\$100	\$100
Deer											
one-tag "any"	\$155	\$195	-----	\$195	\$285	\$285	\$285	\$286	-----	\$286	\$286
two-tag "any+antlerless"	\$205	\$245	-----	\$245	\$335	\$335	\$336	\$336	-----	\$336	\$336
one-tag antlerless	\$55						\$55	\$56	\$80	\$80	\$80
two-tag antlerless	\$80						\$80	\$81	\$120	\$120	\$120
special buck	\$505						\$505	\$506	\$560	\$560	\$560
youth	\$5	\$10	-----				\$10	\$10	\$10	\$10	\$10
Antelope											
one-tag "any"	\$155	\$195	-----	\$195	\$285	\$285	\$285	\$286	-----	\$286	\$286
two-tag "any+doe-fawn"	\$205	\$245	-----	\$245	\$335	\$335	\$336	\$336	-----	\$336	\$336
one-tag "doe-fawn"	\$55						\$55	\$56	\$80	\$80	\$80
two-tag "doe-fawn"	\$80						\$80	\$81	\$120	\$120	\$120
Furbearer											
Predator/varmint	\$35			\$250			\$250	\$275	\$275	\$275	\$275

GFP DEPARTMENT AND COMMISSION MATTERS

DEPARTMENT AND COMMISSION MATTERS (August 4, 2010)

The following MEMO contains general and specific information relative to GFP Department and Commission functions, matters, authority, and items of general interest. Just as a REMINDER: Prior to reliance on any particular statutes cited herein, the reader should ALWAYS check on its current status in the event the same has been amended and/or repealed.

1. COMMISSION MEMBERSHIP

SDCL 41-2-2. Political affiliations of commissioners--Farmer members--Residence and gross income requirements. Not more than four of the game, fish and parks commissioners may be members of the same political party, and, at the time of their appointment, at least four shall be farmers actually residing on a farm, engaged in agriculture, deriving at least two-thirds of their gross annual incomes from crop or livestock production or both, and interested in wildlife conservation. At the time of their appointment three commissioners shall reside west of the Missouri River and five shall reside east of the Missouri River.

2. COMMISSIONERS - TERM OF OFFICE

SDCL 41-2-3. Terms of office of commissioners--Annual appointments--Restrictions on appointments. The term of office of the game, fish and parks commissioners is four years. The Governor shall preserve: (1) An arrangement of length of terms whereby two members have terms expiring each year; (2) A rotation of terms between the republican and democratic parties.

The expiration of terms occurs on the tenth day of January of each year, and all required appointments shall be made by the first day of March. The appointments shall fill all vacancies on the commission arising either by expiration of term or from any other cause. No person may serve on the commission for more than eight years. However, if the person's first appointment is for two years the person may be reappointed thereafter for no more than two additional four-year terms.

3. COMMISSIONER - REMOVAL FROM OFFICE

SDCL 41-2-5. Removal of commissioner from office--Procedure. The Governor may remove a game, fish and parks commissioner for inefficiency, neglect of duty, or misconduct in office after giving the commissioner a copy of the charges against the commissioner and opportunity to be heard publicly in person or by counsel in his or her own defense, upon not less than ten days' notice. If the commissioner is removed, the Governor shall file in the Office of the Secretary of State a complete statement of all charges made against the commissioner and his or her findings on the charges, together with a complete record of the proceedings.

4. VACANCY OF COMMISSIONERS

SDCL 41-2-6. Filling of vacancies on commission. Any vacancy on the Game, Fish, and Parks Commission occurring from any cause shall be filled by the Governor for the unexpired term, subject to confirmation by the State Senate at the succeeding regular legislative session.

5. ANNUAL AND OTHER MEETINGS - ELECTION OF OFFICERS

SDCL 41-2-8. Annual meeting of commission--Chair and vice chair--Additional meetings. The Game, Fish, and Parks Commission shall hold its annual meeting at the capital to elect a chair and vice chair for the ensuing year, and to transact such other business as may properly come before the meeting. Additional meetings may be held as determined by the commission.

6. QUORUM AND AFFIRMATIVE VOTE REQUIRED

SDCL 2-14-15. Majority exercising joint authority. Words giving a joint authority to three or more public officers or other persons are construed as giving such authority to a majority of them unless it is otherwise expressed in the act giving the authority. (OFFICIAL AG OPINION 87-18 states that when a Board consists of 7 members - "Based upon the plain words of the foregoing statute, since SDCL 14-1 gives 'joint authority' to 3 or more persons, the statute must be construed as giving the authority to the majority of them." Our Commissioners are 8 in number requiring an affirmative vote of 5 members to constitute action by the Commission.

7. EXECUTIVE AND CLOSED MEETINGS OF THE COMMISSION

1-25-2. Executive or closed meetings--Purposes--Authorization--Misdemeanor. Executive or closed meetings may be held for the sole purposes of:

(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term "employee" does not include any independent contractor;

(2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student;

(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

(4) Preparing for contract negotiations or negotiating with employees or employee representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business.

However, any official action concerning such matters shall be made at an open official meeting. An executive or closed meeting shall be held only upon a majority vote of the members of such body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section may be construed to prevent an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a Class 2 misdemeanor.

8. PUBLIC MEETINGS - TELECONFERENCE

1-25-1. Official meetings open to the public--Exceptions--Teleconferences--Violation as misdemeanor. The official meetings of the state, its political subdivisions, and any public body of the state or its political subdivisions are open to the public unless a specific law is cited by the state, the political subdivision, or the public body to close the official meeting to the public. For the purposes of this section, a political subdivision or a public body of a political subdivision means any association, authority, board, commission, committee, council, task force, school district, county, city, town, township, or other agency of the state, which is created or appointed by statute, ordinance, or resolution and is vested with the authority to exercise any sovereign power derived from state law.

It is not an official meeting of one political subdivision or public body if its members provide information or attend the official meeting of another political subdivision or public body for which the notice requirements of § 1-25-1.1 have been met.

Any official meeting may be conducted by teleconference as defined in § 1-25-1.2. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference shall be taken by roll call.

If the state, a political subdivision, or a public body conducts an official meeting by teleconference, the state, the political subdivision, or public body shall provide one or more places at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, which has less than a quorum of the members of the public body participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet. The requirement to provide one or more places for the public to listen to the teleconference does not apply to an executive or closed meeting.

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meet solely for purposes of implementing previously publicly-adopted policy, carrying out ministerial functions of that township, district, or municipality, or undertaking a factual investigation of conditions related to public safety, the meeting is not subject to the provisions of this chapter. A violation of this section is a Class 2 misdemeanor.

9. NOTICE OF MEETINGS

1-25-1.1. Notice of meetings of public bodies--Violation as misdemeanor. All public bodies shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire twenty-four hours before any meeting, by posting a copy of the notice, visible to the public, at the principal office of the public body holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the public body's website upon dissemination of the notice, if such a website exists. For special or rescheduled meetings, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For special or rescheduled meetings, all public bodies shall also comply with the public notice provisions of this section for regular meetings to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

10. 1972-73 REORGANIZATION

The South Dakota Constitution was amended in 1972 affecting reorganization of the Executive Branch of Government. Sections 8 and 9 of Article IV of the South Dakota Constitution provide in part:

SECTION 8 OF ARTICLE IV

All executive agencies of the state government and their respective functions, power and duties shall be allocated by law among and within not more than twenty-five principal departments Subsequently, all new powers or functions shall be assigned to administrative offices, agencies and instrumentalities in such manner as will tend to provide an orderly arrangement in the administrative organization of state government. Except as to elected constitutional officers, the Governor may make such changes in the organization of agencies and in allocation of their functions, powers and duties, as he considers necessary for efficient administration.

If such changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the Legislature within five legislative days after it convenes, and shall be come effective, and shall have the force of law, within ninety days after submission, unless disapproved by a resolution concurred in by a majority of all the members of either house.

SECTION 9 OF ARTICLE IV

Each principal department shall be under the supervision of the Governor and, unless otherwise provided in this Constitution or by law, shall be headed by a single executive. Such single executive, unless provided otherwise by the Constitution, shall be nominated and, by and with the advice and consent of the

senate, appointed by the Governor and shall hold office for a term to expire at the end of the term for which the Governor was elected, unless sooner removed by the Governor.

1987 EXECUTIVE ORDER OF GOVERNOR MICKELSON

Pursuant to Section 8 of Article IV of the Constitution, Governor Mickelson proposed an EXECUTIVE REORGANIZATION ORDER in the 62nd Legislative Session of 1987 and submitted it to the Legislature. Executive Order #3 of 1987 (Chapter 392 contains 17 sections) was not disapproved by the Legislature, thus becoming law. Executive Order #3 has two (2) sections applicable to GFP.

Section 5 of the Executive Order gives the GFP's Secretary (SDCL 1-39-2 states that GFP Secretary is the head of GFP) authority to appoint and remove Division Directors, subject to approval by the Governor: Unless otherwise provided by this order, division directors shall be appointed by the head of the department and shall be removable at the pleasure of the department or bureau head, provided that both the appointment and removal of division directors shall be subject to approval by the Governor.

Section 17 of the Executive Order gives the GFP Commission authority to nominate a minimum of 3 persons for GFP Secretary as follows: (Now codified as SDCL 1-32-3.1) In addition to the other functions and responsibilities of the game, fish and parks commission, the commission shall nominate, not less than three persons for the position of secretary of game, fish and parks, who shall be appointed by and serve at the pleasure of the governor.

11. REORGANIZATION - DEPARTMENT AND COMMISSION AUTHORITY

Reorganization of the executive branch of government (including the Department of Game, Fish, and Parks) was accomplished in 1973. The reorganization was the result of a comprehensive Executive Order No. 73-1 cited as Session Law 1973, Chapter 2 involving the following statutes:

SDCL 1-32-1 "For the purposes of achieving reorganization under the terms of section 8, article IV of the South Dakota Constitution, the following principal departments are established: (7) Department of game, fish and parks;"

SDCL 41-2-1.1 "The department of game, fish and parks shall continue as the department of game, fish and parks created by chapter 1-39, and except as provided by section 41-2-1.2, all its functions shall be administered as provided by section 1-39-5."

SDCL 1-32-4 "In order to promote the efficient administration of a principal department, the secretary of a principal department, with the approval of the Governor, may establish, combine, or abolish divisions, offices or other administrative sub-units other than those specifically created by law or by executive orders having the force of law and may allocate and reallocate powers, duties and functions among divisions, offices or other administrative sub-units under the principal department, but no agency within the principal department shall be removed from the jurisdiction of such officer, department, or other agency under the provisions of this section."

SDCL 1-32-4.1 "Only a head of department as defined by subdivision (5) of section 1-32-1, the Governor and the chairman of the board of regents may create such advisory councils, committees, boards or commissions as may be deemed necessary and in the best interests of the state of South Dakota. However, no such advisory council, committee, board or commission may be created without the approval of the Governor. A copy of such approval shall be filed with the secretary of state. Compensation shall be according to the provisions of section 4-7-10.4."

SDCL 1-32-4.3 "Notwithstanding section 1-32-4.1, if federal law or regulation shall require that an advisory council, committee, board or commission be established in order to receipt federal funds, a department, an

agency, or institution, or board or commission may establish an advisory council committee, board or commission without the approval of the Governor; provided, however, that such appointing authority file such action with the secretary of state."

SDCL 1-32-6 "Unless otherwise provided by chapters 1-32 to 1-47, inclusive, or section 38-7-2.2, division directors shall be appointed by the head of the department or bureau of which the division is a part, and shall serve at the pleasure of the department or bureau head. However both the appointment and removal of division directors shall be subject to approval by the Governor. Departments and bureaus shall submit for approval to the commissioner of personnel minimum qualifications for the division director positions within their departments or bureaus."

SDCL 1-39-2 "The head of the department of game, fish and parks is the secretary of the department of game, fish and parks."

The 1973 executive reorganization granted authority to the GFP Commission and Department in several areas of administration. The following two (2) statutes establish the respective authority of each entity:

SDCL 41-2-1.2 "The game, fish and parks commission shall be administered under the direction and supervision of the department of game, fish and parks and the secretary thereof, but shall retain the quasi-judicial, quasi-legislative, advisory, other non-administrative and special budgetary functions (as defined in section 1-32-1) otherwise vested in it and shall exercise those functions independently of the secretary of game, fish and parks."

SDCL 1-39-5 "The department of game, fish and parks shall, under the direction and control of the secretary of the department of game, fish and parks, perform:

- (1) All administrative functions except special budgetary functions (as defined in section 1-31-1) of the game, fish and parks commission and parks commission, created by chapter 41-2;
- (2) All the functions of the former department of game, fish and parks, created by chapter 41-2, except that the game, fish and parks commission shall, in accordance with section 41-2-1.2, retain and perform the quasi-legislative, quasi-judicial, and special budgetary functions (as defined in section 1-32-1) of the department and the function of generally advising the department on its programs."

The 1973 executive reorganization defined terms as used in the reorganization, of which the following are applicable:

SDCL 1-32-1 "As used in chapters 1-32 to 1-47, inclusive:

- (3) Department, except when used in connection with the name of a departmental level agency existing before July 1, 1973, means the principal functional and administrative entity created by this chapter within the executive department of state government and one of the twenty-five principal departments permitted under the reorganization amendment and includes any sub-units of such a department except where otherwise provided.
- (4) Head of department, head of a principal department or department head means the head of one of the principal departments as provided for in chapters 1-33 to 1-47, inclusive. The head of the department shall have the title "secretary" of the department unless otherwise specifically designated by said chapters.
- (8) Function means any authority, power, responsibility, duty, program, or activity of an agency, whether or not specifically provided for by law.
- (9) Advisory function means furnishing advice, gathering information and making recommendations.
- (10) Quasi-judicial function means an adjudicatory function exercised by an agency, involving the exercise of judgment and discretion in making determinations in controversies. The term includes the functions of interpreting, applying, and enforcing existing rules and

laws; granting or denying privileges, rights, or benefits; issuing, suspending, or revoking licenses, permits and certificates; determining rights and interests of adverse parties; evaluating and passing on facts; awarding compensation; fixing prices; ordering action or abatement of action; holding hearings; adopting procedural rules or performing any other act necessary to effect the performance of a quasi-judicial function.

(11) Quasi-legislative function means making or having the power to make and promulgate rules as defined in section 1-26-1, subdivision (7).

(12) Administrative function means any management function to include planning, developing, and implementing programs; organizing the internal structure of a department or agency; selecting, appointing, promoting, removing, and managing personnel; directing, administering, reviewing, and coordinating activities and programs assigned to a department, agency or organizational sub-unit; reporting; and budgeting and expending funds, including, unless excepted, special budgetary functions.

(13) Special budgetary function is a category of administrative functions and means any statutory power granted to an agency with respect to the receipt, or the approval of budgets or allocations, or the disbursement and expenditure of special revenue funds, capital projects funds, debt service funds, trust and agency funds, public service enterprise funds, and working capital or internal service funds as defined by section 4-4-4. Special budgetary functions are not to be construed, however, to include any authority to select, appoint, promote, or remove any employee.

12. COMMISSION RULE MAKING AUTHORITY

In conformity with the 1973 executive reorganization there are several statutes which authorize the Commission to act in specific areas. The statutes authorize the Commission on its own initiative or on petition by an interested person to promulgate rules within its authority granted by the Legislature (quasi-legislative), issue declaratory rulings, and conduct and decide contested cases (quasi-judicial). The rule making authority is located throughout the South Dakota Code. The following is a summary or partial listing of the rule making authority of the GFP Commission:

SDCL 34A-8-3 Promulgate rules listing those species of wildlife which are determined to be endangered or threatened.

SDCL 34A-8-10 Promulgate rules for issuance of permits enumerating the methods and manner of transportation, possession and sale of endangered and threatened species of wildlife.

SDCL 40-36-9 Promulgate rules necessary for the control of fox, coyotes, feral dogs, prairie dogs and other wild animals.

SDCL 40-36-19 Promulgate rules providing the method of marking the skin of an animal designated for a bounty.

SDCL 41-2-18. Rules for implementation of game, fish and conservation laws. The Game, Fish and Parks Commission may adopt such rules as may be necessary to implement the provisions of chapters 41-1 to 41-15, inclusive. The rules may be adopted to regulate:

- (1) The conservation, protection, importation, and propagation of wild animals and fish except for any nondomestic animal which is regulated pursuant to § 40-3-26;
- (2) The hunting, taking, killing, possession, sale, and transportation of all wild birds, wild animals, and wild fish except for any nondomestic animal which is regulated pursuant to § 40-3-26;
- (3) The management of nongame, endangered, or threatened wildlife to ensure their perpetuation as viable components of the ecosystem;
- (4) The management, control of traffic, improvement and public use of all lands and water owned, leased, or controlled by the state and Department of Game, Fish and Parks designated as public shooting areas, game production areas, wildlife refuges, lake and fishing access use areas and controlled hunting

areas;

(5) The management, use, and improvement of all meandered lakes, sloughs, marshes, and streams extending to and over dry or partially dry meandered lakes, sloughs, marshes, and streams, including all lands to which the state has acquired any right, title or interest for the purpose of water conservation or recreation;

(6) The creation, modification, or vacation of state game refuges, state waterfowl refuges, and state game bird refuges on all public land and on private land with the written consent of the landowner;

(7) The management and improvement of all islands or accumulations of land formed in the bed of a navigable stream or meandered lake on the Missouri River below the Fort Randall Power Plant and Lake Francis Case;

(8) The appointment, management, bonding, and cancellation of licensing agents;

(9) The gathering, purchasing, distributing, and transferring of all wild animals and fish for population management, stocking purposes, scientific study, and intergovernmental trades;

(10) The form of and the manner and placement of any tags, coupons, or permits necessary for the transportation of any wild animal or fish;

(11) The sale, breeding, raising, and transportation of any nondomestic animal which is not regulated pursuant to § 40-3-26;

(12) The form, procedures for, and content of all license applications authorized under this title;

(13) The form, procedures for, fee, and manner of validation, replacement, or cancellation of all licenses authorized under this title that are not already established by statute;

(14) The devices, weapons, ammunition, traps, tackle, bait, lures, and equipment which may be used to hunt, kill, capture, or locate any wild animal or fish if use of the above items would adversely affect the health, safety, or welfare of people or wildlife resources;

(15) The hunting, fishing, and trapping in the boundary waters of this state;

(16) The release, hunting, and taking of animals and birds on private shooting preserves;

(17) The establishment of, and the opening, closing, modifying, or curtailing of hunting, fishing, and trapping seasons, if the seasons are not established by statute;

(18) The setting of fees for special licenses not covered by statute to manage specific and limited wildlife populations;

(19) The number of persons who may cooperate as a group in the pursuit, hunting, taking, or killing of game birds or game animals;

(20) The acquisition, possession, use, and disposition of raptors;

(21) The acquisition, possession, transportation, sale, and release of bait fish and frogs;

(22) The regulation of, and the acquisition, possession, transportation, sale, and release of fish, from private fish hatcheries;

(23) The regulation of fish houses or other sheltering structures maintained upon the ice of any public waters;

(24) The issuance and cancellation of taxidermist licenses and the acquisition, possession, and disposition of specimens for taxidermy purposes;

(25) The operation of controlled hunting areas.

The rules shall be adopted pursuant to chapter 1-26 and shall be in accordance with the provisions of this chapter. A violation of the substantive provision of any rule authorized by this section is a Class 2 misdemeanor. If the same incident is a violation of statute and of the rules authorized by this section only the penalty authorized for the violation of the statute may be imposed.

SDCL 41-2-18.1 Promulgate rules to specify eligibility criteria, application procedures and standards for distribution of grant funds received from the Legislature for the pheasants-for-everyone program.

SDCL 41-6-10 Promulgate rules establishing fees for licenses.

SDCL 41-6-10.2 For purposes of identifying disabled residents entitled to receive free licenses, define total disability.

SDCL 41-6-18.2 Promulgate rules to divide the state into 2 or more units and establish limitations of number of nonresident waterfowl license to be issued and frequency which any person may apply.

SDCL 41-6-18.4 Promulgate rules for the issuance of the several types of nonresident waterfowl licenses.

SDCL 41-6-19.6 Promulgate rules for the purpose of establishing a season, guidelines and fees for resident bighorn sheep, mountain goat or elk licenses and to establish a nonrefundable application fee.

SDCL 41-6-21 Promulgate rules to set the number of licenses issued for the hunting, taking, or killing of any big game animals during any season and establish who shall be eligible.

SDCL 41-6-29 Promulgate rules to establish application procedures, fees and number of permits to be issued to kill game animals, game birds, black bears, mountain lions or wolves which are a threat to the public health, safety and welfare or are doing property damage.

SDCL 41-6-29.1 Authorize by Resolution the secretary to issue depredation permits to respond to property damage by game animals that cannot be resolved by other methods.

SDCL 41-6-37.1 Promulgate rules establishing fees for a nonresident family fishing.

SDCL 41-6-37.2 Promulgate rules establishing fees and privileges for resident nursing home group fishing licenses.

SDCL 41-6-40 Promulgate rules relative to private fish hatchery licenses and the right to remove and transport fish.

SDCL 41-6-44 Promulgate rules relative to resident wholesale bait dealer license and ability to raise, trap, seine, buy, sell or export bait used as fish bait or biological specimens.

SDCL 41-6-44.1 Promulgate rules relative to nonresident wholesale bait dealer licenses and their ability to transport, possess and sell bait used as fish bait or biological specimens.

SDCL 41-6-45 Promulgate rules relative to retail bait dealer licenses for residents and nonresidents to raise, trap, seine, buy, sell, possess, and transport bait and biological specimen animals.

SDCL 41-6-45.1 Promulgate rules relative to export bait dealer licenses to buy and possess bait and biological specimen bait animals outside of the state for resale.

SDCL 41-6-59.1 Promulgate rules relative to the remittance to the department of license fees collected by agents.

SDCL 41-8-1 Promulgate emergency rules relative to the opening, closing or modifying seasons for hunting big game, small game and migratory waterfowl.

SDCL 41-8-20 Promulgate rules relative to length of seasons on fur-bearing animals hunted, caught, taken, trapped, or killed by the licensee when the same are doing damage.

SDCL 41-10-2 Issue and renew shooting preserve operating permits for private shooting preserves.

SDCL 41-10-10 Promulgate by rule markings required on all released game on a private shooting preserve.

SDCL 41-10-14 Promulgate rules establishing limitations and restrictions on age, sex and number of each game species to be taken on a private shooting preserve.

SDCL 41-10-16 Promulgate rules on the issuance of tags, tagging of game, costs of tags and remittance of tag fees on game taken at private shooting preserves.

SDCL 41-11-15 Promulgate rules on the establishment and extent of fowl seasons.

SDCL 41-12-6 Promulgate rules on the maximum number of hooks or lines used in fishing.

SDCL 41-12-12 Promulgate rules on the use of spears, spear guns, bow and arrows, snaghooks, setlines, hoop nets, traps, artificial lights and other devices.

SDCL 41-13-2 Promulgate rules on prohibiting the use of chemicals in public waters of the state.

SDCL 41-13-3.1 Promulgate rules on the importation of live fish or viable eggs of the salmonidae family.

SDCL 41-13-6 Promulgate rules on declaration of species of game fish to be considered and treated as rough fish.

SDCL 41-13-9 Promulgate rules on sale of rough fish.

SDCL 41-14-7 Promulgate rules on shipping, carrying, taking or transporting resident or migratory birds by common carrier.

SDCL 41-14-13 Promulgate rules on tagging and marking of antlers.

SDCL 41-14-14 Promulgate rules on the transportation of big game.

SDCL 41-17-1.1 The Commission may also promulgate rules relative to parks administration, management and development in the following areas:

1. Management and control of public use of all lands, structures and waters in the state park system.
2. Issuance, display, and expiration of park entrance licenses.
3. Management, control, and protection of the natural, historical, archaeological and geological resources in the state park system.
4. Management, control, and protection of wild and domestic animals in the state park system.
5. Regulation of the operation of all vehicles on and off the roads of the state park system.
6. Granting, termination, management and development of easements, leases or permits authorizing the commercial or noncommercial use of land, buildings, cabins, mobile homes and docks in the state park system.
7. Issuance and administration of camping permits and the establishment and collection of fees for camping permits and other park services in the state park system not set by statute.
8. Control and prohibition of types, location, and uses of uncased firearms and bows in the state park system.
9. Issuance of licenses and establishment of fees for licenses to permit the harvest within Custer State Park of surplus animals, including mountain goat, bighorn sheep, elk, bison, and coyote.
10. Establishing fees for special events in the state park system.

SDCL 41-17-13 Promulgate rules on the annual and daily park entrance fees and establish a system for owners of 2 or more vehicles to purchase licenses at half-price.

SDCL 41-17-14.1 Promulgate rules on the issuance of camping permits.

SDCL 41-17-15 Promulgate rules on setting other park service fees.

SDCL 32-3A-1 Promulgate rules and procedures for the administration of motorboats, watercraft and recreation on public waters in the following areas:

1. Requiring and regulating the use of safety equipment on vessels to include whistles, bells, life preservers, fire extinguishers, flame arrestors, navigation lights and air vents.
2. Issuance, display, inspection, expiration, cancellation, and removal of certificates of boat numbers and identification tags.
3. Appointment, management, and cancellation of boat license agents.
4. Traffic, piloting, and navigation of vessels on public waters.
5. Designate areas and safety requirements for swimming or scuba diving in the public waters.
6. Authorization of regattas, motorboat or other boat races, marine parades, tournaments or exhibitions on any public waters of this state and regulation of the safety of the vessels, participants and observers.
7. Regulation of public and private docks constructed, place or put into the public waters.

SDCL 32-3A-4 Promulgate rules establishing the fees for boat registration.

HISTORY OF GFP COMMISSIONERS

Highlighted Year as of January 11

January 10 of YEAR indicated next to Party affiliation is date of term expiration

ERNF= East River Non-Farmer

ERF= East River Farmer

WRF= West River Farmer

WRNF= West River Non-Farmer

I=Independent R=Republican D=Democrat. 4 farmers, 3 WR, 5 ER, no more than 4 from same party.

SDCL 1-7-1.1: If vacancy is not filed w/in 120 days of January 10, re-appointed for 4 years.

WRF	ERNF	ERF	ERNF	WRNF	ERF	ERNF	WRF
<u>1987</u>							
Meyer D-1989	Murphy R-1989	Bien D-1990	Liudahl R-1990	Gunner R-1991	Zastrow D-1992(a)	Unzicker D-1988	Adrian R-1991
<u>1988</u>							
Meyer D-1989	Murphy R-1989	Bien D-1990	Liudahl R-1990	Gunner R-1991	Zastrow D-1992	Unzicker D-1988	Adrian R-1991
<u>1989</u>							
Price D-1993	Helsper R-1993	Bien D-1990	Liudahl R-1990	Gunner R-1991	Zastrow D-1992	Unzicker D-1992	Adrian R-1991
<u>1990</u>							
Price D-1993	Helsper R-1993	Carr D-1994	Liudahl R-1994	Gunner R-1991	Zastrow D-1992	Unzicker D-1992	Adrian R-1991
<u>1991</u>							
Price D-1993	Helsper R-1993	Carr D-1994	Liudahl R-1994	Gunner R-1995	Zastrow D-1992	Unzicker D-1992	Adrian R-1995
<u>1992</u>							
Price D-1993	Helsper R-1993	Carr D-1994	Liudahl R-1994	Lieberman D-1995(b)	Zastrow D-1994(c)	Kessler R-1996	Adrian R-1995
<u>1993</u>							
Ingalls R-1997	Yseth D-1997	Carr D-1994	Liudahl R-1994	Lieberman D-1995	Zastrow D-1994	Kessler R-1996	Adrian R-1995
<u>1994</u>							
Ingalls R-1997	Yseth D-1997	Carr D-1998	Yonke R-1998	Lieberman D-1995	Talsma D-(d)	Kessler R-1996	Adrian R-1995
<u>1995</u>							
Ingalls R-1997	Yseth D-1997	Carr D-1998	Yonke R-1998	Stukel D-1999	Hagny D-1999	Kessler R-1996	Lindskov R-2000
<u>1996</u>							
Ingalls R-1997	Yseth D-1997	Carr D-1998	Yonke R-1998	Stukel D-1999	Hagny D-1999	Kessler R-2000	Lindskov R-2000
<u>1997</u>							
Stukel D-1999(e)	Kranz I-2001	Carr D-1998	Yonke R-1998	Barker R-2001	Hagny D-1999	Kessler R-2000	Lindskov R-2000
<u>1998</u>							
Stukel D-1999	Kranz I-2001	Carr D-1998(f)	Yonke R-2002(g)	Barker R-2001	Hagny D-1999	Kessler R-2000	Lindskov R-2000
<u>1999</u>							
Stukel(?) D-2003(h)	Kranz I-2001	Hamilton R-2002	Yonke R-2002	Barker R-2001	Hagny(?) D-2003(i)	Kessler R-2000	Lindskov R-2000

WRF	ERNF	ERF	ERNF	WRNF	ERF	ERNF	WRF
<u>2000</u>							
Stukel D-2003	Kranz I-2001	Hamilton R-2002	Yonke R-2002	Barker R-2001	Hagny D-2003	Kessler R-2004(j)	Lindskov R-2000(k)
<u>2001</u>							
Stukel D-2003	Kranz I-2005(l)	Hamilton R-2002	Yonke R-2002	Barker R-2001(m)	Hagny D-2003	Kessler R-2004	Lindskov R-2004
<u>2002</u>							
Stukel D-2003	Kranz I-2005	Hamilton R-2006(n)	Yonke R-2003(o)	Barker R-2005	Hagny D-2003	Kessler R-2004	Lindskov R-2004
<u>2003</u>							
Clarkson R-2007	Kranz I-2005	Hamilton R-2006	Hawley D-2006(p)	Barker R-2005	Kemink D-2007	Kessler R-2004	Lindskov R-2004
<u>2004</u>							
Clarkson R-2007	Kranz I-2005	Hamilton R-2006	Hawley D-2006	Barker R-2005	Kemink D-2007	Brown R-2008	Authier D-2008
<u>2005</u>							
Clarkson R-2007	Kessler R-2009	Hamilton R-2006	Hawley D-2010	Olson D-2009	Kemink D-2007	Brown R-2008	Authier D-2008
<u>2006</u>							
Clarkson R-2007	Kessler R-2009	Knippling R-2010	Hawley D-2010	Olson D-2009	Kemink D-2007	Brown R-2008	Authier D-2008
<u>2007</u>							
Clarkson R-2011	Kessler R-2009	Knippling R-2010	Hawley D-2010	Olson D-2009	Kemink D-2011	Brown R-2008	Authier D-2008
<u>2008</u>							
Clarkson R-2011	Kessler R-2009	Knippling R-2010	Hawley D-2010	Olson D-2009	Kemink D-2011	McMahon R-2012	Authier D-2012
<u>2009</u>							
Clarkson R-2011	Kessler R-2013	Knippling R-2010	Hawley D-2010	Olson D-2013	Kemink D-2011	McMahon R-2012	Authier D-2012
<u>2010</u>							
Clarkson R-2011	Spies(q) R-2013	Knippling R-2014	Cooper D-2014	Olson D-2013	Kemink D-2011	McMahon R-2012	Authier D-2012
<u>2011</u>							
Jensen R-2015	Spies R-2013	Knippling R-2014	Cooper D-2014	Olson D-2013	Peterson D-2015	McMahon R-2012	Authier D-2012
<u>2012</u>							
Jensen R-2015	Spies R-2013	Knippling R-2014	Cooper D-2014	Olson D-2013	Peterson D-2015	Sather R-2016	Cerny D-2016
<u>2013</u>							
B. Jensen R-2015	Spies R-2013	Knippling R-2014	Cooper D-2014	G. Jensen D-2013	Peterson D-2015	Sather R-2016	vacant D-2016
<u>2014</u>							
B. Jensen R-2015	Spies R-2013	Dennert D-2018	Cooper D-2018	G. Jensen D-2013	Peterson D-2015	Sather R-2016	Phillips(r) R-2016
<u>2015</u>							
B. Jensen R-2019	Spies R-2017	Dennert D-2018	Cooper D-2018	G. Jensen D-2017	Peterson D-2019	Sather R-2016	Phillips R-2016
<u>2016</u>							
B. Jensen R-2019	Spies R-2017	Dennert D-2018	Boyd (s) D-2018	G. Jensen D-2017	Peterson D-2019	Olson R-2020	Phillips R-2020

- (a) Zastrow appointed to 2 years remaining of a registered Commissioner.
- (b) Lieberman appointed to complete 3 years remaining on resigned Gunner.
- (c) Zastrow appointed by Gov. Mickelson for 2 years rather than 4 years.
- (d) Talsma's appointment never confirmed by Senate.
- (e) Stukel went from NonFarmer to Farmer
- (f) Carr's appointment continued over w/o reappointment or replacement.
- (g) Yonke's appointment continues over for 4 years.
- (h) Stukel's appointment can continue if not filled w/in 120 days of January 10, 1999.
- (i) Hagny's appointment can continue if not filled w/in 120 days of January 10, 1999.
- (j) Kessler's appointment continued over w/o reappointment or replacement.
- (k) Lindskov's appointment can continue if not filled w/in 120 days of January 10, 2000.
- (l) Kranz's appointment continues over for 4 years.
- (m) Barker's appointment continues over for 4 years.
- (n) Hamilton's appointment continues over for 4 years.
- (o) Yonke's appointment continued for 1 year.
- (p) Hawley appointed to 3 years instead of 4 years by Gov. Rounds.
- (q) Spies' appointment to complete 3 years as Kessler resigned.
- (r) Phillips appointment to complete 2 years as Cerny resigned.
- (s) Boyd's appointment to complete 2 years as Cooper resigned.

Information Resources

The Game, Fish, and Parks home page is a great source of department news and information. Much of what happens involving GF&P winds up somewhere on the website. You can access the online service for purchasing general hunting and fishing licenses or applying for big game licenses from our home page -- <http://gfp.sd.gov/>

The South Dakota home page is your portal to state government news and happenings. You can access the various state web sites as well as related websites from this link -- <http://sd.gov/>

The rules action taken by the Commission winds up as GF&P Administrative Rules. To access a written copy of these rules, look to this link under Game, Fish, and Parks-- <http://legis.state.sd.us/rules/RulesList.aspx>

The laws passed by the legislature and governor wind up as South Dakota codified law. You can access a written copy of these laws at this link -- <http://legis.state.sd.us/statutes/index.aspx>

All job openings for state government, including GF&P, are listed on the Bureau of Personnel website. If you receive questions about job openings, you can refer them to this website -- <http://bhr.sd.gov/contactus.aspx>

Other websites that may be of use to you:

U.S. Fish and Wildlife Service -- <http://www.fws.gov/>

U.S. Army Corps of Engineers, Omaha District -- www.nwo.usace.army.mil/

Black Hills National Forest Service -- <http://www.fs.usda.gov/blackhills>

Dept of Tourism -- www.travelsd.com

SD Visitor Industry -- www.sdvisit.com

Missouri River water management information (Corps) – www.nwd-mr.usace.army.mil/rcc/

National Park Service -- www.nps.gov

U.S. Department of Agriculture -- www.usda.gov

Association of Fish and Wildlife Agencies -- www.fishwildlife.org

Rocky Mountain Elk Foundation -- <http://rmef.com/>

Project WILD -- www.projectwild.org

Becoming an Outdoors-Woman -- www.uwsp.edu/cnr/bow/