

# REGISTER



## *South Dakota Legislative Research Council*

*Volume 41*

*Monday, 8:00 a.m., August 18, 2014*

---

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

***Department of Revenue: Commission on Gaming:*** (August 12, 2014) is proposing to amend Racing rules to require that individuals give written notice to a state steward rather than the racing secretary when scratching horses from races, remove Naproxen and add Flunixin to the list of substances that may be administered to horses, repeal the prohibition on sale of tip sheets and other programs in the grandstand, and clarify the definition of a satellite facility; and amend Gaming rules to authorize a new variation of blackjack known as Lucky Lucky, revise a rule to recognize technological advances in slot machine meters, and reduce the length of time records must be kept from five years to three years. The general authority for these rules, as cited by the commission, is SDCL §§ 42-7-56, 42-7B-4, and 42-7B-7.

A public hearing will be held in City Hall, 102 Sherman Street, Deadwood, South Dakota, on September 10, 2014, at 9:00 a.m. MDT. 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 8, 2014, to be considered. However, the Commission requests that all written comments be received by September 5, 2014, 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 Education: Board of Education:*** (August 14, 2014) intends to amend Career and Technical Education rules to outline the purpose, process, criteria and conditions for grant applications and distribution of funds from the workforce education fund and update definitions within the article; and amend a Certification rule to remove the school library/media endorsement as a stand-alone certificate. The general authority for these rules, as cited by the board, is SDCL §§ 13-1-12.1, 13-13-90, 13-39-31, 13-39-37, and 13-42-3.

A public hearing will be held at the Western Dakota Technical Institute, 800 Mickelson Drive, Dakota Hall Lecture Room, Rapid City, South Dakota, on September 15, 2014, at 10:15 a.m. MDT. Copies of the proposed rules may be obtained without charge from the Department of Education, Attn: Ferne Haddock, 800 Governors Drive, Pierre, South Dakota 57501 or at

<http://www.doe.sd.gov/board/index.aspx>.

Written comments may be sent to the board at the address above or at this website:

<https://rules.sd.gov/default.aspx> and must be

received by September 12, 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) 773-3553 at least 48 hours before the hearing.

**FILINGS IN THE SECRETARY OF  
STATE'S OFFICE:****DEPARTMENT OF GAME, FISH AND**

**PARKS:** 41:02:01:11; 41:03:01:16,  
41:03:01:16.02, 41:06:02:01.03; 41:06:03:14;  
41:06:16:07; and 41:06:23:02.

History-Notice: 40 SDR 231, June 23, 2014  
Hearing: July 8, 2014  
Filed: August 12, 2014  
Effective: September 2, 2014

**DEPARTMENT OF GAME, FISH AND**

**PARKS:** 41:06:14:01, 41:06:14:02,  
41:06:14:02.01, 41:06:14:05; 41:06:16:03,  
41:06:16:07, and 41:06:16:09.

History-Notice: 41 SDR 11, July 21, 2014  
Hearing: August 7, 2014  
Filed: August 12, 2014  
Effective: September 2, 2014

**DEPARTMENT OF LABOR AND  
REGULATION: STATE PLUMBING**

**COMMISSION:** 20:53:01:01; 20:53:03:01,  
20:53:03:05, 20:53:03:06, 20:53:03:07,  
20:53:03:09; 20:53:04:01, 20:53:04:03,  
20:53:04:04, 20:53:04:06 to 20:53:04:09,  
inclusive; 20:53:05:01 to 20:53:05:08, inclusive;  
20:53:06:01 to 20:53:06:08, inclusive;  
20:53:07:01, 20:53:07:03 to 20:53:07:09,  
inclusive; 20:53:08:03, 20:53:08:06 to  
20:53:08:09, inclusive; and 20:53:10:03.

History-Notice: 40 SDR 237, June 30, 2014  
Hearing: July 24, 2014  
Filed: August 12, 2014  
Effective: September 2, 2014

**DEPARTMENT OF TRANSPORTATION:**

70:01:02:01.

History-Notice: 41 SDR 1, July 7, 2014  
Hearing: July 24, 2014  
Filed: August 13, 2014  
Effective: September 2, 2014

**OFFICE OF THE SECRETARY OF  
STATE: BOARD OF FINANCE: 5:01:02:14.**

History-Notice: 40 SDR 232, June 23, 2014  
Hearing: July 15, 2014  
Filed: August 14, 2014  
Effective: January 1, 2015

**Executive Appointments:**

**Leo P. Hallan**, Yankton, was reappointed on  
July 23, 2014, to the **Board of Vocational  
Rehabilitation**, effective immediately and shall  
continue until June 30, 2017.

**Darla K. McGuire**, Ethan, was reappointed on  
July 23, 2014, to the **Board of Vocational  
Rehabilitation**, effective immediately and shall  
continue until June 30, 2017.

**Executive Order:**

The Governor has signed **Executive Order  
2014-11**, dated August 12, 2014. This Order  
directs all state employees meeting certain  
criteria to be vaccinated against influenza  
beginning with the 2014-2015 influenza season.  
This order is effective September 1, 2014. It  
requires that the influenza vaccinations must be  
received by December 1, 2014, and  
documentation of same must be provided.

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**

8-19-2014	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.
9-10-2014	Revenue: Commission on Gaming	Amend Racing rules to require that individuals give written notice to a state steward rather than the racing secretary when scratching horses from races, remove Naproxen and add Flunixin to the list of substances that may be administered to horses, repeal the prohibition on sale of tip sheets and other programs in the grandstand, and clarify the definition of a satellite facility; and amend Gaming rules to authorize a new variation of blackjack known as Lucky Lucky, revise a rule to recognize technological advances in slot machine meters, and reduce the length of time records must be kept from five years to three years; 41 SDR 33, August 18, 2014.
9-15-2014	Education: Board of Education	Amend Career and Technical Education rules to outline the purpose, process, criteria and conditions for grant applications and distribution of funds from the workforce education fund and update definitions within the article; and amend a Certification rule to remove the school library/media endorsement as a stand-alone certificate; 41 SDR 33, August 18, 2014.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Tuesday, September 16, 2014, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2014 interim: 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>.