

REGISTER



South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., August 11, 2014

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

Department of Revenue: South Dakota Lottery Commission: (August 5, 2014) intends to adopt the MONOPOLY Millionaires' Club rules of the National Premium Game Product Group of the Multi-State Lottery Association as the rules for the game in South Dakota. The general authority for these rules, as cited by the commission, is SDCL § 42-7A-21.

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on September 4, 2014, at 10:15 a.m. CT. Copies of the proposed rules may be obtained from and written comments sent to the Department of Revenue, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185. A copy of the rules is also available at the department's website at <http://dor.sd.gov/publicnotices/lotteryrules090414.pdf>. Written comments must be received by September 3, 2014, 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) 773-4701 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Carol A. Kirchgesler, Aberdeen, was reappointed on July 23, 2014, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2017.

David L. Miller, Sioux Falls, was reappointed on July 23, 2014, to the **Independent Living Council**, effective immediately and shall continue until June 30, 2017.

Colleen Moran, Sioux Falls, was reappointed on July 23, 2014, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2017.

Isabel Trobaugh, Elk Point, was reappointed on July 23, 2014, to the **Independent Living Council**, effective immediately and shall continue until June 30, 2017.

Darci Bible, Pierre, was appointed on July 31, 2014, to the **Family Support Council**, to replace Kris Kratovil, effective immediately and shall continue until June 30, 2017.

Kendra Gottsleben, Sioux Falls, was appointed on July 31, 2014, to the **Board of Vocational Rehabilitation**, to replace Craig Eschenbaum, effective immediately and shall continue until June 30, 2017.

Kimberly Holberg, Aberdeen, was appointed on July 31, 2014, to the **Board of Vocational Rehabilitation**, to replace Joseph Rehurk, effective immediately and shall continue until June 30, 2017.

Shelley Means, Rosebud, was appointed on July 31, 2014, to the **Family Support Council**, to replace Lois Gotheridge, effective immediately and shall continue until June 30, 2017.

Gillian Plenty Chief, McLaughlin, was appointed on July 31, 2014, to the **Independent**

Living Council, to replace Lyle Cook, effective immediately and shall continue until June 30, 2017.

Bradley Saathoff, Rapid City, was appointed on July 31, 2014, to the **Planning Council on Developmental Disabilities**, to replace Rebecca Carlson, effective immediately and shall continue until June 30, 2017.

Dave Scherer, Sturgis, was appointed on July 31, 2014, to the **Independent Living Council**, to replace Patrick Czerny, effective immediately and shall continue until June 30, 2017.

Jacksyn Bakeberg, Spearfish, was appointed on August 1, 2014, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2016.

Elizabeth Brown, Clear Lake, was appointed on August 1, 2014, to the **Family Support Council**, to replace Lora Barthelman, effective immediately and shall continue until June 30, 2017.

Angel Maggard, Pierre, was appointed on August 1, 2014, to the **Planning Council on Developmental Disabilities**, to replace Cynthia Roan Eagle, effective immediately and shall continue until June 30, 2017.

Tim Neyhart, Pierre, was appointed on August 1, 2014, to the **Behavioral Health Advisory Council**, to replace Robert Kean, effective immediately.

Lisa Sanderson, Sioux Falls, was appointed on August 1, 2014, to the **Board of Vocational Rehabilitation**, to replace Elaine Roberts, effective immediately and shall continue until June 30, 2017.

Dana Dykhouse, Sioux Falls, was reappointed on August 4, 2014, to the **South Dakota Science and Technology Authority**, effective

August 15, 2014, and shall continue until August 14, 2020.

Executive Orders:

The Governor has signed **Executive Order 2014-09**, dated July 15, 2014. This Order authorizes the Board of Regents to exercise its statutory authority to enter into an agreement with other states regarding distance education activities. The agreement is with the Western Interstate Commission for Higher Education to benefit all postsecondary educational institutions in South Dakota. The agreement is a multistate reciprocity agreement to reduce costs that postsecondary institutions incur to satisfy regulatory requirements that apply to the conduct of distance education activities. This Order shall expire on July 1, 2018.

The Governor has signed **Executive Order 2014-10**, dated July 18, 2014. Under the authority of SDCL Chapter 34-48A, Emergency Management, the Order declares a disaster to exist due to damage from a series of severe storms, flooding, and tornadoes in Butte, Clay, Corson, Dewey, Hanson, Jerauld, Lincoln, Perkins, Minnehaha, Turner, Union, and Ziebach counties for three months from the date of this order.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. 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 Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

8-14-2014	Bureau of Human Resources and Civil Service Commission	Amend rules to revise the term, "mental retardation" to read "developmental disability;" place the definitional terms in alphabetical order and clarify the term "eligible" employee to include permanent part-time employees; revise a rule to read "one month" rather than "31 days;" repeal a rule because state employee life insurance coverage is now portable; revise a rule to allow retirees who retire prior to November 1, 2014, to elect coverage through the state health plan even if they fail to elect coverage in the first 30 days after retirement and remove the requirement that the eligible retiree provide proof of eligibility; extend the probationary period of conservation officers and university law enforcement officers from 1,040 hours to 2,080 hours; correct grammatical errors; correct a cross-reference; and add the term "pay" to exclusion of issues that employees cannot appeal; 41 SDR 11, July 21, 2014.
8-18-2014	Corrections	Adopt rules to administer the reinvestment fund program; 41 SDR 17, July 28, 2014.
8-18-2014	Labor and Regulation: Division of Securities	Amend rules to revise the dollar amount thresholds required for Investment Advisors in South Dakota to enter into a contract charging performance compensation fees, and to officially recognize the change of the name from <i>Standard & Poor's Standard Corporation Descriptions</i> to <i>S&P Capital IQ Standard Corporation Descriptions</i> ; 41 SDR 22, August 4, 2014.
8-19-2014	Attorney General: Law Enforcement Officers Training and Standards Commission	Amend rules to permit the Department of Corrections to certify canine teams for use in the Department of Corrections facilities; 41 SDR 1, July 7, 2014.
8-26-2014	Labor and Regulation: Division of Unemployment Insurance	Amend rules to clarify when a week of unemployment starts, eliminate procedures used when unemployment insurance claims are filed in-person at a local Labor and Regulation office, correct an authorizing statute, clarify the time period for when claims for weeks of unemployment will be accepted, change the requirement from having an eligibility interview to having an eligibility assessment, eliminate the need for individuals to keep a

		copy of job contacts, clarify the effective date of a disqualification, and add a new industry, seasonal small game cleaning services, to the list of seasonally designated industries, so former employees can only claim benefits in the period the industry is open for business; 41 SDR 12, July 21, 2014.
8-27-2014	Human Services: Division of Rehabilitation Services	Adopt rules to govern the Telecommunications Equipment Distribution Program which provides devices and training to assist with telecommunication for individuals who are deaf, hard of hearing, or have speech impairments; adopt rules to govern the Telecommunications Adaptive Devices Program which provides devices and training to assist with telecommunications for individuals who have disabilities other than deafness, hard of hearing, or speech impairments; adopt rules for the Hearing Aid Assistance Program to assist with providing hearing aids to young people who are deaf or hard of hearing; and adopt rules to govern the Communication Assistance Services program which provides communication support services to individuals who are deaf and hard of hearing; 41 SDR 21, August 4, 2014.
8-28-2014	Transportation	Adopt Rest Area Newspaper Vending Devices rules concerning the location, operation and maintenance of newspaper vending machines at interstate rest areas; 41 SDR 21, August 4, 2014.
9-4-2014	Revenue: Lottery Commission	Adopt the MONOPOLY Millionaires' Club rules of the National Premium Game Product Group of the Multi-State Lottery Association as the rules for the game in South Dakota; 41 SDR 27, August 11, 2014.
9-9-2014	Agriculture: Division of Ag Development	Amend rules regarding the Farm Loan Mediation program and adopt rules for the expansion of the mediation program for federal lands mediation and oil and gas mediation; 41 SDR 22, August 4, 2014.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Tuesday, August 12, 2014, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor of the State Capitol. Other DDN sites will be: Huron – DHS, 2361 Dakota Ave. S; Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145; and Yankton – DOT, 1306 W. 31st St. The committee chair has set the following tentative meeting schedule for the 2014 interim: September 16, November 12, and December 16.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.

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