



# SOUTH DAKOTA REGISTER

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## FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

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### Notice of Proposed Rules

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Date in parentheses indicates when rules were filed with the Legislative Research Council.  
Copies of proposed rules may be obtained for no charge at <https://rules.sd.gov> or from the agency directly.

**South Dakota Lottery (Department of Revenue):** (August 13, 2019) intends to amend rules to permit an additional method of a video lottery machine determining video lottery game winners. The general authority for these rules, as cited by the department, is SDCL 42-7A-21(10).

A public hearing will be held in Room 412, State Capitol, 500 Governors Drive, Pierre, South Dakota, on September 12, 2019, at 9:45 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Revenue, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501. The comment period will close on September 6, 2019. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3311 at least 48 hours before the public hearing.

**Department of Game, Fish and Parks:** (August 15, 2019) intends to amend rules to insert gender neutral language; create a title specific rule that exempts department employees while performing their official duties; create new working definitions; provide for consistent language; differentiate between suspensions and revocations for licensing agents; create a unified time restriction for the state park system as well as public hunting and lake access areas; consolidate similar rules into one rule; prohibit alcohol at Bolton Game Production Area; clarify nomenclature; provide clarity and eliminate unnecessary and redundant language; identify specific authorities as the basis for rule; authorize additional days of free entrance into state parks; extend the time periods that the Mickelson Trail would be accessible; repeal the requirement to tag antlers in the velvet stage; create new rules regarding the transportation of whole cervid carcasses and high-risk Chronic Wasting Disease (CWD) cervid carcass parts; prohibit the removal of whole cervid carcasses and high-risk cervid carcass parts from a known CWD endemic area within South Dakota; require hunters, wildlife processors, and taxidermists to dispose of out of state cervids, regardless of CWD status, and cervids harvested from a known South Dakota CWD endemic area through their waste management provider or a permitted landfill; and modify the start date for prohibition of baiting from August 15 to August 1. The general authority for these rules, as cited by the department, is SDCL 1-26-13, 1-26-15, 32-3A-1, 41-2-18, 41-2-24, 41-2-38, 41-6-33, 41-14-13, 41-17-1.1, 41-17-13, 41-17-13.4, 41-17-28, and 42-8-54.

A public hearing will be held at the Holiday Inn Convention Center, 305 North 27<sup>th</sup> Street, Spearfish, South Dakota, on September 5, 2019, at 2:00 p.m. MT. Copies of the proposed rules may be obtained without charge from and written comments sent to Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Comments may also be submitted at <http://gfp.sd.gov/forms/positions>. All written data, opinions, and arguments must be received by the department at least 72 hours prior to the date of the hearing and include the name, city, and state of the person submitting the comments. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3718 or 605-223-7684 (Telecommunication Device for the Deaf).

**Department of Health:** (August 15, 2019) intends to amend rules to allow municipalities to regulate the practice of saline tattoo removal. The general authority for these rules, as cited by the department, is SDCL 34-1-17.

A public hearing will be held at the South Dakota State Health Laboratory, Room 102, 615 East Fourth Street, Pierre, South Dakota, on Monday, September 23, 2019, at 1:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501. Copies are also available at <http://doh.sd.gov/News> or <https://rules.sd.gov>. The comment period will close on October 3, 2019. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3361 at least 48 hours before the public hearing.

## **FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE**

### **Final Administrative Rules**

**DEPARTMENT OF AGRICULTURE:** 12:36:02:01; 12:36:03:01, 12:36:03:02, 12:36:03:03; 12:36:04:05.

**History/Notice:** 45 SDR 154, June 10, 2019

**Hearing:** July 1, 2019

**Filed:** August 12, 2019

**Effective:** September 2, 2019

**DEPARTMENT OF TRANSPORTATION:** 70:01:02:00, 70:01:02:02, 70:01:02:21.

**History/Notice:** 45 SDR 154, June 10, 2019

**Hearing:** June 27, 2019

**Filed:** August 12, 2019

**Effective:** September 2, 2019

**BOARD OF MINERALS AND ENVIRONMENT (DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES):** 74:28:21:01, 74:28:21:02; 74:28:22:01; 74:28:23:01; 74:28:24:01; 74:28:25:01, 74:28:25:03, 74:28:25:04, 74:28:25:05; 74:28:26:01; 74:28:27:01; 74:28:28:01, 74:28:28:03, 74:28:28:04, 74:28:28:05; 74:28:30:01; 74:28:33:01.

**History/Notice:** 45 SDR 144, May 20, 2019

**Hearing:** July 18, 2019

**Filed:** August 14, 2019

**Effective:** September 3, 2019

**SOUTH DAKOTA STATE BRAND BOARD (DEPARTMENT OF AGRICULTURE):** 12:10:01:12, 12:10:01:13, 12:10:01:14, 12:10:01:15, 12:10:01:16; 12:10:02:05.

**History/Notice:** 45 SDR 158, June 17, 2019

**Hearing:** July 10, 2019

**Filed:** August 14, 2019

**Effective:** September 3, 2019

**DIVISION OF INSURANCE (DEPARTMENT OF LABOR AND REGULATION):** 20:06:07:08, 20:06:12:07; 20:06:19:04; 20:06:22:27, 20:06:22:27.01, 20:06:22:27.02, 20:06:22:28, 20:06:22:30, 20:06:22:31, 20:06:22:32, 20:06:22:33, 20:06:22:34; 20:06:25:01, 20:06:25:01.01, 20:06:25:01.02, 20:06:25:02; 20:06:26:01; 20:06:36:01, 20:06:59:01.

**History/Notice:** 46 SDR 5, July 8, 2019

**Hearing:** July 23, 2019

**Filed:** August 15, 2019

**Effective:** September 4, 2019

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## SCHEDULED PUBLIC HEARINGS

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<b>8-20-2019</b>	<b><u><a href="#">South Dakota Cosmetology Commission (Department of Labor and Regulation)</a></u></b> : Amend rules to update and clarify safety and infection control rules; allow licensees to see the criteria for salon and booth inspections and what constitutes a failed inspection; formalize disciplinary proceedings into rule; clarify the high school graduation requirement for applicants; and reduce re-testing requirements for out-of-state applicants; 46 SDR 18, July 29, 2019.
<b>8-26-2019</b>	<b><u><a href="#">Special Rules Hearing No. 140</a></u></b> : The South Dakota Supreme Court will consider petitions for amendments to existing South Dakota Codified Laws 15-6-45(b) regarding subpoenas for production of documentary evidence; 15-26A-75 regarding time for serving and filing briefs; and 19-19-502 regarding lawyer-client privilege. The Court will also consider the proposed adoption of a court rule concerning carrying a concealed pistol in the state capitol areas under the authority of the Supreme Court; 46 SDR 20, August 5, 2019.
<b>9-5-2019</b>	<b><u><a href="#">Department of Game, Fish and Parks</a></u></b> : Amend rules to insert gender neutral language and update authorities; create a title specific rule that exempts department employees while performing their official duties; create new working definitions; provide for consistent language; differentiate between suspensions and revocations for licensing agents; create a unified time restriction for the state park system as well as public hunting and lake access areas; consolidate similar rules into one rule; prohibit alcohol at Bolton Game Production Area; clarify nomenclature; provide clarity and eliminate unnecessary and redundant language; identify specific authorities as the basis for rule; authorize additional days of free entrance into state parks; extend the time periods that the Mickelson Trail would be accessible; repeal the requirement to tag antlers in the velvet stage; create new rules regarding the transportation of whole cervid carcasses and high-risk Chronic Wasting Disease (CWD) cervid carcass parts; prohibits the removal of whole cervid carcasses and high-risk cervid carcass parts from leaving a known CWD endemic area within South Dakota; require hunters, wildlife processors, and taxidermists to dispose of out of state cervids, regardless of CWD status, and cervids harvested from a known South Dakota CWD endemic area through their waste management provider or a permitted landfill; and modify the start date for prohibition of baiting from August 15 to August 1; 46 SDR 25, August 19, 2019.
<b>9-10-2019</b>	<b><u><a href="#">Department of Environment and Natural Resources</a></u></b> : Amend rules to modify the requirements to take an Operator Certification exam and clarify the requirements to renew a certificate; 46 SDR 20, August 5, 2019.
<b>9-12-2019</b>	<b><u><a href="#">South Dakota Lottery (Department of Revenue)</a></u></b> : Amend rules to permit an additional method of a video lottery machine determining video lottery game winners; 46 SDR 25, August 19, 2019.
<b>9-17-2019</b>	<b><u><a href="#">South Dakota Board of Nursing Facility Administrators (Department of Health)</a></u></b> : Amend rules to update the reference to the national examination and clarify continuing education requirements; 46 SDR 23, August 12, 2019.
<b>9-23-2019</b>	<b><u><a href="#">Department of Health</a></u></b> : Amend rules to allow municipalities to regulate the practice of saline tattoo removal; 46 SDR 26, August 19, 2019.

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## RULES REVIEW COMMITTEE MEETINGS

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The next meeting of the Interim Rules Review Committee is Monday, September 9, 2019, at 10:00 a.m. CT in Room 414 of the Capitol. The final meeting scheduled for the 2019 interim is November 4.

Notices of 2019 Rules Review Committee meetings will be provided in this publication, on the [LRC website](#), and at the Capitol.

The Drafting Manual for Administrative Rules in South Dakota is available on the [Administrative Rules Manual page](#) of the LRC website.

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