

# REGISTER



## South Dakota Legislative Research Council

Volume 45

Monday, 8:00 a.m., March 18, 2019

**GET COPIES OF PROPOSED RULES AND OTHER INFORMATION AT NO CHARGE** at <https://rules.sd.gov> or by contacting the agency directly via the means outlined in their notice of hearing.

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

**Notice of Proposed Rules:** (The date in parentheses is the date the rules were filed with the Legislative Research Council.)

**Department of Game, Fish and Parks:** (March 13, 2019) intends to amend or establish rules to alter the boundary of an existing unit as described in rule; close the antlerless elk units listed in ARSD 41:06:47:01; allow for an individual who submits a habitat solution with such solution being deemed worthy by the Secretary to receive either authorization to access the state park system or hunt small game without a fee for one calendar year; establish a resident special any whitetail deer license and set a fee; establish a nonresident special any whitetail deer license and set a fee; set application fees and create one Custer State Park any bison license and three super license packages that include tags for one any elk, one any deer, and one any antelope; extend the date from May 1 to August 31 that traps, snares, and associated equipment may be used on public lands and improved road rights-of-ways; require that traps, snares, and associated equipment be actively operated and checked in accordance with trap-check rules; outline the guidelines of the Nest Predator Bounty Program; simplify the times the park system is open for use; simplify the definitions of commercial use and limit the restriction to the state park system;

strike the "fifteen day" limitation and change it to "fourteen nights" for camping in state parks, recreation areas, and state lakeside use areas; repeal the rule prohibiting uncased .22 caliber rimfire firearms in the state park system; alter the dates that tree stands, elevated platforms, and portable blinds be allowed in the park; allow any enrolled Crow Creek tribal member and their family to enter West Bend Recreational Area without a park entrance license; simplify the times and dates a park entrance license is valid; allow South Dakota veterans organizations or groups to participate in permitted group activities on the Mickelson Trail without purchasing a trail pass; allow a user without a pass the option to purchase a daily pass or an annual pass depending on the length of time they plan to use the trail; and remove the \$15 annual pass late fee. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-6-10, 41-6-18.4, 41-6-19.6, 41-8-20, 41-17-1.1, and 41-17-13.4.

A public hearing will be held at the Rapid City Outdoor Campus West, 4130 Adventure Trail, Rapid City, South Dakota, on April 4, 2019, at 2:00 p.m. MT. Copies of the rules may be obtained without charge from and written comments sent to the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 E. Capitol, Pierre, SD 57501. The rules are also available online at <https://rules.sd.gov>; comments may be submitted on the department website at <http://gfp.sd.gov/forms/positions>. Material sent by mail or email must reach the department at least 72 hours prior to the date of the hearing to be considered. All written and email comments must include the name,

city, and state of the person submitting them. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf).

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

(None)

**NOTE REGARDING ADOPTED RULES:**

The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue, and the Department of Labor and Regulation for Article 47:03.

**REMINDER OF HEARINGS SCHEDULED**

<b>3-27-2019</b>	<b>Department of Revenue: South Dakota Commission on Gaming:</b> Amend rules to add a new variation of blackjack known as Blazing 7's Progressive and increase players' chances of winning at the variation of blackjack known as Triple Win 20; 45 SDR 113, March 4, 2019.
<b>3-28-2019</b>	<b>Department of Transportation:</b> Amend rules to update definitions of terms, address changes in South Dakota law, and clarify requirements relating to bridge improvement plan updates and bridge improvement grant eligibility; and update definitions of terms, eliminate redundancy, clarify and simplify grant requirements, and expand the time for incurring reimbursable expenses related to a grant award; 45 SDR 113, March 4, 2019.
<b>4-4-2019</b>	<b>South Dakota Retirement System:</b> Amend rules to update statutory citations of authority and internal cross references to correspond with the changes resulting from passage of House Bill 1010 of the 2019 Legislative Session, and to clarify language and repeal obsolete provisions; 45 SDR 115, March 11, 2019.
<b>4-4-2019</b>	<b>Department of Game, Fish and Parks:</b> Amend or establish rules to alter the boundary of an existing unit as described in rule; close the antlerless elk units listed in ARSD 41:06:47:01; allow for an individual who submits a habitat solution with such solution being deemed worthy by the Secretary to receive either authorization to access the state park system or hunt small game without a fee for one calendar year; establish a resident special any whitetail deer license and set a fee; establish a nonresident special any whitetail deer license and set a fee; set application fees and create one Custer State Park any bison license and three super license packages that include tags for one any elk, one any deer, and one any antelope; extend the date from May 1 to August 31 that traps, snares, and associated equipment may be used on public lands and improved road rights-of-ways; require that traps, snares, and associated equipment be actively operated and checked in accordance with trap-check rules; outline the guidelines of the Nest Predator Bounty Program; simplify the times the park system is open for use; simplify the definitions of commercial use and limit the restriction to the state park system; strike the "fifteen day" limitation and change it to "fourteen nights" for camping in state parks, recreation areas, and state lakeside use areas; repeal the rule prohibiting uncased .22 caliber rimfire firearms in the state park system; alter the dates that tree stands, elevated platforms, and portable blinds be allowed in the park; allow any enrolled Crow Creek tribal member and their family to enter West Bend Recreational Area without a park

	entrance license; simplify the times and dates a park entrance license is valid; allow South Dakota veterans organizations or groups to participate in permitted group activities on the Mickelson Trail without purchasing a trail pass; allow a user without a pass the option to purchase a daily pass or an annual pass depending on the length of time they plan to use the trail; and remove the \$15 annual pass late fee; 45 SDR 117, March 18, 2019.
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## RULES REVIEW COMMITTEE MEETINGS

The Rules Review Committee met March 12, 2019, to set its 2019 Interim schedule. The committee chair has set the following meeting schedule for the 2019 interim: March 28, May 6, June 3, July 8, August 12, September 9, and November 4.

Watch for notices of 2019 Rules Review Committee meetings in this publication, on the LRC website, and at the Capitol.

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