

# REGISTER

*South Dakota Legislative Research Council*



*Volume 29*

*Tuesday, 8:00 a.m., November 12, 2002*

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

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

***Department of Health:*** (November 4, 2002) intends to amend a rule to allow J-1 physicians to practice medicine on a part-time basis outside the boundaries of a federally designated Medically Underserved Area or Health Professional Shortage Area. The general authority for this rule, as cited by the department, is SDCL 36-2-22.

A public hearing will be held in the Health Building, Room 107, 600 East Capitol Avenue, Pierre, South Dakota, on December 4, 2002, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Health, Attn: Colleen Kozel, 600 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by December 14, 2002, to be considered. Copies of the proposed rules may also be obtained on the Internet at: [www.state.sd.us/doh/News/index.htm](http://www.state.sd.us/doh/News/index.htm). 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) 773-3361 at least 48 hours before the hearing.

***Department of Commerce and Regulation:*** (November 6, 2002) intends to amend rules to the Appraiser Certification Program that will raise the threshold level applicable to the National Credit Union Administration; update references to the Uniform Standards of Professional Appraisal Practice; update address for ordering uniform standards; add additional

grounds for disciplinary action; revise punctuation; delete out-of-date language regarding continuing education reporting period and add specific language regarding uniform standards courses; repeal obsolete requirements for uniform standards instruction guide; revise requirement for uniform standards instructors to be certified; and clarify qualifying and continuing education requirement for uniform standards. The general authority for these rules, as cited by the department, is SDCL 36-21B-3.

A public hearing will be held in the First Floor Conference Room of the Department of Commerce and Regulation Building at 118 West Capitol Avenue, Pierre, South Dakota, on December 3, 2002, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Commerce and Regulation, Appraiser Certification Program, 118 West Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by December 2, 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) 773-4608 at least 48 hours before the hearing.

***Department of Social Services:*** (November 7, 2002) intends to amend, on an EMERGENCY basis, rules to establish a state maximum allowable cost list for certain drugs under the Medicaid program. The general authority for these rules, as cited by the department, is SDCL 28-6-1.

A copy of these emergency rules may be

obtained from Jill Wellhouse, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501.

***Department of Environment & Natural***

***Resources: Board of Water Management:***

(November 8, 2002) intends to amend a rule that will add warmwater marginal fish life propagation waters and limited contact recreation waters beneficial uses to a segment of Moccasin Creek in Brown County. The general authority for this rule, as cited by the department, is SDCL 34A-2-93.

A public hearing will be held in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on December 4, 2002, at 8:30 a.m. Copies of the proposed rules may be obtained from and written comments sent to Patrick Snyder, Department of Environment and Natural Resources, 523 East Capitol Avenue, Joe Foss Building, Pierre, South Dakota 57501 or by emailing him at [patrick.snyder@state.sd.us](mailto:patrick.snyder@state.sd.us). Material sent by mail must be received by 5:00 p.m. on December 2, 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 48 hours before the hearing.

***Department of Commerce and Regulation:***

***Commission on Gaming:*** (November 8, 2002) is proposing rules to provide better gaming controls in Deadwood, clarify patron disputes, provide consistency with industry standards, to be consistent with past enacted rules and statutory provisions regarding the \$100 maximum bet limits, to make rules consistent with the original intention, to promote the integrity of gaming, to help with technological changes in the field of gaming, to reduce errors in the accounting and reporting procedures, to eliminate burdensome and outdated requirements and to correct erroneously omitted matters in previous rules changes, to ensure that proper track personnel is available for approval

of starting ability of horses, clarify inconsistencies within existing rules, clean up language in existing rules which was subject to different interpretations, ensure the safety and integrity of racing and to allow for better regulation of the industry and to enact the American Quarter Horse Racing Association recommended rules for time trials in South Dakota. The general authority for these rules, as cited by the commission, is SDCL 42-7B-7 and 42-7-56.

A public hearing will be held at City Hall, 102 Sherman Street, Deadwood, South Dakota, on December 4, 2002, at 9:00 a.m. MST. 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 December 2, 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.

**DECLARATORY RULING:**

The South Dakota Commission on Gaming has filed a Declaratory Ruling with the Legislative Research Council regarding a request from the Deadwood City Limits Development Company. The Commission was asked to determine if the construction planned by Deadwood City Limits Development Company would constitute seven buildings for the purposes of determining the number of gaming devices that may be placed in an existing structure and the new construction. The Commission concluded that the planned construction would be seven buildings and that 30 gaming devices may be placed in each building.

The Declaratory Ruling is dated November 5, 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: None****Executive Appointments:**

**Gary Olson**, Wentworth, was appointed on October 31, 2002, to the **Wind Power and Alternative Energy Task Force**, effective immediately and shall continue at the pleasure of the Governor.

**John Calvin**, Watertown, was appointed on October 31, 2002, to the **Wind Power and Alternative Energy Task Force**, effective immediately and shall continue at the pleasure of the Governor.

**Tom Everist**, Sioux Falls, was appointed on October 31, 2002, to the **Wind Power and Alternative Energy Task Force**, effective immediately and shall continue at the pleasure of the Governor.

**John Rock**, Hot Springs, was appointed on October 31, 2002, to the **Wind Power and Alternative Energy Task Force**, effective immediately and shall continue at the pleasure of the Governor.

**Rick Rylance**, Rapid City, was appointed on October 31, 2002, to the **Wind Power and Alternative Energy Task Force**, effective immediately and shall continue at the pleasure of the Governor.

**Paul Gnirk**, Rapid City, was appointed on October 31, 2002, to the **Wind Power and Alternative Energy Task Force**, effective immediately and shall continue at the pleasure of the Governor.

**Dick Sayre**, Sioux Falls, was appointed on October 31, 2002, to the **Wind Power and Alternative Energy Task Force**, effective immediately and shall continue at the pleasure of the Governor.

**Dale Jenner**, Scotland, was appointed on October 31, 2002, to the **Wind Power and Alternative Energy Task Force**, effective immediately and shall continue at the pleasure of the Governor.

**Jim Schade**, Volga, was appointed on October 31, 2002, to the **Wind Power and Alternative Energy Task Force**, effective immediately and shall continue at the pleasure of the Governor.

**Kathryn Johnson**, Rapid City, was appointed on October 31, 2002, to the **Wind Power and Alternative Energy Task Force**, effective immediately and shall continue at the pleasure of the Governor.

**Harry Knapp**, Webster, was appointed on October 31, 2002, to the **Wind Power and Alternative Energy Task Force**, effective immediately and shall continue at the pleasure of the Governor.

**Dick Sweetman**, Sioux Falls, was appointed on October 31, 2002, to the **Wind Power and Alternative Energy Task Force**, effective immediately and shall continue at the pleasure of the Governor.

**Jerry Luetzow**, Brookings, was appointed on October 31, 2002, to the **Wind Power and Alternative Energy Task Force**, effective immediately and shall continue at the pleasure of the Governor.

**Dr. Robert Wagner**, Keystone, was appointed on October 31, 2002, to the **Wind Power and Alternative Energy Task Force**, effective immediately and shall continue at the pleasure of the Governor.

**Peter J. Randazzo**, Sioux Falls, was appointed on October 31, 2002, to the **Wind Power and Alternative Energy Task Force**, effective immediately and shall continue at the pleasure of the Governor.

**Judith K. Meierhenry**, Sioux Falls, was appointed on November 8, 2002, as **Supreme Court Justice**, to replace Robert A. Amundson, effective immediately upon taking the oath of office, subject to approval or rejection on a nonpolitical ballot at the first general election following the expiration of three years from the date of this appointment.

The **DEPARTMENT OF SOCIAL SERVICES** has filed revisions for the South Dakota Food Stamp Program Certification and Accountability Manual. The revisions relate to disabled alien eligibility and clarify certain work

requirements. The revisions were filed on November 7, 2002.

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**

11-14-2002	Environment and Natural Resources: Board of Water and Natural Resources	Establish a new priority ranking system for projects seeking assistance from the Clean Water State Revolving Fund program; 29 SDR 61.
11-15-2002	Commerce and Regulation: Board of Technical Professions	Change deadlines, update materials of reference, define surveying degrees, allow design competitions, discontinue review of exams, add procedures for exam of candidates with disabilities, increase fees, add to rules of professional conduct, clarify construction administration services, add section on fire protection shop drawings, add performing services on exempt projects or exempt entities, and review and clarify disciplinary proceedings; 29 SDR 57.
11-18-2002	Commerce & Regulation: Electrical Commission	Update rules associated with the 2002 National Electrical Code and SD State Wiring Bulletin; 29 SDR 55.
11-19-2002	Secretary of State: Board of Finance	Increase the per diem rates for lodging for state employees traveling within the State of South Dakota; 29 SDR 51.
11-21-2002	Department of Transportation	Amend speed zones in Stanley County; 29 SDR 65.

12-2-2002	Social Services	Intends to adopt rules relating to the TANF Program and the Food Stamp Program; 29 SDR 65.
12-3-2002	Commerce and Regulation	Update the Appraiser Certification Program; 29 SDR 71.
12-4-2002	Health	Amend employment contract requirements for the J-1 physician; 29 SDR 71.
12-4-2002	Environment and Natural Resources: Board of Water Management	Add warmwater marginal fish life propagation waters and limited contact recreation waters beneficial uses to a segment of Moccasin Creek in Brown County; 29 SDR 72.
12-4-2002	Commerce and Regulation: Gaming Commission	Adoption and amendment of rules concerning Deadwood gambling and horse racing; 29 SDR 72.

### *Rules Review Committee Meetings*

The next meeting of the Interim Rules Review Committee will be held Wednesday, November 20 in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2002 interim: January 6, 2003.

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.

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 29 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>).