REGISTER

South Dakota Legislative Research Council

Volume 34 *Monday, 8:00 a.m., August 20, 2007*

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

***Department of Health: Board of Medical and Osteopathic Examiners*:** (August 13, 2007) intends to adopt rules to clarify to licensees the following: physician fees chargeable by the board; supervision requirements between the physician assistant and the supervising physician and physician assistant fees chargeable by the board; physical therapist and physical therapist assistant fees chargeable by the board; athletic trainer continuing education requirements; and occupational therapist and occupational therapy assistance continuing education requirements. The general authority for this rule, as cited by the board, is SDCL 36-4-35, 36-4A-42, 36-10-32, 36-10-33, 36-10-35.1, 36-10-36, 36-29-17, and 36-31-13.

A public hearing will be held in the Burgundy Room of the Holiday Inn City Center, 100 West 8th Street, Sioux Falls, South Dakota, on September 11, 2007, at 11:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Board of Medical and Osteopathic Examiners, 125 S. Main Avenue, Sioux Falls, South Dakota 57104. Written comments must be received by September 3, 2007, to be considered. Persons who have special needs for which the board can make arrangements may call (605) 367-7781, before the hearing.

***Department of Agriculture: South Dakota Pulse Council*:** (August 14, 2007) intends to adopt rules to establish the election procedures for the council members of the South Dakota Pulse Council. Criteria being considered are nomination, qualifications, notice of vacancy, certification of candidates, election process, ballots, voter eligibility, certification of election, canvas of election and terms of office. The general authority for these rules, as cited by the department, is SDCL 38-34-3.

A public hearing will be held in Foss Building, 1st floor, Mathew Training Center, Pierre, South Dakota, on September 6, 2007, at 1:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Agriculture, Attn: Jon Farris, 523 E. Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must reach the department by September 16, 2007, 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) 773-5436 at least 48 hours before the public hearing.

Department of Revenue and Regulation: Commission on Gaming: (August 15, 2007) is proposing to amend Racing Rules to define the terms “independent real time monitoring system” and “pari-mutuel ticket” under the multi-jurisdictional hub account wagering rules; set forth the requirements to be maintained within all totalizator rooms in multi-jurisdictional totalizator hub operations; require that computer systems at hubs be supported by an uninterruptible power supply to allow for system shutdown if power failures occur; require that the totalizator system utilized by the hub be capable of transmitting data in real time to an independent real time monitoring system; set forth the requirement of certain end-of-day reports, including balance report for wagering

devices, wagering summary report for every pool and for each race, system balance report comparing pool and paid out totals, money room balance report showing cash added and subtracted from beginning day's balance, and IRS report showing winner's social security number, ticket number amount won and taxes withheld; require hubs to produce any reports requested by the Commission within 72 hours after the receipt of such request – the reports may include, but are not limited to, odds progression report, ticket and transaction history report, terminal history report, outstanding ticket report, outstanding tickets cashed report, manually cashed tickets report, canceled tickets report, network balance report, teller inquiry report, wagering report, account history report, inter-track wager report, ticket history report and terminal history report, pool transmission report, and special reports; require hubs to produce daily logs to the Commission which include at a minimum: a teller/machine history log, ticket history log, user terminal log, system error log, system journal log, and account history log; and require hub personnel to maintain off-line logs which include at a minimum: system incident log, totalizator room access log and totalizator maintenance log; amend Gaming Rules to allow licensees the discretion to conduct game tournaments on dates of their choosing for tournaments with buy-ins or entry fees of $50 or less per player; exclude mandatory gratuities paid to licensed dealers from the adjusted gross proceeds of tournaments; eliminate the requirement that licensees conducting tournaments file reports within 48 hours of the conclusion of the tournament except for those licensees conducting tournaments which retain $250 or more; allow licensees to utilize automatic clearing houses for electronic funds transfers on check cashing; repeal standard financial statement requirements; and update requirements of audited financial statements for licensed operators and route operators. The general authority for these rules, as cited by the commission, is SDCL 42-7-56, 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 12, 2007, 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 12, 2007, to be considered. However, the Commission requests that all written comments be received by September 6, 2007, 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.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Attorney General Appointments:

Jamie L. Aussieker, St. Louis, Missouri, and **John R. Phillips**, St. Louis, Missouri, were appointed as Special Assistant Attorney Generals for the case entitled Davis, et al. v. State of South Dakota, et al. effective August 1, 2007.

Executive Appointment:

Dr. Roger Wilson, Rapid City, was appointed on August 10, 2007, to the **State Board of Dentistry**, to replace Dr. Herbert McClellan, effective August 9, 2007, and shall continue until June 30, 2010.

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

8-22-2007	Health	Amend the Children's Special Health Services (CSHS) program rules to include travel reimbursement as a coverable service; provide additional clarification on claims submission; and have consistency with due process procedures; 34 SDR 41.
8-23-2007	Health: Funeral Services Board	Amend rules to accurately reflect the address at which the funeral board may be contacted; to raise the application fee for a funeral establishment license from $100 to $200; to raise the renewal fee for a funeral establishment license from $100 to $200; to change the application fee for a funeral service license from $50 to $100; and to raise the annual renewal fee for a funeral service license from $50 to $100; 34 SDR 31.
8-23-2007	Transportation	Amend a speed zone in Charles Mix County on SD 45 to shorten the 20 mph speed limit and to change the existing 35 mph speed limit to 30 mph within the town of Platte; 34 SDR 49.
8-24-2007	Human Services: Board of Social Work Examiners	Amend rules to increase fees for application for a biennial license of Certified Social Worker/Private Independent Practice from $160 to $210, for Certified Social Worker from $130 to $170, for Social Worker from $100 to $130, and for Social Work associate from $70 to $90; increase fees for endorsement application for a license for Certified Social Worker/Private Independent Practice from $160 to $210, for Certified Social Worker from $130 to $170, for Social Worker from $100 to $130, and for Social Work associate from $70 to $90; and increase fees for biennial renewal of a license for Certified Social Worker/Private Independent Practice from $160 to $210, for Certified Social Worker from $130 to $170, for Social Worker from $100 to $130, and for Social Work associate from $70 to $90; 34 SDR 41.
8-24-2007	Social Services: Division of Economic Assistance	Amend rules relating to the Temporary Assistance for Needy Families (TANF) Program that will increase the TANF payment

		standard for a child not living with a parent and not placed by a child placement agency and increase the TANF payment standard for an assistance unit that includes a parent; 34 SDR 49.
8-29-2007	Health: Board of Massage Therapy	Amend rules to lower the license fee, decrease the continuing education hours required, eliminate the audit of continuing education records, create an inactive licensure status, and clarify other rules; 34 SDR 55.
9-6-2007	Revenue and Regulation: Property and Special Taxes	Amend rules to update manuals to current versions and repeal a rule that is no longer necessary; 34 SDR 56.
9-6-2007	Agriculture: South Dakota Pulse Council	Adopt rules to establish the election procedures for the council members of the South Dakota Pulse Council. Criteria being considered are nomination, qualifications, notice of vacancy, certification of candidates, election process, ballots, voter eligibility, certification of election, canvas of election and terms of office; 34 SDR 61.
9-10-2007	Labor: Board of Technical Professions	Amend rules to clarify, such as adding definitions, adding a new section for a business waiver, correcting mistakes, adding NCARB's "Broadly Experienced Architect", adding NCEES policy section, request for disabled examinees to make accommodations from exam vendors, and late renewals are to submit reinstatement applications; 34 SDR 55.
9-11-2007	Health: Board of Medical and Osteopathic Examiners	Adopt rules to clarify to licensees the following: physician fees chargeable by the board; supervision requirements between the physician assistant and the supervising physician and physician assistant fees chargeable by the board; physical therapist and physical therapist assistant fees chargeable by the board; athletic trainer continuing education requirements; and occupational therapist and occupational therapy assistance continuing education requirements; 34 SDR 61.
9-12-2007	Revenue and Regulation: Commission on Gaming	Amend Racing Rules to define the terms "independent real time monitoring system" and "pari-mutuel ticket" under the multi-jurisdictional hub account wagering rules; set forth the requirements to be maintained within all totalizator rooms in multi-jurisdictional totalizator hub operations; require that computer systems at hubs be supported by an

		uninterruptible power supply to allow for system shutdown if power failures occur; require that the totalizator system utilized by the hub be capable of transmitting data in real time to an independent real time monitoring system; set forth the requirement of certain end-of-day reports, including balance report for wagering devices, wagering summary report for every pool and for each race, system balance report comparing pool and paid out totals, money room balance report showing cash added and subtracted from beginning day's balance, and IRS report showing winner's social security number, ticket number amount won and taxes withheld; require hubs to produce any reports requested by the Commission within 72 hours after the receipt of such request – the reports may include, but are not limited to, odds progression report, ticket and transaction history report, terminal history report, outstanding ticket report, outstanding tickets cashed report, manually cashed tickets report, canceled tickets report, network balance report, teller inquiry report, wagering report, account history report, inter-track wager report, ticket history report and terminal history report, pool transmission report, and special reports; require hubs to produce daily logs to the Commission which include at a minimum: a teller/machine history log, ticket history log, user terminal log, system error log, system journal log, and account history log; and require hub personnel to maintain off-line logs which include at a minimum: system incident log, totalizator room access log and totalizator maintenance log; amend Gaming Rules to allow licensees the discretion to conduct game tournaments on dates of their choosing for tournaments with buy-ins or entry fees of $50 or less per player; exclude mandatory gratuities paid to licensed dealers from the adjusted gross proceeds of tournaments; eliminate the requirement that licensees conducting tournaments file reports within 48 hours of the conclusion of the tournament except for those licensees conducting tournaments which retain $250 or more; allow licensees to utilize automatic

		clearing houses for electronic funds transfers on check cashing; repeal standard financial statement requirements; and update requirements of audited financial statements for licensed operators and route operators; 34 SDR 61.
9-19-2007	Environment and Natural Resources: Board of Minerals and Environment	Amend a rule to change the Underground Injection Control Class II Permits to allow injection at a pressure that may fracture the injection zone but not the confining zone; 34 SDR 55.

RULES REVIEW COMMITTEE MEETINGS

The next regular meeting of the Interim Rules Review Committee will be held Tuesday, August 21, 2007, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2007 interim: September 27, December 4, and January 7, 2008.

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.

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 34 are $25. 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.aspx).