

# REGISTER



## South Dakota Legislative Research Council

Volume 33

Monday, 8:00 a.m., August 21, 2006

**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 14, 2006) is proposing to amend Racing Rules to remove the designation of mutuel room employees as officials of a race meeting; allow owners to apply for licenses by using applications found on the Commission website; require the horse owner, trainer or the owner or trainer's licensed designee to remain with a horse that has been selected for drug testing after a race until the sample is taken; allow chiropractors who are authorized to perform physical examinations in certain circumstances to perform the annual examinations of jockeys; repeal the rule regarding engagement slips; eliminate the requirement for engagement books; acknowledge that trainers or persons deputized by them can enter horses into races; clarify that money paid for entry into a race is part of the total purse which is distributed to several participants in a race, not just the winner; allow the stewards' discretion in allowing the spouse of a person who has been deemed ineligible or disqualified to enter a horse in a race where the stewards believe the spouse was not guilty of any wrongdoing; correctly identify the appropriate official or organization that accepts payment of fees relating to a race; relieve a jockey of the obligation to ride a horse on which the jockey did not accept the engagement and further to require the jockey to notify officials if the jockey does not wish to ride the horse; clarify that owners, trainers and licensed employees may assist with their horses during the starting of a race; acknowledge that where a horse leaves the course and the official

veterinarian believes the horse to be unfit to compete or if the horse leaves the sight of the stewards, the horse shall not be allowed to run in the race; eliminate the requirement that a jockey weigh in after a race where the horse the jockey was riding did not finish; eliminate reference to ARSD 20:04:27:06 which has been repealed; give the stewards and the Commission more latitude in determining penalties for minor infractions of medication rules; and allow payment of unredeemed tickets up to one year following the date on which a race was run. Amend Deadwood Gambling Rules to adopt a variation of the game of blackjack known as Buster Blackjack; allow for a variation of the game of Pineapple Poker entitled Crazy Pineapple Poker; change the probability of obtaining maximum posted payouts on slot machines from 17,000,000-to-1 to 50,000,000-to-1; adopt the International Building Code as the code to be complied with rather than the outdated Uniform Building Code; and utilize the International Building Code in inner access issues between buildings. The general authority for these rules, as cited by the commission, is 42-7-56, 42-7-96, 42-7B-4, 42-7B-7, and 42-7B-11.

A public hearing will be held at the City Hall, 102 Sherman Street, Deadwood, South Dakota, on Tuesday, September 12, 2006, at 10:00 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, 425 East Capitol Avenue, Pierre, South Dakota 57501. Materials sent by mail must reach the Commission on Gaming by September 12, 2006, to be considered. However, the Commission requests that all written comments be received by

Wednesday, September 6, 2006, 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 18, 2006) has filed rules to update the edition of the manuals used to value and assess property. The general authority for these rules, as cited by the department, is SDCL 10-1-16.1 and 10-3-1.2.

A public hearing will be held in Legislative Conference Rooms 1 & 2, third floor, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota, on September 8, 2006, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Revenue and Regulation, Legal Services, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185, or by emailing [Beth.Christie@state.sd.us](mailto:Beth.Christie@state.sd.us). Copies of the rules are also available at the department's website: [www.state.sd.us/drr](http://www.state.sd.us/drr). Material sent by mail must reach the department by September 18, 2006, 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.

**CORRECTION:** The Legislative Research Council has corrected **Department of Transportation ARSD 70:01:02:36 (8)** to include an amendment relating to a speed zone in Hughes County. The amendment was filed in the Secretary of States office on October 18, 2004, and was effective November 7, 2004. We have corrected the "Source" reference to indicate correct filing and effective dates for this amendment.

**DEPARTMENT OF TRANSPORTATION:**  
70:01:02:36.

History-Notice: 30 SDR 198, June 7, 2004  
Hearing: August 26, 2004  
Filed: October 18, 2004  
Effective: November 7, 2004

**NOTICE: The Department of Education: Board of Education** public hearing, originally scheduled for September 18, 2006, at 1:30 p.m., has been changed to September 19, 2006, at 1:00 p.m. (33 SDR 25).

### **FILINGS IN THE SECRETARY OF STATES OFFICE:**

#### **Executive Appointments:**

**Stan E. Anderson**, Wall, was reappointed on August 15, 2006, to the **Board of Tourism**, effective immediately and shall continue until June 30, 2010.

**John Brockelsby**, Rapid City, was reappointed on August 15, 2006, to the **Board of Tourism**, effective immediately and shall continue until June 30, 2010.

**George Kessler**, Mina, was reappointed on August 15, 2006, to the **Board of Tourism**, effective immediately and shall continue until June 30, 2010.

**Donna Rae Petersen**, Ridgeview, was reappointed on August 15, 2006, to the **Board of Tourism**, effective immediately and shall continue until June 30, 2010.

**Charlotte Athey**, Big Stone City, was appointed on August 16, 2006, to the **Planning Council on Developmental Disabilities**, to replace Deborah Bouchie, effective August 15, 2006, and shall continue until June 30, 2009.

**Erik Brubakken** Watertown, was appointed on August 16, 2006, to the **Planning Council on Developmental Disabilities**, to replace David

Scott, effective August 15, 2006, and shall continue until June 30, 2009.

**Sara Carda**, Yankton, was appointed on August 16, 2006, to the **Planning Council on Developmental Disabilities**, to replace Valary Wysuph, effective August 15, 2006, and shall continue until June 30, 2009.

**Deona Gustaf**, Sioux Falls, was appointed on August 16, 2006, to the **Planning Council on Developmental Disabilities**, effective August 15, 2006, and shall continue until June 30, 2009.

**Jason Harris**, Sioux Falls, was reappointed on August 16, 2006, to the **Planning Council on Developmental Disabilities**, effective immediately and shall continue until June 30, 2009.

**Susan Kornder**, Aberdeen, was appointed on August 16, 2006, to the **Mental Health Planning and Coordination Advisory Council**, to replace Roy Conrad, effective August 16, 2006, and shall continue until June 30, 2009.

**Rhonda Palm**, New Effington, was appointed on August 16, 2006, to the **Mental Health Planning and Coordination Advisory Council**, to replace Eileen White, effective August 15, 2006, and shall continue until June 30, 2007.

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**

8-24-2006	Transportation	Amend a speed zone in Corson County on U.S. Highway 12 to reduce the speed limits through the east junction with State Highway 1806 and to the Walworth County line on the Missouri River and amend a speed zone in Hamlin County on South Dakota Highway 22 to reduce the speed limits at the junction of 450 <sup>th</sup> Avenue and through the town of Thomas; 33 SDR 23.
9-7-2006	Revenue and Regulation: Division of Securities	Amend rules to repeal the requirement of written notification for the opening and closing of branch offices; adding a section entitled "Finders" in order to allow certain exemptions from the definition of agent and broker-dealer; amend rules to allow finders in an intrastate limited offering; adding a section entitled "Twenty-five purchasers exempt transaction" to clarify that the exemption from registration, pursuant to 47-31B-202(14) is limited to those persons who have a principle place of business in South Dakota and to allow the payment of commissions to a finder; and add a section entitled "Entities for economic development"

		in order to allow the presentation of certain business plans in a public meeting prior to securities registration; 33 SDR 25.
9-8-2006	Revenue and Regulation: Property and Special Taxes	Amend rules to update the edition of the manuals used to value and assess property; 33 SDR 30.
9-12-2006	Revenue and Regulation: Gaming Commission	Amend Racing Rules to remove the designation of mutuel room employees as officials of a race meeting; allow owners to apply for licenses by using applications found on the Commission website; require the horse owner, trainer or the owner or trainer's licensed designee to remain with a horse that has been selected for drug testing after a race until the sample is taken; allow chiropractors who are authorized to perform physical examinations in certain circumstances to perform the annual examinations of jockeys; repeal the rule regarding engagement slips; eliminate the requirement for engagement books; acknowledge that trainers or persons deputized by them can enter horses into races; clarify that money paid for entry into a race is part of the total purse which is distributed to several participants in a race, not just the winner; allow the stewards' discretion in allowing the spouse of a person who has been deemed ineligible or disqualified to enter a horse in a race where the stewards believe the spouse was not guilty of any wrongdoing; correctly identify the appropriate official or organization that accepts payment of fees relating to a race; relieve a jockey of the obligation to ride a horse on which the jockey did not accept the engagement and further to require the jockey to notify officials if the jockey does not wish to ride the horse; clarify that owners, trainers and licensed employees may assist with their horses during the starting of a race; acknowledge that where a horse leaves the course and the official veterinarian believes the horse to be unfit to compete or if the horse leaves the sight of the stewards, the horse shall not be allowed to run in the race; eliminate the requirement that a jockey weigh in after a race where the horse the jockey was riding did not finish; eliminate reference to ARSD 20:04:27:06 which has been repealed; give the

		stewards and the Commission more latitude in determining penalties for minor infractions of medication rules; and allow payment of unredeemed tickets up to one year following the date on which a race was run. Amend Deadwood Gambling Rules to adopt a variation of the game of blackjack known as Buster Blackjack; allow for a variation of the game of Pineapple Poker entitled Crazy Pineapple Poker; change the probability of obtaining maximum posted payouts on slot machines from 17,000,000-to-1 to 50,000,000-to-1; adopt the International Building Code as the code to be complied with rather than the outdated Uniform Building Code; and utilize the International Building Code in inner access issues between buildings; 33 SDR 29.
9-19-2006 <b>Note - change of date</b>	Education: Board of Education	Amend rules to establish the process for the accreditation and program approval of teacher preparation programs and closely align the rules to the requirements of the National Council for Accreditation of Teacher Education (NCATE); and to create the structural guidelines for the South Dakota Virtual High School, which will provide expanded opportunities for students needing credit recovery, students who are homebound, and students who are home schooled and will support school districts that are unable to find qualified staff to fill courses required for high school graduation; 33 SDR 25.
9-26-2006	Administration	Amend rules to remove references to the director of highways and state highway engineer and replace them with the secretary of Transportation or his designee; 33 SDR 23.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 29, 2006, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2006 interim: September 28, December 5, and January 8, 2007.

**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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