

REGISTER



South Dakota Legislative Research Council

Volume 32

Tuesday, 8:00 a.m., July 5, 2005

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

Department of Labor: Cosmetology

Commission: (June 27, 2005) intends to amend rules to set the esthetician education hours at six-hundred clock hours; delete the medical description from microdermabrasion devices; allow birds or animals in salons; require schools to have at least one electric file with attachments as part of the school's equipment; update the school curriculum for cosmetology, nail technology, and esthetics; change the required school reports and records to record clock hours or credit hours; and set hours for esthetics or nail technology school field trips. The general authority for these rules, as cited by the commission, is SDCL 36-15-2.3, 36-15-13, and 36-15-26.2.

A public hearing will be held at the Cosmetology Commission's office, 111 East Capitol, Pierre, South Dakota, on July 25, 2005, at 4:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Cosmetology Commission, 500 E. Capitol, Pierre, South Dakota 57501-1234. Material sent by mail must be received by July 22, 2005, 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) 773-6193 at least 48 hours before the hearing.

Department of Revenue and Regulation:

Commission on Gaming: (June 28, 2005) is proposing to create new licensing categories as well as license fee schedules for Hub

employees, key employees, and multi-jurisdictional totalizer hub licensees; adopt rules to allow for account wagering and multi-jurisdictional simulcasting and interactive wagering totalizer hubs with the state of South Dakota. The general authority for these rules, as cited by the commission, is 42-7-56 and 42-7-67.

A public hearing will be held at the Kneip Room at the Governor's Inn, 700 West Sioux Avenue, Pierre, South Dakota, on Tuesday, July 26, 2005, at 9:30 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Commission on Gaming, 425 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by July 21, 2005, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-6050 or (605) 578-3074 at least 48 hours before the hearing.

Department of Transportation: (June 30, 2005) intends to amend speed zones in the following counties: Brown, Day, and Roberts Counties – US Highway 12 from east of Aberdeen to Interstate 29; Davison, Sanborn, and Beadle Counties – SD Highway 37 from north of Mitchell to south of Huron; Yankton, Clay, and Union Counties – SD Highway 50 from east of Yankton to Interstate Highway 29; Stanley and Lyman Counties – US Highway 83 from south of Fort Pierre to Interstate Highway 90; Brown and Spink Counties – US Highway 281 from south of Aberdeen to the junction with SD Highway 20. These speed zones are being amended to allow for a maximum of 70 miles per hour speed zones along rural, divided

segments of highway. The department also intends to adopt rules for utility corridor management. The general authority for these rules, as cited by the department, is SDCL 31-19-1.1 and 32-25-7.

A public hearing will be held in the commission room of the Becker-Hansen Building, 700 E. Broadway Avenue in Pierre, South Dakota, on July 28, 2005, at 9:05 a.m. CDST. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by July 27, 2005, 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) 773-3265 at least 48 hours before the hearing.

DECLARATORY RULINGS:

The South Dakota Commission on Gaming has issued a declaratory ruling, dated March 25, 2005, relating to Shufflemaster's Table Master Game. Shufflemaster, Inc. is a Nevada corporation that manufactures a device known as the Table Master gaming device. The device is a game that is a multi-player platform which may be played by up to five players. However the device utilizes only one main processor upon which the game outcome is determined therefore the game is determined to be one device for the purpose of determining the thirty devices per building limit in SDCL 42-7B-16.

The Gaming Commission has issued two declaratory rulings relating to First Gold, Inc. and GR Deadwood, LLC, dated December 23, 2004. Both rulings determine the number of buildings that are included in new construction at these respective locations. In the Matter of First Gold, Inc. the commission declared that the new construction would constitute five buildings. In the Matter of GR Deadwood, LLC, the commission declared that the new

construction would constitute eight separate and distinct buildings. The number of buildings is used to determine the number of gaming devices that may be placed within the structure under the statutes and rules. The conclusions concerning these buildings were reached after hearing evidence from architects from the commission and the builders and a review of the relevant statutes and rules regulating gaming.

Copies of the declaratory rulings may be reviewed or copied at the office of the Legislative Research Council during normal business hours.

FILINGS IN THE SECRETARY OF STATES OFFICE:

Executive Appointments:

Geoffrey Johnson, Brookings, was appointed on June 21, 2005, to the **State Board of Dentistry**, to replace Dr. Richard Ellenbecker, effective July 1, 2005, and shall continue until June 30, 2008.

Mark Arneson, Watertown, was appointed on June 27, 2005, to the **Independent Living Council**, to replace Jeff Stone, effective July 1, 2005, and shall continue until June 30, 2008.

Larry Richmond, Rapid City, was appointed on June 27, 2005, to the **Emergency Medical Services Advisory Committee**, effective immediately.

Betsy Valnes, Pierre, was reappointed on June 27, 2005, to the **Independent Living Council**, effective July 1, 2005, and shall continue until June 30, 2008.

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

REMINDER OF HEARINGS SCHEDULED

<p>7-6-2005</p>	<p>Environment and Natural Resources: Water Management Board</p>	<p>Amend uses assigned to streams for Minnesota River's tributaries' by designating the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to Labolt Lake Creek in Grant County; for Big Sioux River Basin by designating the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to a segment of an unnamed tributary of Skunk Creek in Minnehaha County, designating the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to a segment of an unnamed tributary of West Pipestone Creek in Minnehaha County, designating the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to a segment of Big Ditch Creek in Union County, and designating the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to a segment of Big Ditch Creek in Union County; for Cheyenne River Basin by designating the beneficial use of coldwater permanent fish life propagation waters and limited contact recreation waters to a segment of Beaver Creek in Custer County; for Belle Fourche River Basin by designating the beneficial use of coldwater marginal fish life propagation waters and limited contact recreation waters to Spring Creek, a tributary to the Redwater River in Lawrence County, designating the beneficial use of coldwater marginal fish life propagation waters and limited contact recreation waters to Rubicon Gulch Creek, a tributary of Spearfish Creek in Lawrence County; for Vermillion River Basin by designating the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to Blind Creek, a tributary of the Vermillion River in Lincoln County; 31 SDR 197.</p>
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7-7-2005	Game, Fish and Parks	Amend rules to modify the Antelope hunting season, the East River Deer hunting season, the Sage Grouse hunting season, and the Early Fall Canada Goose hunting season; permit the use of certain traps specifically designed to catch raccoons during specified times and locations; prohibit use of centerfire rifles on Cottonwood Lake Hatchery State Game Bird Refuge and only permit the use of shotguns (using shot shells) and bow and arrow on lands owned by the Otter Tail Power Company leased to the Department as a Game Production Area; increase the annual park entrance license fee from \$20 to \$23 (first vehicle) and from \$10 to \$11.50 (additional vehicles) and require a park entrance license for entry into Rocky Point (effective April 1, 2006) and Bob's Landing; and make comprehensive modifications of rules and regulations relative to Park Concession Leases; 31 SDR 213.
7-12-2005	Agriculture	Adopt rules to establish the South Dakota Certified Beef Program; 31 SDR 219.
7-15-2005	Social Services: Economic Assistance	Amend rules that will increase the payment standard for Temporary Assistance for Needy Families (TANF) Program; 31 SDR 219.
7-15-2005	Social Services: Medical Services and Secretariat	Amend rules that will update by reference the latest versions of the <u>Physicians' Current Procedural Terminology (cpt)</u> and the <u>International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM)</u> ; and amend a rule that incorporates by reference the latest federal poverty levels established by the federal government; 31 SDR 220.
7-15-2005	Social Services: Medical Services	Adopt rules relating to Medicaid payment for care provided to children by a residential treatment facility; 31 SDR 220.
7-18-2005	Labor: Electrical Commission	Adopt the 2005 National Electrical Code, increase inspection fees, and revise local inspection system requirements; 31 SDR 209.
7-19-2005	Human Services: Rehabilitation Services	Adopt rules to establish requirements for the cochlear implant program; 31 SDR 219.
7-25-2005	Labor: Cosmetology Commission	Amend rules to set the esthetician education hours at six-hundred clock hours; delete the medical description from microdermabrasion devices; allow birds or animals in salons; require schools to have at least one electric file with attachments as part of the school's

		equipment; update the school curriculum for cosmetology, nail technology, and esthetics; change the required school reports and records to record clock hours or credit hours; and set hours for esthetics or nail technology school field trips; 32 SDR 1.
7-26-2005	Revenue and Regulation: Gaming Commission	Adopt new licensing categories as well as license fee schedules for Hub employees, key employees, and multi-jurisdictional totalizer hub licensees; adopt rules to allow for account wagering and multi-jurisdictional simulcasting and interactive wagering totalizer hubs with the state of South Dakota; 32 SDR 1.
7-28-2005	Transportation	Amend speed zones in the following counties: Brown, Day, and Roberts Counties – US Highway 12 from east of Aberdeen to Interstate 29; Davison, Sanborn, and Beadle Counties – SD Highway 37 from north of Mitchell to south of Huron; Yankton, Clay, and Union Counties – SD Highway 50 from east of Yankton to Interstate Highway 29; Stanley and Lyman Counties – US Highway 83 from south of Fort Pierre to Interstate Highway 90; Brown and Spink Counties – US Highway 281 from south of Aberdeen to the junction with SD Highway 20.; and adopt rules for utility corridor management; 32 SDR 1.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 9, 2005, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2005 interim: September 20, October 18, December 6, and January 9, 2006.

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

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