

# REGISTER



*South Dakota Legislative Research Council*

*Volume 30*

*Monday, 8:00 a.m., December 8, 2003*

---

---

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.)

**Bureau of Personnel: Law Enforcement Civil Service Commission:** (December 3, 2003) has filed rules to amend the civil service system for the S.D. Highway Patrol and Division of Criminal Investigation affecting the minimum requirements and selection process, employee conduct and relations, compensation and classification plans, promotion, transfer and demotion, probationary periods, disciplinary actions and the appeals process. The general authority for these rules, as cited by the department, is SDCL 1-26-18, 3-6A-36, 3-7-6, 3-7-7, 3-7-9, 3-7-11, 3-7-14.1, 3-7-17, and 3-7-18.

A public hearing will be held in the DENR Conference Room, Foss Building, 523 East Capitol, Pierre, South Dakota, on January 9, 2004, at 1:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Bureau of Personnel, State Capitol, Room A-418, 500 E. Capitol, Pierre, South Dakota 57501-1234. Written comments must be received by January 9, 2004, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the bureau can make arrangements are asked to call (605) 773-3148 at least 48 hours before the hearing.

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

**Administrative Rules:**

**DEPARTMENT OF TOURISM AND STATE DEVELOPMENT: BOARD OF ECONOMIC DEVELOPMENT:** 68:02:01:01, 68:02:01:02, 68:02:01:25 to 68:02:01:32, inclusive.

History-Notice: 30 SDR 33, Sept. 2, 2003  
Hearing: October 14, 2003  
Filed: November 25, 2003  
Effective: December 15, 2003

**DEPARTMENT OF LABOR: STATE PLUMBING COMMISSION:** 20:54:02:01. 20:54:02:26, 20:54:02:37; 20:54:04:34; 20:54:05:19; 20:54:07:61; 20:54:10:52, 20:54:10:58; 20:54:19:01; 20:54:20:11; 20:54:21:01, 20:54:21:03; 20:54:22:02, 20:54:22:03; 20:54:25:02, 20:54:25:03; and 20:54:26:04.

History-Notice: 30 SDR 55, October 20, 2003  
Hearing: November 5, 2003  
Filed: December 2, 2003  
Effective: December 22, 2003

**DEPARTMENT OF GAME, FISH AND PARKS:** (Emergency) - 141:06:26:02.

History-Notice: 30 SDR 83, Nov. 17, 2003  
Hearing: NA  
Filed: December 2, 2003  
Effective: December 2, 2003

**DEPARTMENT OF GAME, FISH AND PARKS:** 41:03:01:16, 41:03:01:16.01; 41:03:03:06; 41:03:04:03; 41:04:05:02; 41:06:02:01; 41:07:01:12, 41:07:01:14, 41:07:01:16; 41:07:02:02.01; 41:07:03:01, 41:07:03:03; 41:07:09:01; 41:07:10:01;

41:09:01:03; 41:09:02:00, 41:09:02:01,  
41:09:02:02.01, 41:09:02:03, 41:09:02:04,  
41:09:02:05, 41:09:02:06, 41:09:02:08,  
41:09:02:08.01, 41:09:02:09; 41:09:04:02.02,  
41:09:04:02.03, and 41:09:04:03.

History-Notice: 30 SDR 55, Oct. 20, 2003  
Hearing: November 6, 2003  
Filed: December 2, 2003  
Effective: December 22, 2003

**DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES: BOARD OF  
WATER AND NATURAL RESOURCES:**

74:05:05:17; 74:05:08:03.01, 74:05:08:08,  
74:05:08:24; 74:05:11:01, and 74:05:11:06.

History-Notice: 30 SDR 63, October 27, 2003  
Hearing: November 14, 2003  
Filed: December 3, 2003  
Effective: December 23, 2003

**Executive Appointments:**

**Anne Reddy**, Rapid City, was appointed on  
November 24, 2003, to the **South Dakota**

**Interagency Coordinating Council**, effective  
immediately and shall continue until  
December 31, 2006.

**Laird Larson**, Clark, was appointed on  
November 24, 2003, to the **Wheat Utilization  
Research and Marketing Development  
Commission**, to replace Richard Kuecker,  
effective immediately and shall continue until  
July 1, 2005.

**Rick Knobe**, Sioux Falls, was appointed on  
November 26, 2003, to the **South Dakota  
Board of Directors for Educational  
Telecommunications**, to replace Robert Hofer,  
effective immediately and shall continue until  
July 1, 2006.

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**

12-9-2003	Social Services: Crime Victims' Compensation Commission	Amend rules to update and clarify existing rules; implement form and style changes; repeal rules that are not necessary or that duplicate existing statutory provisions; define terms; establish eligibility criteria, limits on covered services, payment methodology, and payment rates; specify those circumstances when compensation is not allowed; limit the length of time records are kept; establish good cause criteria; require Commission approval for payment of certain services; in certain circumstances, allow the payment of witness fees; allow the Commission to approve amounts in excess of established limits; allow the Department or the Commission to reduce payments under certain circumstances; require substantiation of claims; specify that the Department will make payments directly to the
-----------	--	--

		<p>service provider and consider the Department's payment to be payment in full unless certain additional circumstances exist; and establish the procedure to be followed when a claimant requests a hearing by the Commission for purposes of reviewing a claim for compensation, including service of the Notice of Hearing, the issuing of subpoenas, the process to be followed if a claimant fails or is unable to attend the hearing, and the final decision and notice; 30 SDR 87.</p>
<p>12-10-2003</p>	<p>Revenue and Regulation: Commission on Gaming</p>	<p>Adopt a variation of play for STREAK blackjack; add to definitions of slot machine testing, approval, and modifications "on-line monitoring and control system" and "redemption kiosks"; prohibit the sale of slot machines by Deadwood casinos unless purchaser is regulated by gaming agency that has agreement with the South Dakota Commission regarding exchange of information on licensees and/or applicants; clarify that certain parts and associated equipment can effect and trigger revenue reporting; adding to the definition of associated equipment to include "redemption kiosks" and "on-line monitoring and control systems"; redefine gross revenue to include hand pay credit lockups and vouchers; recognize situations where vouchers are not redeemed; require accounting of the liability associated with vouchers and paper tickets; repeal provisions dealing with unclaimed jackpots and unredeemed vouchers; add cage count provisions to the gaming revenue collection and count schedule audit requirements; and eliminate the requirement that engagement slips be signed by both the owner or trainer and the jockey or jockey's agent; 30 SDR 83.</p>
<p>12-11-2003</p>	<p>Agriculture: State Fair</p>	<p>Amend rules to create a definition of "Fair Week" and conform the rules to recent statutory changes which vested control of the State Fair to the Secretary of Agriculture; 30 SDR 78.</p>
<p>12-11-2003</p>	<p>Game, Fish and Parks</p>	<p>Amend rules to prohibit possession of uncased firearms at Kelly's Cove Fishing Access Area located along the James River east of Yankton and change the designation of the Mission Hill</p>

		Game Production Area to a Fishing Access area, and prohibit the taking of more than 1 walleye, sauger, or walley-sauger hybrid 20 inches or greater in length daily from Campbell Slough; 30 SDR 88.
12-12-2003	Tourism and State Development: State Historical Society	Adopt and amend rules to set standard fees for photographic shipping and handling and processing and clarify non-governmental use of the Cultural Heritage Center; 30 SDR 83.
12-16-2003	Social Services: Medical Services	Amend rules regarding eligibility of a provider agency; the qualifications of a case manager; covered services required by case management and personal attendant; qualifications and duties of consumer preparation specialist; requires private nurses to be under the direction of the consumer's physician; adopts uniform national codes for procedures and eliminates the set payment rates; allow provider agency to terminate services; clarifies the procedures for notice of adverse action; clarify time frames for conference with staff from the Department of Human Services or Department of Social Services; and change the term "client" to "consumer;" 30 SDR 93.
1-9-2004	Personnel: Law Enforcement Civil Service Commission	Amend rules regarding the civil service system for the S.D. Highway Patrol and Division of Criminal Investigation affecting the minimum requirements and selection process, employee conduct and relations, compensation and classification plans, promotion, transfer and demotion, probationary periods, disciplinary actions and the appeals process; 30 SDR 99.

### *Rules Review Committee Meetings*

The next meeting of the Interim Rules Review Committee will be held on Monday, January 12, 2004.

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 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>).