

REGISTER



South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., March 19, 2018

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 15, 2018) intends to amend and adopt rules to adjust the available Black Hills elk licenses to 425 “any elk” and 700 “antlerless elk”; adjust the number of available archery elk licenses to 142 “any elk” and 80 “antlerless elk”; adjust the number of available prairie elk licenses to 68 “any elk” and 73 “antlerless elk”; establish a new prairie elk unit comprised of Harding County with season dates of September 15 to October 31 and December 1 to 31; adjust the Custer State Park elk hunting season dates to October 1 to 31; modify the unit boundary of CAE-CU1 and CAE-CU2 to that portion of Custer State Park south of the R&D Pasture fence line for the special Custer State Park antlerless elk hunting season; clarify restrictions and application on preferences that are given to entities for landowner preferences; and increase the minimum number of acres from 240 to 1,000 acres in order to qualify for landowner preference, add language that would allow a landowner-operator to qualify if any amount of privately owned/operated land had over 2,000 elk use days, and allow for lease agreements to be oral in addition to in writing to qualify as a leasee. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-6-21, and 41-17-1.1

A public hearing will be held at the Outdoor Campus West, 4130 Adventure Trail,

Rapid City, South Dakota, on April 5, 2018, at 2:00 p.m. MDT and April 6, 2018, at 8:00 a.m. MDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the office of the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 E. Capitol, Pierre, SD 57501. The proposed rules are also available for viewing online at <https://rules.sd.gov/>. Data, opinions and arguments may also be sent by email to wildlifeinfo@state.sd.us. Materials sent by mail or email must include the name, city, and state of the person submitting them and must reach the Department at least 72 hours prior to the date of the hearing to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Department can make arrangements are asked to call (605) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf) to submit a request.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

(None)

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue, and the Department of Labor and Regulation for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

<p>3-27-2018</p>	<p>Department of Revenue: South Dakota Commission on Gaming: intends to amend rules to add a fee of \$500 for associated equipment manufacturer or distributor license applications; provide for clarification on procedures for found credits, tickets, chips, tokens or cash; clarify that the dealer is responsible to enforce bet limits; clarify types of games where a pit boss is required and the functions of the pit boss; require signage regarding the minimum age to gamble; clarify policies involving persons under the age of 21 in a casino; update the variations of blackjack that have been authorized by the Commission for play in Deadwood; clarify procedures on setting bet limits; set forth a new variation of the game of blackjack known as Triple Win 20; update the variations of poker that have been authorized by the Commission for play in Deadwood; adopt a new payable for the game of Three-card Poker; clarify where cards should be placed on the layout of the game of Ultimate Texas Hold'em; comply with current law which only requires surveillance of slot machines that have an award of \$12,000 or greater; and correct typographical errors; 44 SDR 133, March 5, 2018.</p>
<p>3-29-2018</p>	<p>Department of Transportation: intends to amend speed limit rules for U.S. Highway 16 in Pennington County, U.S. Highway 385 in Lawrence County, State Trunk Highway 50 in Bon Homme County, State Trunk Highway 28 in Hamlin County, and State Trunk Highway 20 in Perkins County to match the speed limit signs in place along those highways; on State Trunk Highway 47 in Highmore, extend a 30 miles per hour limited speed zone north an additional 0.1 mile, extend a 35 miles per hour speed zone north for 0.3 mile rather than the 40 miles per hour speed zone currently in place, and extend a 45 miles per hour speed zone north for 0.2 mile in place of the current 65 miles per hour speed zone; implement a 55 miles per hour limited speed zone on State Trunk Highway 10 on the west side of Britton for 0.2 mile to establish a transition speed zone between a 65 miles per hour speed zone and a 45 miles per hour speed zone; set a 35 miles per hour speed zone for the Interstate Highway 90 frontage road (Captain Soelzer Street) on the west side of Sturgis Road beginning at Peaceful Pines Road and proceeding north for 0.40 mile and then establish a 40 miles per hour speed zone for an additional distance of 0.56 mile to the north; on State Trunk Highway 34, replace a 45 miles per hour limited speed zone with a 50 miles per hour speed zone beginning 0.5 mile west of Main Street in Howard then east for 0.2 mile, then heading east for 0.8 mile, reduce the speed limit on State Trunk Highway 34 to 30 miles per hour and then increase the speed limit to 50 miles per hour for 0.53 mile; and on State Trunk Highway 123 south of Wilmot, replace a 25 miles per hour limited speed zone with a 45 miles per hour speed zone that will transition to a 55 miles per hour speed zone; 44 SDR 135, March 12, 2018.</p>
<p>4-5-2018 4-6-2018</p>	<p>Department of Game, Fish and Parks: intends to amend and adopt rules to adjust the available Black Hills elk licenses to 425 “any elk” and 700 “antlerless elk”; adjust the number of available archery elk licenses to 142 “any elk” and 80 “antlerless elk”; adjust the number of available prairie elk licenses to 68 “any elk” and 73 “antlerless elk”; establish a new prairie elk unit comprised of Harding County with season dates of September 15 to October 31 and December 1 to 31; adjust the Custer State Park elk hunting season dates to October 1 to 31; modify the unit boundary of CAE-CU1 and CAE-CU2 to that portion of Custer State Park south of the R&D Pasture fence line for the special Custer State Park antlerless elk hunting season; clarify restrictions and application on preferences that are given to entities for landowner preferences; and increase the minimum number of acres from 240 to 1,000 acres in order to qualify for</p>

	landowner preference, add language that would allow a landowner-operator to qualify if any amount of privately owned/operated land had over 2,000 elk use days, and allow for lease agreements to be oral in addition to in writing to qualify as a leasee; 44 SDR 139, March 19, 2018.
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RULES REVIEW COMMITTEE MEETING

The Rules Review Committee will meet Monday, March 26, 2018, in Room 363 of the State Capitol to set its 2018 Interim schedule. Interested persons who need to know this schedule are encouraged to attend.

Watch for notices of 2018 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>.

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