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July Proposal / September Finals

**CHAPTER 41:01:01**

**ADMINISTRATIVE HEARINGS**

**41:01:01:02. Appointment of hearing officer.** ~~When~~ If a contested case hearing is held pursuant to SDCL 1-26 the commission may appoint a hearing officer to conduct the hearing in its place. The hearing officer shall submit all filings and a condensation of the pertinent evidence and positions presented at the hearing, together with his recommendations, to the commission at it's the commission's next regular meeting. If a person requests in writing that a verbatim record be made of the hearing, a ~~tape~~ an audio recorder may be used.

**Source:** SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984.

**General Authority:** SDCL ~~1-26-13, 1-26-15, 41-2-18, 41-17-1.1, 41-21-1.1, 42-8-1.1~~ 1-26-1.

**Law Implemented:** SDCL ~~1-26-4, 1-26-13, 1-26-15, 41-10-9~~ 1-26-1.

**CHAPTER 41:03:01**

**USES OF PARKS AND PUBLIC LANDS**

Section

41:03:01:01 Unauthorized land use and entry on posted land prohibited.

41:03:01:01.01 Time restrictions for use of ~~George S. Mickelson trail~~ Exceptions state park system and public lands.

41:03:01:01.02 ~~Time restrictions for use of state park system~~ Repealed.

41:03:01:01.03 ~~Time restrictions for use of public hunting areas and lake access areas~~ Repealed.

41:03:01:01.04 Prohibited use of walk-in areas.

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- 41:03:01:02 Leaving of property on department land.
- 41:03:01:03 Repealed.
- 41:03:01:04 Permit required for certain organized events.
- 41:03:01:05 Destruction or removal of natural or cultural features prohibited -- Exception.
- 41:03:01:06 Repealed.
- 41:03:01:07 Commercial use prohibited.
- 41:03:01:08 Repealed.
- 41:03:01:09 Repealed.
- 41:03:01:10 Buildings, erection of signs, advertising, and fences prohibited.
- 41:03:01:11 Loud speakers prohibited -- Disturbance prohibited.
- 41:03:01:12 Superseded.
- 41:03:01:12.01 Repealed.
- 41:03:01:13 Pet prohibitions.
- 41:03:01:13.01 Repealed.
- 41:03:01:14 Horses and riding prohibited -- Exception.
- 41:03:01:15 Camping in ~~state park, state recreation area, and state lakeside use area~~ the state park system allowed only in designated campgrounds – ~~Fourteen-~~  
~~night~~ night limit.
- 41:03:01:16 Restrictions on use of firearms, air guns, crossbows, and bows in ~~all state parks,~~  
~~recreation areas, nature areas, lakeside use areas and George S. Mickelson Trail~~  
the state park system -- Exceptions.
- 41:03:01:16.01 Repealed.
- 41:03:01:16.02 Restrictions on use or possession of firearms on lake and fishing access areas

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and game production areas -- Exceptions.

- 41:03:01:16.03 ~~Discharge of firearms, air guns, crossbows and bows on George S. Mickelson Trail prohibited~~ Repealed.
- 41:03:01:16.04 Nontoxic shot areas for target shooting -- Exceptions.
- 41:03:01:16.05 Restrictions on use or possession of centerfire rifles on ~~lake and fishing access areas and game production areas~~ water access areas.
- 41:03:01:17 Slingshots prohibited.
- 41:03:01:18 Repealed.
- 41:03:01:19 Limitation on tree stands, elevated platforms, and portable blinds.
- 41:03:01:20 Hiking off trails at Bear Butte without permission prohibited -- Exception.
- 41:03:01:21 Hang gliding prohibited.
- 41:03:01:22 Repealed.
- 41:03:01:23 Residential trash prohibited at department trash facilities.
- 41:03:01:24 Glass containers prohibited.
- 41:03:01:25 Jumping and diving at Palisades State Park, Custer State Park, Big Sioux Recreation Area, and Angostura Reservoir prohibited.
- 41:03:01:26 Use of certain rock climbing aids prohibited -- Exception.
- 41:03:01:27 Forage restrictions -- Custer State Park and Mickelson Trail.
- 41:03:01:28 Repealed.
- 41:03:01:29 Restrictions on use of metal detectors -- Written authorization required.
- 41:03:01:30 Repealed.
- 41:03:01:31 Alcoholic beverage prohibited at Lake Alvin swim beach.
- 41:03:01:32 ~~Alcoholic beverage prohibited at Bear Butte State Park~~ Repealed.

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- 41:03:01:33 ~~Leaving of human remains at Bear Butte State Park prohibited~~ Repealed.
- 41:03:01:34 ~~Hunter Quarry Lake and Fishing Access Area -- Entry or use prohibited --~~  
~~exceptions~~ Repealed.
- 41:03:01:35 Bait stations prohibited.
- 41:03:01:36 Limitation on trail cameras.
- 41:03:01:37 Firewood prohibited.

**41:03:01:16.04. Nontoxic shot areas for target shooting -- Exceptions.** With the exception of those areas posted by the department as exempt from this section, the use of nontoxic shot is required for all target shooting with shotguns on all state game production areas, ~~lake and fishing~~ water access areas, state park system areas, U.S. United States Army Corps of Engineers Wildlife Production Areas managed by the department, and U.S. United States Bureau of Reclamation Wildlife Production Areas managed by the department. ~~Lake and fishing access areas include public water access areas designated by the department.~~

**Source:** 23 SDR 70, effective November 14, 1996; 25 SDR 108, effective February 28, 1999; 27 SDR 13, effective August 27, 2000.

**General Authority:** SDCL 41-2-18(1)(4), 41-17-1.1(1).

**Law Implemented:** SDCL 41-2-18(1)(4), 41-17-1.1(1).

**41:03:01:16.05. Restrictions on use or possession of centerfire rifles on lake and ~~fishing access areas and game production areas~~ water access areas.** Centerfire rifles are prohibited in the following areas:

- (1) Lechtenberg Game Production Area in Hand County; and
- (2) Cottonwood Lake Hatchery State Game Bird Refuge in Spink County.

**Source:** 33 SDR 180, effective May 7, 2007.

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**General Authority:** SDCL 41-2-18(4), 41-17-1.1(8).

**Law Implemented:** SDCL 41-2-18(4), 41-17-1.1(8).