

# REGISTER



## South Dakota Legislative Research Council

Volume 35

Monday, 8:00 a.m., August 18, 2008

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

**Department of Revenue and Regulation: Commission on Gaming:** (August 11, 2008) is proposing to amend Deadwood Gambling rules to allow the casino, after two cards have been dealt to blackjack players, to decide whether additional cards are to be dealt face upward or face downward, and allow the licensed operator and route operator to determine whether to use reviewed or audited financial statements for submission to the Commission. The general authority for these rules, as cited by the commission, is SDCL 42-7B-7 and 42-7B-11.

A public hearing will be held at the City Hall, 102 Sherman Street, Deadwood, South Dakota, on September 10, 2008, at 9:00 a.m. MT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Commission on Gaming, 221 West Capitol Avenue, Suite 101, c/o 1320 East Sioux Avenue, Pierre, South Dakota 57501-3100. Materials sent by mail must reach the Commission on Gaming by September 10, 2008, to be considered. However, the Commission requests that all written comments be received by September 3, 2008, to allow for adequate consideration prior to the hearing. 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 Revenue and Regulation: Property and Special Taxes:** (August 11, 2008) intends to amend rules to update manuals to current version and to create a new section for Mobile Home Registration. The general authority for these rules, as cited by the department, is SDCL 10-1-16.1, 10-3-1.2, 21-54-15, 21-54-16, 21-54-17, and 21-54-18.

A public hearing will be held in the Anderson Building, Room 109, 445 E. Capitol Avenue, Pierre, South Dakota, on September 4, 2008, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Revenue and Regulation, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185, or by emailing John.Richter@state.sd.us. Copies of the rules are also available at the department's website: <http://www.state.sd.us/drr2/prospectax/rulesST2008.pdf>. Material sent by mail must reach the department by September 15, 2008, 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:

**Gary Doering**, Cavour, was appointed on August 5, 2008, to the **South Dakota State Railroad Board**, to replace Phillip Collins, effective August 4, 2008, and shall continue until June 30, 2011.

**Steve Cutler**, Sioux Falls, was appointed on August 11, 2008, to the **Commission on Equal Access to Our Courts**, effective August 6, 2008, and shall continue until June 30, 2011.

**Dana Dykhouse**, Sioux Falls, was appointed on August 11, 2008, to the **South Dakota Science and Technology Authority**, to replace Steve Zellmer, effective August 8, 2008, and shall continue until August 8, 2014.

**Cheryl B. Hanna**, Rapid City, was appointed on August 11, 2008, to the **Commission on Equal Access to Our Courts**, effective August 6, 2008, and shall continue until June 30, 2010.

**Mary McClure Bibby**, Brookings, was appointed on August 11, 2008, to the **Commission on Equal Access to Our Courts**, effective August 6, 2008, and shall continue until June 30, 2009.

**Carl Schmidtman**, Sioux Falls, was appointed on August 13, 2008, to the **Governor's Task Force on Trust Administration Review and Reform**, effective August 13, 2008.

**Nancy Van Camp**, Ft. Pierre, was appointed on August 13, 2008, to the **State Board of Examiners in Optometry**, to replace Donna Melvin, effective August 13, 2008, and shall continue until June 30, 2009.

**Ron Mitzel**, Rapid City, was reappointed on August 14, 2008, to the **South Dakota State Railroad Board**, effective immediately and shall continue until June 30, 2012.

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 Revenue and Regulation, and the Department of Labor for Article 47:03.

**REMINDER OF HEARINGS SCHEDULED**

8-28-2008	Agriculture: SD Value Added Finance Authority	Amend rules to increase the bond amount for the Beginning Farmer Bond Program to purchase agricultural land and make minor changes to comply with the Federal IRS rules that govern this program; 35 SDR 35.
8-29-2008	Revenue and Regulation: Division of Insurance	Amend rules to require insurance companies to set policy reserves and nonforfeiture values for preneed insurance contracts based on the "Ultimate 1980 CSO" tables; 35 SDR 23.
9-3-2008	Labor: South Dakota Retirement System	Amend rules to clarify the due dates for employer contribution reports; to establish the contents of an expiration period for contracts to purchase credited service; to clarify a rule regarding qualified domestic relations orders; to provide for declaratory rulings pursuant to the Administrative Procedures Act; to establish the basis for computation of Supplemental Pension Benefits and to clarify participants'

		expectations related thereto; to allow contributions to the Supplemental Retirement Plan by employers and the System; to provide for operation of the Automatic Enrollment feature within the Supplemental Retirement Plan; and to amend continuing administrative law to bring it into conformity with federal law; 35 SDR 31.
9-4-2008	Revenue and Regulation: Property and Special Taxes	Amend rules to update manuals to current version and to create a new section for Mobile Home Registration; 35 SDR 41.
9-5-2008	Tourism and State Development: State Historical Society	Amend rules to set standard fees for photocopying, microfilm, digitization services, and electronic document delivery services; increase fees for private use of the museum facility; and clarify that applicants for the State Property Tax Moratorium are required to submit a new application each year they undertake rehabilitation work; 35 SDR 35.
9-10-2008	Revenue and Regulation: Gaming Commission	Amend Deadwood Gambling rules to allow the casino, after two cards have been dealt to blackjack players, to decide whether additional cards are to be dealt face upward or face downward, and allow the licensed operator and route operator to determine whether to use reviewed or audited financial statements for submission to the Commission; 35 SDR 41.
9-18-2008	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2006 through June 30, 2007. Changes include establishing a standardized permit for hazardous waste storage facilities; and a variety of corrections that encompass printing omissions, typographical errors, misspellings and erroneous or missing citations and references throughout the rules; 34 SDR 278.
9-18-2008	Environment and Natural Resources: Board of Minerals and Environment	Amend asbestos training and certification requirements and state approval rules to allow a longer timeframe for certified asbestos workers to renew required certification; to clarify notification and documentation requirements for asbestos training providers that seek accreditation for the training services; and to require annual training to take place in South Dakota and an annual approval for

		accredited asbestos training providers; 35 SDR 16.
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### **RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 19, 2008, in LCR 1, Third Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2008 interim: September 23, December 2, and January 12, 2009.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.