

# REGISTER

*South Dakota Legislative Research Council*



*Volume 29*

*Monday, 8:00 a.m., January 6, 2003*

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A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

**NOTICES OF PROPOSED RULES:** (None)

**DECLARATORY RULINGS:**

The South Dakota Commission on Gaming has filed three Declaratory Rulings with the Legislative Research Council. Two of the rulings were made at the request of building owners Gary and Sandy Cooper. One request asks the Commission to determine if the building known as 650 Main Street in Deadwood is two structures for the purpose of determining the number of gaming devices that can be placed in the structures. The Commission declared that the structure constitutes two buildings and thirty gaming devices may be placed in each building.

In the next declaratory ruling the Commission was asked to determine if the structures located at 673 and 675 Main Street in Deadwood constitute three buildings for the purpose of determining the number of gaming devices that may be placed in the structures. The Commission declared that the structures constitute three buildings and that thirty gaming devices may be placed in each building.

The third declaratory ruling was made at the request of Don Nelson. He asked the Commission to determine if the structure located at 625 Main Street in Deadwood, known as Nelson Garage, constitutes two buildings for the purpose of determining the number of gaming devices that may be placed in the buildings. The Commission declared that the structure constitutes two buildings and that thirty gaming devices may be placed in each building.

The Declaratory Rulings are dated December 27, 2002, and may be reviewed or copied at the office of the Legislative Research Council during normal business hours.

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

**Administrative Rules:**

**DEPARTMENT OF GAME, FISH AND PARKS:** (Emergency) - 141:06:26:01 to 141:06:26:06, inclusive; and 141:06:47:01 to 141:06:47:06, inclusive.

History-Notice: 29 SDR 95, Dec. 23, 2002  
Hearing: NA  
Filed: December 23, 2002  
Effective: December 23, 2002

**SECRETARY OF STATE: BOARD OF FINANCE:** 5:01:02:14.

History-Notice: 29 SDR 51, October 7, 2002  
Hearing: November 19, 2002  
Filed: January 2, 2003  
Effective: July 1, 2003

**Executive Appointments:**

**Jack Lynass**, Spearfish, was reappointed on December 23, 2002, to the **South Dakota Economic Development Finance Authority Board of Directors**, effective immediately and shall continue until June 30, 2006.

**A. Peter Fuller**, Lead, was appointed on December 27, 2002, as **South Dakota Judge of the Seventh Judicial Circuit Court of South Dakota**, effective immediately upon taking the

oath of office and shall continue until January 1, 2007.

**Patty Mesmer**, Aberdeen, was appointed on December 30, 2002, to the **Education Assistance Corporation Board of Directors**, effective immediately and shall continue until July 1, 2004.

**V. G. Stoia**, Aberdeen, was appointed on December 30, 2002, to the **Education Assistance Corporation Board of Directors**, effective immediately and shall continue until July 1, 2004.

**Richard Gowen**, Rapid City, was appointed on December 31, 2002, to the **South Dakota Homestake/Barrick Underground Laboratory Council**, effective immediately and shall continue at the pleasure of the Governor.

**Nancy McCahren**, Vermillion, was appointed on December 31, 2002, to the **South Dakota Homestake/Barrick Underground Laboratory Council**, effective immediately and shall continue at the pleasure of the Governor.

**Erika Tallman**, Aberdeen, was appointed on December 31, 2002, to the **South Dakota Homestake/Barrick Underground Laboratory Council**, effective immediately and shall continue at the pleasure of the Governor.

**Steve Zellmer**, Rapid City, was appointed on December 31, 2002, to the **South Dakota Homestake/Barrick Underground Laboratory Council**, effective immediately and shall continue at the pleasure of the Governor.

**Harvey C. Jewett, IV**, Aberdeen, was appointed on December 31, 2002, to the **South Dakota Homestake/Barrick Underground Laboratory Council**, effective immediately and shall continue at the pleasure of the Governor.

**Jacquelyn Fuller**, Lead, was appointed on December 31, 2002, to the **South Dakota Homestake/Barrick Underground Laboratory Council**, effective immediately and shall continue at the pleasure of the Governor.

**Julie Johnson**, Pierre, was appointed on December 31, 2002, to the **South Dakota Homestake/Barrick Underground Laboratory Council**, effective immediately and shall continue at the pleasure of the Governor.

Note: A copy of the rules may be obtained directly from the above agencies. 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 Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

**REMINDER OF HEARINGS SCHEDULED**

1-9-2003	Game, Fish and Parks	Adopt rules relating to the Spring wild turkey hunting season, amend restriction on number of applications, amend definition of "hen turkey," and amend an exception to hunting at Silver Lake State Waterfowl Refuge in Hutchinson County; 29 SDR 95.
1-23-2003	Transportation	Amend a speed zone in Brookings County and adopt a rule to prohibit parking in Pennington County; 29 SDR 91.

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1-30-2003	Agriculture: Division of Ag Development	Increase application fee to \$100 for the Beginning Farmer Bond program; 29 SDR 87.
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***Rules Review Committee Meetings***

The next meeting of the Interim Rules Review Committee will be held Monday, January 13, 2003, in Room 413 of the State Capitol.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office and on the LRC web site.

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