

REGISTER



South Dakota Legislative Research Council

Volume 28

Tuesday, 8:00 a.m., February 19, 2002

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

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council)

Department of Environment and Natural Resources: Water Management Board:

(February 14, 2002) intends to adopt rules to further define, clarify, and codify well driller and well pump installer licensing requirements. The general authority for these rules, as cited by the department, is SDCL 46-2-5.

A public hearing will be held in the Visitor Center along the west side of Capitol Lake, 650 East Capitol Avenue, Pierre, South Dakota, on March 13, 2002, at 9:30 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Chief Engineer, Department of Environment and Natural Resources, Water Rights Program, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Written comments must be received by March 12, 2002, 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) 773-3352 at least forty-eight hours before the hearing.

Department of Environment and Natural Resources: Environmental Services: (February 14, 2002) intends to adopt revisions to federal regulations, including the new Phase II Storm Water Regulations concerning small construction activities and small municipal separate storm sewer systems. The general authority for these rules, as cited by the department, is SDCL 34A-2-28, 34A-2-30, and 34A-2-93.

A public hearing will be held in the Visitor Center along the west side of Capitol Lake, 650 East Capitol Avenue, Pierre, South Dakota, on March 13, 2002, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Stacy Reed, Department of Environment and Natural Resources, Surface Water Rights Program, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Written comments must be received by March 12, 2002 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) 773-3351 at least forty-eight hours before the hearing.

Department of Game, Fish and Parks:

(February 14, 2002) is proposing rules to modify the hunting license fees for resident and nonresident special buck licenses, provide definitions for campsite, family, hard-sided camper, rent-a-camper, and lodge for park purposes, clarify the present procedure for making and canceling reservations and establish the applicable fees and refunds for certain reservations which are cancelled or shortened, provide clarity for determining the permitted occupancy on a designated campsite and to provide for revenue, and establish the type of camping unit which may occupy a single designated campsite and provide for revenue. The general authority for these rules, as cited by the department, is SDCL 41-2-24, 41-6-10, 41-6-18.4, 41-6-19.6, 41-17-1.1, and 41-17-15.

A public hearing will be held at the Holiday Inn Express in Fort Pierre, South Dakota, on March 7, 2002, at 2:00 p.m. (CST). Copies of the

proposed rules may be obtained from and written comments sent to John L. Cooper, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received prior to the hearing date. Comments may also be sent by e-mail to chuck.schlueter@state.sd.us. E-mail comments must include the commenter's name and address. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3387 before the hearing.

Law Enforcement Officers Standards and Training Commission: Criminal Investigation:

(February 14, 2002) is proposing rules to prevent law enforcement officers and 911 telecommunicators who have lost certification in other states from becoming employed in South Dakota, allow applicants for certification in South Dakota to reapply upon an initial failure to obtain certification in South Dakota, direct the executive director to establish and publish a successful test score for certification tests prior to the commencement of classes, and allow certain law enforcement officers who have maintained certification in South Dakota to retain that certification by taking a refresher course. The general authority for these rules, as cited by the department, is SDCL 23-3-35, 23-3-42, 23-3-44, 34-45-26, and 34-45-29.

A public hearing will be held in Classroom 1 of the Rol Kebach Criminal Justice Training Center, East Highway 34, Pierre South Dakota, on March 21, 2002, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Kim Knecht, Law Enforcement Officers Standards and Training Commission, Division of Criminal Investigation, 500 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by March 20, 2002, to be considered. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3584 before the hearing.

Department of Education and Cultural

Affairs: Board of Education: (February 15, 2002) intends to adopt a rule to change the postsecondary vocational education funding formula. The general authority for this rule, as cited by the department, is SDCL 13-39-37.

A public hearing will be held in Conference Room 3 of the Kneip Building, 700 Governors Drive, Pierre, South Dakota, on March 18, 2002, at 2:00 p.m. Copies of the proposed rule may be obtained from and written comments sent to the South Dakota Department of Education and Cultural Affairs, South Dakota Board of Education, 700 Governors Drive, Pierre, South Dakota 57501-2291. Written comments must be received by March 15, 2002, 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) 773-5669 at least forty-eight hours before the hearing.

Department of Commerce and Regulation: Commission on Gaming: (February 19, 2002) is proposing rules to authorize new variations of poker and to authorize an alternative payment schedule for the existing variation of poker, known as Let it Ride. The rule change on linked machines is to allow for mixed denomination wide area progressive (WAP) systems and the statistical section of the Gaming Internal Revenue Reporting Manual will be updated. The general authority for these rules, as cited by the commission, is SDCL 42-7B-7.

A public hearing will be held at City Hall, 102 Sherman Street, Deadwood, South Dakota, on March 21, 2002, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Commission on Gaming, 118 West Capitol Avenue, Pierre, South Dakota 57501-2071. Written comments must be received by March 18, 2002, 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) 773-6050 or (605) 578-3074 at least

forty-eight hours before the hearing.

NOTICE: The **South Dakota Lottery** is ending instant ticket game number 155 – Lucky 7's. The last day that prizes will be paid for the game is August 10, 2002.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF AGRICULTURE: 12:53:01:16.

History-Notice: 28 SDR 95, Dec. 24, 2001
Hearing: January 15, 2002
Filed: February 11, 2002
Effective: March 3, 2002

DEPARTMENT OF AGRICULTURE: 12:07:12:03, 12:07:13:03, 12:07:14:03, and 12:07:20:04.

History-Notice: 28 SDR 91, Dec. 17, 2001
Hearing: January 17, 2002
Filed: February 13, 2002
Effective: March 5, 2002

Executive Appointments:

Jerry Prostrollo, Madison, was reappointed on February 5, 2002, to the **South Dakota Railroad Authority**, subject to Senate confirmation, effective immediately and to continue to January 19, 2004.

Dennis Yeaton, Chamberlain, was reappointed on February 5, 2002, to the **South Dakota Railroad Authority**, subject to Senate confirmation, effective immediately and to continue to January 19, 2004.

Kelly Wheeler, Pierre, was appointed on February 5, 2002, to the **Career Service Commission**, to replace Gordon Garnos, subject to Senate confirmation, effective April 22, 2002, and to continue to April 22, 2006.

Carolyn J. Mollers, Rapid City, was appointed on February 5, 2002, to the **South Dakota Board of Education**, to replace Peter "Pete" Gustaf, subject to Senate confirmation, effective immediately and to continue to December 31, 2004.

Judith E. Hines, Brandon, was reappointed on February 5, 2002, to the **South Dakota Crime Victims' Compensation Commission**, subject to Senate confirmation, effective July 1, 2002, and to continue to July 1, 2005.

Jeffory A. Erickson, Watertown, was appointed on February 6, 2002, to the **Board of Economic Development**, to replace Paul Sigelman, effective immediately and to continue to April 19, 2005.

Grady Kickul, Pierre, was appointed on February 7, 2002, to the **South Dakota Workforce Development Council**, to replace Tim Koehn, effective immediately and to continue at the pleasure of the Governor.

Chris Braendlin, Pierre, was appointed on February 7, 2002, to the **South Dakota Workforce Development Council**, to replace Ron Wheeler, effective immediately and to continue at the pleasure of the Governor.

Larry Nelson, Pierre, was appointed on February 7, 2002, to the **South Dakota Workforce Development Council**, to replace Patrick Keating, effective immediately and to continue at the pleasure of the Governor.

Daniel L. Cotton, Beresford, was appointed on February 7, 2002, to the **South Dakota Railroad Authority**, subject to Senate confirmation, to replace Robert Schreiner, effective immediately and to continue to January 20, 2003.

John J. Delaney, Sr., Rapid City, was appointed on February 12, 2002, as **Judge of the Seventh Judicial Circuit Court of South Dakota**, to replace John E. Fitzgerald, Jr.,

effective immediately upon taking the oath of office and to continue to January 1, 2007.

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

2-22-2002	South Dakota Lottery	Update Powerball and implement Hot Lotto Game; 28 SDR 111.
2-27-2002	Labor: Division of Labor and Management	Amend workers' compensation rules; 28 SDR 115.
2-28-2002	Commerce and Regulation: Division of Insurance	Define guaranteed issue beginning date, standards for rates for new long-term care policies and long-term care sales, property casualty notice of transfer, amend special enrollment rights; 28 SDR 115.
3-7-2002	Game, Fish and Parks	Special buck license fees, define campsite, family, hard-sided camper, rent-a-camper, and lodge, making and canceling reservation, fees and refunds for certain reservations, clarify permitted occupancy on campsite, provide for revenue; 28 SDR 117.
3-13-2002	Environment and Natural Resources: Water Management Board	Well driller and well pump installer licensing requirement; 28 SDR 117.
3-13-2002	Environment and Natural Resources: Environmental Services	Revisions to federal regulations, Phase II Storm Water Regulations; 28 SDR 117
3-18-2002	Education and Cultural Affairs: Board of Education	Change postsecondary vocational education funding formula; 28 SDR 118.
3-21-2002	Law Enforcement Officers Standards and Training Commission: Criminal Investigation	Prevent law enforcement officers and 911 telecommunicators who lost certification in other states from becoming employed in SD, allow certain applicants to reapply for certification, executive director establish and publish test score, allow certain

		officers to retain certification by taking refresher course; 28 SDR 118.
3-21-2002	Commerce and Regulation: Commission on Gaming	New variation on the game of poker, alternative payment schedule for Let It Ride poker, allow for mixed denomination WPA systems, update section of Gaming Internal Revenue Reporting Manual; 28 SDR 118.

Rules Review Committee Meetings

The Rules Review Committee will hold an informal meeting Thursday, February 21, 2002, at 9:00 a.m. in the Conference Room in the LRC office to set the meeting schedule for the upcoming interim.

The Interim Rules Review Committee will meet again following the close of the Seventy-seventh 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.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 28 are \$20. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at **MyLRC** (<http://legis.state.sd.us/mylrc/index.cfm>).