

REGISTER



South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., August 25, 2014

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

Department of Corrections: (August 18, 2014) intends to adopt a rule to give Tribal Parole Agents, hired pursuant to the tribal parole project, the authority to detain parolees for the purpose of preventing escape and enforcing discipline on parolees. The general authority for this rule, as cited by the department, is SDCL §§ 1-15-20 and 1-54-8.

A public hearing will be held at 9:00 a.m. on October 7, 2014, in the Department of Corrections Administration Building, 3200 East Highway 34, Pierre, South Dakota. Copies of the proposed rule may be obtained without charge from and written comments sent to Mandy Nielsen, Department of Corrections, 3200 East Highway 34, Pierre, South Dakota 57501. Copies of the proposed rule are also available at <http://rules.sd.gov>. Written comments must be received by October 19, 2014, to be considered. Individuals intending to present oral testimony at the hearing are asked to make a written copy of their testimony available to the department at the time of the hearing. 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) 773-3478 at least 48 hours before the hearing.

Department of Corrections: Board of Pardons and Paroles: (August 18, 2014) intends to amend rules to align rule content with recent statutory changes regarding attendance at parole hearings, victim notice, procedures for parole with insufficient evidence of program directive compliance, parole to other jurisdictions and

indeterminate sentences; establish a process for an expedited pardon application for minor offenses; and clarify that the Parole Board can impose an inmate's suspended sentence for institutional rule violations and/or for failing to participate in required programming. The general authority for these rules, as cited by the department, is SDCL §§ 24-13-7 and 24-15A-42.

A public hearing will be held at the South Dakota State Penitentiary, 1600 N Drive, Sioux Falls, South Dakota, on October 9, 2014, at 8:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to Mandy Nielsen, Department of Corrections, 3200 East Highway 34, Pierre, South Dakota 57701. Copies of the proposed rule are also available at <http://rules.sd.gov>. Written comments must be received by October 9, 2014, to be considered. Individuals intending to present oral testimony at the hearing are asked to make a written copy of their testimony available to the department at the time of the hearing. 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) 773-3478 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION: 24:05:24.01:01, 24:05:24.01:01.01 to 24:05:24.01:06, inclusive; and 24:55:01:01.

History-Notice: 40 SDR 232, June 23, 2014
Hearing: July 21, 2014

Filed: August 15, 2014
 Effective: September 4, 2014

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.

Executive Appointments:

Julie L. Briggs, Sioux Falls, was reappointed on July 23, 2014, to the **Board of Service to the Blind and Visually Impaired**, effective immediately and shall continue until June 30, 2017.

Ivan L. Sorbel, Kyle, was reappointed on August 18, 2014, to the **Board of Tourism**, effective immediately and shall continue until June 30, 2018.

REMINDER OF HEARINGS SCHEDULED

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.
10-7-2014	Corrections	Adopt a rule to give Tribal Parole Agents, hired pursuant to the tribal parole project, the authority to detain parolees for the purpose of

		preventing escape and enforcing discipline on parolees; 41 SDR 37, August 25, 2014.
10-9-2014	Corrections: Board of Pardons and Paroles	Amend rules to align rule content with recent statutory changes regarding attendance at parole hearings, victim notice, procedures for parole with insufficient evidence of program directive compliance, parole to other jurisdictions and indeterminate sentences; establish a process for an expedited pardon application for minor offenses; and clarify that the Parole Board can impose an inmate's suspended sentence for institutional rule violations and/or for failing to participate in required programming; 41 SDR 37, August 25, 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>.