

# REGISTER

South Dakota Legislative Research Council



Volume 29

Tuesday, 8:00 a.m., January 21, 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)

History-Notice: 29 SDR 72, Nov. 12, 2002

Hearing: December 4, 2002

Filed: January 13, 2003

Effective: February 2, 2003

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

**Administrative Rules:**

**DEPARTMENT OF HEALTH:** 44:63:02:10.

The **DEPARTMENT OF GAME, FISH AND PARKS** has withdrawn the following rules:

41:03:03:03.01; 41:07:03:01, 41:07:03:03; and 41:09:11:01 to 41:09:11:09, inclusive, that were filed on January 3, 2003.

History-Notice: 29 SDR 71, Nov. 12, 2002

Hearing: December 4, 2002

Filed: January 14, 2003

Effective: February 3, 2003

**DEPARTMENT OF GAME, FISH AND PARKS:** 41:03:03:03.01; 41:07:03:01, and 41:07:03:03.

**DEPARTMENT OF COMMERCE AND REGULATION: DIVISION OF INSURANCE:** 20:06:21:04, 20:06:22:06, 20:06:22:07, and 20:06:39:02.

History-Notice: 29 SDR 79, Nov. 25, 2002

Hearing: December 12-13, 2002

Filed: January 14, 2003

Effective: February 3, 2003

History-Notice: 29 SDR 79, Nov. 25, 2002

Hearing: December 18, 2002

Filed: January 16, 2003

Effective: February 5, 2003

**DEPARTMENT OF COMMERCE AND REGULATION: COMMISSION ON GAMING:** 20:18:12:01:07; 20:18:16:15.03, 20:18:16:15.05; 20:18:17:24, 20:18:17:24.03; 20:18:20:01:05; 20:18:20:02:03; 20:18:22:23; 20:18 Appendix A; 20:04:20:93, 20:04:20:94; 20:04:24:38; and 20:04:25:01:01 to 20:04:25:01:15, inclusive.

History-Notice: 29 SDR 72, Nov. 12, 2002

Hearing: December 4, 2002

Filed: January 13, 2003

Effective: February 2, 2003

**Attorney General Appointments:**

The following were appointed Assistant Attorney General or Special Assistant Attorney General:

**Ms. Patricia Archer**, January 8, 2003;

**Mr. Doug Barnett**, January 10, 2003;

**Mr. Mark Barnett**, January 8, 2003;

**Ms. Diane Best**, January 8, 2003;

**Mr. Gary Campbell**, January 13, 2003;

**Mr. D. Mark Collins**, January 13, 2003;

**Mr. Paul Cremer**, January 8, 2003;

**Ms. Jill Dean**, January 7, 2003;

**Mr. Harold Deering**, January 13, 2003;

**Ms. Patricia Devaney**, January 7, 2003;

**Mr. Craig Eichstadt**, January 8, 2003;

**Mr. Frank Geaghan**, January 8, 2003;

**DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES: WATER MANAGEMENT BOARD:** 74:51:03:20.

**Ms. Roxanne Giedd**, January 8, 2003;  
**Mr. Jason Glodt**, January 7, 2003;  
**Mr. Grant Gormley**, January 8, 2003;  
**Mr. John Guhin**, January 8, 2003;  
**Mr. Jeffrey P. Hallem**, January 8, 2003;  
**Ms. Connie Larson**, January 13, 2003;  
**Mr. Todd Love**, January 8, 2003;  
**Mr. Charles McGuigan**, January 8, 2003;  
**Ms. Bridget Mayer**, January 8, 2003;  
**Mr. Robert Mayer**, January 8, 2003;  
**Ms. Ann Meyer**, January 8, 2003;  
**Mr. Rod Oswald**, January 8, 2003;  
**Mr. Philip Sieler**, January 7, 2003;  
**Mr. Donald Srstka**, January 13, 2003;  
**Mr. John Strohman**, January 8, 2003;  
**Mr. Tom Tobin**, January 13, 2003;  
**Mr. James Waggoner**, January 7, 2003;  
**Ms. Sherri Sundem Wald**, January 8, 2003;  
**Ms. Schelle Wenner**, January 7, 2003;  
**Mr. Richard Williams**, January 8, 2003.

**Mr. Art Aplan**, DCI, January 13, 2003;  
**Mr. Darin Bergquist**, DOT, January 13, 2003;  
**Mr. James Carlon**, Insurance and DSS,  
January 13, 2003;  
**Ms. Karen Cremer**, PUC, January 8, 2003;  
**Ms. Naomi Cromwell**, Insurance, Jan. 10, 2003;  
**Mr. Harvey Crow**, Revenue, January 13, 2003;  
**Ms. Karla Engle**, Optometrists and PRCF,  
January 13, 2003;  
**Mr. Monte Farnsworth**, DCI, Jan. 13, 2003;  
**Ms. Bonnie Feller Hagen**, DCI, Jan. 13, 2003;  
**Mr. Kelly Frazier**, PUC, January 13, 2003;  
**Mr. Donald Hageman**, Revenue, Jan. 8, 2003;  
**Ms. Sara Harens**, Insurance, January 10, 2003;  
**Mr. Thomas Harmon**, Optometrists and  
PRCF, January 13, 2003;  
**Ms. Ann Marie Holzhauser**, DSS, January 13,  
2003;  
**Mr. Wade Hubbard**, Retirement, Jan. 7, 2003;  
**Ms. Becky A. Janssen**, DSS, January 13, 2003;  
**Ms. Kirsten Jasper**, DSS, January 13, 2003;  
**Mr. Michael Kenyon**, Revenue, Jan. 8, 2003;  
**Ms. Cindy Koupal**, Insurance, Jan. 13, 2003;  
**Mr. Jack MaGee**, Revenue, January 8, 2003;  
**Mr. Bill Mickelson**, DCI/AG, Jan. 13, 2003;  
**Mr. Charles A. Miller**, DSS, January 13, 2003;  
**Mr. William J. Nevin**, DOT, January 13, 2003;

**Mr. Mark A. Reedstrom**, DSS, Jan. 13, 2003;  
**Mr. Donald J. Ridings**, DSS, Jan. 13, 2003;  
**Mr. Jim Robbennolt**, Cosmetology and Real  
Estate, January 13, 2003;  
**Mr. Anthony Sanchez**, DSS, January 13, 2003;  
**Mr. Neil Schlepp**, DCI, January 13, 2003;  
**Mr. David Siebrasse**, Insurance, Jan. 8, 2003;  
**Mr. John J. Smith**, PUC, January 8, 2003;  
**Mr. Tyler Spomer**, Revenue, January 8, 2003;  
**Mr. John Storsteen**, Retirement, Jan. 7, 2003;  
**Mr. Richard P. Tieszen**, Optometrists and  
PRCF, January 13, 2003;  
**Mr. David Wiest**, Revenue, January 7, 2003;  
**Ms. Rolayne Ailts Wiest**, PUC (bonds) and  
PUC, January 13, 2003.

#### **Executive Appointments:**

**Mr. John Cooper**, Pierre, was appointed and commissioned to the position of **Secretary of Game, Fish, and Parks**, effective January 7, 2003, and shall continue at the pleasure of the Governor.

**Mr. Jason Dilges**, Pierre, was appointed and commissioned to the position of **Commissioner of Finance and Management**, effective January 7, 2003, and shall continue at the pleasure of the Governor.

**Mr. William Otto Doll**, Pierre, was appointed and commissioned to the position of **Commissioner of Information and Telecommunications**, effective January 7, 2003, and shall continue at the pleasure of the Governor.

**Mr. James Ellenbecker**, Pierre, was appointed and commissioned to the position of **Secretary of Social Services**, effective January 7, 2003, and shall continue at the pleasure of the Governor.

**Mr. Larry Gabriel**, Pierre, was appointed and commissioned to the position of **Secretary of Agriculture**, effective January 7, 2003, and shall continue at the pleasure of the Governor.

**Mr. Dennis Landguth**, Pierre, was appointed and commissioned to the position of **Secretary of Transportation**, effective January 7, 2003, and shall continue at the pleasure of the Governor.

**Mr. Timothy Reisch**, Pierre, was appointed and commissioned to the position of **Secretary of Corrections**, effective January 7, 2003, and shall continue at the pleasure of the Governor.

**Ms. Pamela Roberts**, Pierre, was appointed and commissioned to the position of **Secretary of Labor**, effective January 7, 2003, and shall continue at the pleasure of the Governor.

**Mr. Gary Viken**, Pierre, was appointed and commissioned to the position of **Secretary of Revenue**, effective January 7, 2003, and shall continue at the pleasure of the Governor.

**Legislative Appointments:**

**Senator Eric Bogue**, Faith, to the **South Dakota Code Commission**, on January 15, 2003, effective immediately, and to continue to January 1, 2005.

**Representative Matt McCaulley**, Sioux Falls, to the **South Dakota Code Commission**, on January 15, 2003, effective immediately, and to continue to January 1, 2005.

**State Bar of South Dakota Appointments:**

**Mr. Tom Lee**, Pierre, was reappointed to the **South Dakota Code Commission**.

**Mr. Lee McCahren**, Vermillion, was reappointed to the **South Dakota Code Commission**.

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**

1-23-2003	Transportation	Amend a speed zone in Brookings County and adopt a rule to prohibit parking in Pennington County; 29 SDR 91.
1-28-2003	Education and Cultural Affairs: Board of Education	Amend rules regarding the requirement of three mathematics credits for high school graduation and add a requirement to high school student transcripts; 29 SDR 105.
1-28-2003	Education and Cultural Affairs: Board of Education	Repeal rules for the defunct Congressional Teacher Scholarship Program, and amend rules to clarify definitions and eligibility criteria for the Robert Byrd Honors Scholarship program and to modify the selection criteria in accordance

		with federal regulations; 29 SDR 105.
1-30-2003	Agriculture: Division of Ag Development	Increase application fee to \$100 for the Beginning Farmer Bond program; 29 SDR 87.

### *Rules Review Committee Meetings*

The Interim Rules Review Committee will meet again following the close of the Seventy-eighth Legislative Session.

**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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