

# REGISTER



## South Dakota Legislative Research Council

Volume 43

Monday, 8:00 a.m., August 22, 2016

---

### FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

**Notice of Proposed Rules:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

***Department of Labor and Regulation:***

(August 16, 2016) is proposing to amend a rule to update the declaratory ruling process for the department. The general authority for this rule, as cited by the department, is SDCL § 1-26-15.

A public hearing will be held in the Conference Room 3, Kneip Building, 700 Governors Drive, Pierre, South Dakota, on September 6, 2016, at 1:00 p.m. Copies of the proposed rule may be obtained without charge from and written comments sent to the Department of Labor and Regulation, Administrative Rules, Kneip Building, 700 Governors Drive, Pierre, South Dakota 57501. The text of the proposed rule is posted on the department's website: [http://dlr.sd.gov/dlr\\_public\\_hearing.aspx](http://dlr.sd.gov/dlr_public_hearing.aspx). A copy of the rule may also be obtained by emailing [mallori.barnett@state.sd.us](mailto:mallori.barnett@state.sd.us). The comment period will remain open for ten days following the public hearing. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-5395 at least 48 hours before the hearing.

***Department of Revenue: SD Commission on Gaming:*** (August 16, 2016) is proposing to amend Racing rules to bring the rules into line with current industry practices, create an ineligible list for horses scratched from a race and create the mechanism for such list, provide for workouts for horses that have not previously

been eligible for entry in races, amend the list of prohibited items at the race track, remove Flunixin from the list of authorized substances, allow emergency medical technicians to conduct medical examinations of licensed persons and allow law enforcement officers to use modern technology to detect prohibited substances; amend Gaming rules to clarify the game of Buster blackjack and add new pay tables, clarify the play of the game, make changes to the name of the game and add pay table options to Bonus Spin blackjack, clarify which licensees may destroy slot machines, and allow for a variation of the game of craps called Bonus craps. The general authority for these rules, as cited by the commission, is SDCL §§ 42-7-56, 42-7B-4, 42-7B-7, and 42-7B-11.

A public hearing will be held in City Hall, 102 Sherman Street, Deadwood, South Dakota, on September 14, 2016, at 9:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Commission on Gaming, 445 East Capitol Avenue, Pierre, South Dakota 57501. Materials sent by mail must reach the Commission on Gaming by September 12, 2016, to be considered. However, the Commission requests that all written comments be received by September 9, 2016, to allow for adequate consideration prior to the hearing. The text of the rules is also available at <http://rules.sd.gov/>. 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: South Dakota Lottery**

**Commission:** (August 16, 2016) intends to amend rules to adopt the most current Powerball game group rules and Mega Millions game group rules that cleanup and clarify language, add definitions that assist in interpreting the rules, clarify how the existing prize pools and accounts will operate, and improve legal protections for the participating lotteries in regard to decisions made by the individual lotteries in paying prizes. 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, 4<sup>th</sup> floor, State Capitol, Pierre, South Dakota, on September 15, 2016, 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. Copies of the rules are also available at [http://dor.sd.gov/Publications/Public\\_Notices/PDFs/pbmmrules2016.pdf](http://dor.sd.gov/Publications/Public_Notices/PDFs/pbmmrules2016.pdf) or at <http://rules.sd.gov/>. Material sent by mail must reach the department by September 14, 2016, 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:**

**Jennifer Hanna**, Pierre, was appointed on August 8, 2016, to the **South Dakota Commission on Child Support**, to replace Bobbi Bohnet, effective immediately and shall continue until December 31, 2016.

**Tom Biegler**, Sioux Falls, was appointed on August 10, 2016, to the **Board of Tourism**, to replace James Entenmen, effective immediately and shall continue until June 30, 2020.

**Jim Borszich**, Huron, was reappointed on August 10, 2016, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2019.

**Dennis Eisnach**, Pierre, was appointed on August 10, 2016, to the **State Board of Funeral Service**, effective immediately and shall continue until October 30, 2018.

**Anne Marie Feiock**, Sioux Falls, was appointed on August 10, 2016, to the **Governor's Task Force on Trust Administration Review and Reform**, to replace David Hottman, effective immediately and shall continue until May 31, 2018.

**Catherine Bjorum Greseth**, Custer, was appointed on August 10, 2016, to the **Independent Living Council**, to replace Kathleen McOwen, effective immediately and shall continue until June 30, 2019.

**Russell D. Johnson**, Beresford, was reappointed on August 10, 2016, to the **South Dakota Snowmobile Advisory Council**, effective immediately and shall continue until June 30, 2019.

**David A. Kennedy**, Spearfish, was reappointed on August 10, 2016, to the **South Dakota Snowmobile Advisory Council**, effective immediately and shall continue until June 30, 2019.

**Mark Rogers**, Dell Rapids, was reappointed on August 10, 2016, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2019.

**Keri Wientjes**, Mobridge, was appointed on August 10, 2016, to the **South Dakota Workforce Development Council**, to replace Cal Geis, effective immediately and shall continue until June 30, 2019.

**Alan Adel**, Spearfish, was appointed on August 11, 2016, to the **Independent Living Council**, to replace Vicki Kerkvliet, effective immediately and shall continue until June 30, 2019.

**Peter Bullene**, Watertown, was appointed on August 11, 2016, to the **Board of Vocational Rehabilitation**, to replace Brett Glirbas, effective immediately and shall continue until June 30, 2019.

**Clarke Christianson**, Sioux Falls, was reappointed on August 11, 2016, to the **Independent Living Council**, effective immediately and shall continue until June 30, 2019.

**Jane C. Heinemeyer**, Wentworth, was reappointed on August 11, 2016, to the **Board of Examiners for Speech-Language Pathology**, effective immediately and shall continue until July 30, 2019.

**Elizabeth Jehangiri**, Pierre, was appointed on August 11, 2016, to the **South Dakota Interagency Coordinating Council**, to replace Wendy Trujillo, effective immediately.

**Patricia Kuglitsch**, Sioux Falls, was reappointed on August 11, 2016, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2019.

**Jolleen Laverdur**, Lower Brule, was reappointed on August 11, 2016, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2019.

**Lindsey Madsen**, Harrisburg, was appointed on August 11, 2016, to the **Family Support Council**, effective immediately.

**Allen L. Nagel**, Aberdeen, was reappointed on August 11, 2016, to the **South Dakota Snowmobile Advisory Council**, effective

immediately and shall continue until June 30, 2019.

**Sarah E. Rush**, Winner, was reappointed on August 11, 2016, to the **Independent Living Council**, effective immediately and shall continue until June 30, 2019.

**Beth Schiltz**, Pierre, was appointed on August 11, 2016, to the **Board of Vocational Rehabilitation**, to replace Melisa Flor, effective immediately.

**Douglas Severson**, Sioux Falls, was appointed on August 11, 2016, to the **Unemployment Insurance Advisory Council**, to replace Shannon Stucker, effective immediately.

**Cole Uecker**, Pierre, was appointed on August 11, 2016, to the **Board of Vocational Rehabilitation**, to replace Tim Neyhart, effective immediately and shall continue until June 30, 2017.

**Joe Vetch**, Summerset, was appointed on August 11, 2016, to the **Board of Vocational Rehabilitation**, to replace Carol Kirchglesler, effective immediately and shall continue until June 30, 2017.

**Mike Roemmich**, Aberdeen, was appointed on August 12, 2016, to the **Fire Marshal's Advisory Board**, to replace Rich Broderick, effective immediately and shall continue until April 12, 2017.

### **Gaming Compacts:**

An amended **Gaming Compact** between the **Yankton Sioux Tribe** and the **State of South Dakota** was filed on August 16, 2016. For further details, contact the Secretary of State's office.

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

<b>8-24-2016</b>	<b>Department of Transportation</b> Amend rules regarding the Local Bridge Improvement Grant Requirements; 43 SDR 15, August 1, 2016.
<b>8-26-2016</b>	<b>Department of Health: Board of Examiners in Optometry</b> Amend rules to update continuing education requirements and update the scope of practice/clinical procedural codes; 43 SDR 15, August 1, 2016.
<b>9-6-2016</b>	<b>Department of Labor and Regulation</b> Amend a rule to update the declaratory ruling process for the department; 43 SDR 25, August 22, 2016.
<b>9-7-2016</b>	<b>South Dakota Retirement System</b> Amend rules relating to the election of members to the Board of Trustees to allow the use of a third party to conduct the election and the use of electronic balloting and eliminate the requirement that a single member provide certification when purchasing a supplemental pension benefit; 43 SDR 18, August 8, 2016.
<b>9-8-2016</b>	<b>Department of Health: Joint Board of Nursing and Board of Medical and Osteopathic Examiner's</b> Amend rules to improve the efficiency and operation of the joint boards, provide clarification to the licensing process, update collaboration requirements to improve access to care, include reference to medical assistants, and create a new article covering medical assistants; 43 SDR 17, August 8, 2016.
<b>9-8-2016</b>	<b>Department of Health: Board of Medical and Osteopathic Examiners</b> Amend rules to create standards for medical record documentation when prescribing opioids for chronic pain, remove restrictions related to the supervision of physician assistants, and clarify continuing education requirements for genetic counselors; 43 SDR 17, August 8, 2016.
<b>9-8-2016</b>	<b>Electronic Recording Commission</b> Adopt rules to implement uniform standards for electronic transmission of certain documents to and from a register of deeds that has voluntarily elected to accept electronic document for recording in accordance with SDCL Chapter 7-9A; 43 SDR 18, August 8, 2016.
<b>9-14-2016</b>	<b>Department of Revenue: SD Commission on Gaming</b> Amend Racing rules to bring the rules into line with current industry practices, create an ineligible list for horses scratched from a race and create the mechanism for such list, provide for workouts for horses that have not previously been eligible for entry in races, amend the list of prohibited items at the race track, remove Flunixin from the list of authorized substances, allow emergency medical technicians to conduct medical examinations of licensed persons and allow law enforcement officers to use modern technology to detect prohibited substances; amend Gaming rules to clarify the game of Buster blackjack and add new pay tables, clarify the play of the game, make changes to the name of the game and add pay table options to Bonus Spin blackjack, clarify which licensees may destroy slot machines, and allow for a variation of the game of craps called Bonus craps; 43 SDR 25, August 22, 2016.

<b>9-15-2016</b>	<b>Department of Revenue: South Dakota Lottery Commission</b> Amend rules to adopt the most current Powerball game group rules and Mega Millions game group rules that cleanup and clarify language, add definitions that assist in interpreting the rules, clarify how the existing prize pools and accounts will operate, and improve legal protections for the participating lotteries in regard to decisions made by the individual lotteries in paying prizes; 43 SDR 26, August 22, 2016.
<b>9-20-2016</b>	<b>Department of Education: Board of Education</b> Amend rules to add private, non-profit entities that provide specialized career and technical services and education to the list of eligible recipients for Workforce Education Grants; 43 SDR 21, August 15, 2016.
<b>9-1-2016 Date Changed to 9-21-2016</b>	<b>Bureau of Administration: Obligation Recovery Center</b> Adopt rules to establish specific procedures that must be followed by the Obligation Recovery Center in handling debt and by any state agency, Unified Judicial System, Board of Regents, or constitutional office that refers debt to the Obligation Recovery Center; 43 SDR 21, August 15, 2016.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, August 22, 2016, in Room 414, Fourth Floor of the State Capitol. Other DDN sites will be: Rapid City – SD School of Mines and Technology, 501 E. St. Joseph St., Public Room and Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145. The committee chair has set the following meeting schedule for the 2016 Interim: September 26, and November 14.

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

