

# REGISTER



## South Dakota Legislative Research Council

Volume 40

Monday, 8:00 a.m., August 26, 2013

**NOTICE OF PROPOSED RULES:** (None)

61:23:01:04; 61:25:01:01; 61:25:04:01,  
61:25:04:05, 61:25:04:07, and 61:25:04:18.

**FILINGS IN THE SECRETARY OF  
STATE'S OFFICE:**

History-Notice: 39 SDR 227, June 17, 2013  
Hearing: July 10, 2013  
Filed: August 20, 2013  
Effective: September 9, 2013

*Correction to the August 5, 2013, SD Register  
(40 SDR 29):*

**DEPARTMENT OF GAME, FISH AND  
PARKS:** 41:06:04:20; 41:06:10:01;  
41:06:16:07; 41:06:23:02, 41:06:23:03;  
41:06:50:02, 41:06:50:03; and 41:08:01:08.01.

**DEPARTMENT OF PUBLIC SAFETY:  
SOUTH DAKOTA 911 COORDINATION  
BOARD:** 50:02:04:01 to 50:02:04:03, inclusive,  
50:02:04:05 to 50:02:04:07, inclusive, and  
50:02:04:09.

History-Notice: 39 SDR 233, June 24, 2013  
Hearing: July 8, 2013  
Filed: July 31, 2013  
Effective: August 20, 2013

History-Notice: 39 SDR 233, June 24, 2013  
Hearing: July 18, 2013  
Filed: August 20, 2013  
Effective: September 9, 2013

**DEPARTMENT OF GAME, FISH AND  
PARKS:** 41:05:02:06; 41:06:16:03,  
41:06:16:05, 41:06:16:07, 41:06:16:09; and  
41:06:46:02.

**PUBLIC UTILITIES COMMISSION:**  
20:10:11:01, 20:10:11:04.02, 20:10:11:10,  
20:10:11:12.01, 20:10:11:12.02, 20:10:11:14,  
20:10:11:15 to 20:10:11:17, inclusive;  
20:10:12:05, 20:10:12:05.01, 20:10:12:05.02,  
20:10:12:10 to 20:10:12:15, inclusive,  
20:10:12:18, and 20:10:12:19.

History-Notice: 40 SDR 13, July 15, 2013  
Hearing: August 1, 2013  
Filed: August 20, 2013  
Effective: September 9, 2013

History-Notice: 40 SDR 7, July 8, 2013  
Hearing: July 30, 2013  
Filed: August 20, 2013  
Effective: September 9, 2013

**DEPARTMENT OF LABOR AND  
REGULATION: COSMETOLOGY  
COMMISSION:** 20:42:06:17.

History-Notice: 40 SDR 7, July 8, 2013  
Hearing: July 25, 2013  
Filed: August 20, 2013  
Effective: September 9, 2013

**SECRETARY OF STATE:** 5:04:04:04; and  
5:04:06:07.

**DEPARTMENT OF PUBLIC SAFETY:**  
24:06:09:01, 24:06:09:02; 44:05:02:01.01;  
44:05:03:10; 61:16:01:02, 61:16:01:02.01;

History-Notice: 40 SDR 13, July 15, 2013  
Hearing: July 31, 2013  
Filed: August 20, 2013  
Effective: September 9, 2013

**SECRETARY OF STATE: BOARD OF ELECTIONS:** 5:02:03:12, 5:02:03:20, 5:02:03:25; 5:02:04:18; 5:02:05:21; 5:02:06:17; 5:02:10:01, and 5:02:10:01.04.

History-Notice: 40 SDR 13, July 15, 2013  
 Hearing: July 31, 2013  
 Filed: August 20, 2013  
 Effective: September 9, 2013

**DEPARTMENT OF EDUCATION: BOARD OF EDUCATION:** 24:05:13:01;

24:05:14:01.03 to 24:05:14:01.06, inclusive;  
 24:05:16:16.01; 24:05:17:04, 24:05:17:08;  
 24:05:23:01, 24:05:23:04, 24:05:23:05;  
 24:05:24:01:09, 24:05:24:01:17;  
 24:05:27:01.05, 24:05:27:17; 24:05:29:02,  
 24:05:29:18, 24:05:29:20; 24:05:30:11;  
 24:05:36:01 to 24:05:36:07, inclusive;  
 24:10:42:26, 24:10:42:27; 24:10:46:01 to  
 24:10:46:05, inclusive; 24:14:13:03;  
 24:15:01:01; 24:15:09:01 to 24:15:09:04,  
 inclusive; 24:43:02:06; 24:55:01:01,  
 24:55:01:04; 24:55:02:01; 24:55:03:07.01,  
 24:55:03:08; 24:55:04:03, 24:55:04:05,  
 24:55:04:06, 24:55:04:08, 24:55:04:08.01,  
 24:55:04:08.02; 24:55:05:02, 24:55:05:03;  
 24:55:07:04, 24:55:07:06, 24:55:07:09,  
 24:55:07:10; 24:55:08:01, and 24:55:08:03.

History-Notice: 39 SDR 234, June 24, 2013  
 Hearing: July 18, 2013  
 Filed: August 22, 2013  
 Effective: September 11, 2013

**DEPARTMENT OF HEALTH: BOARD OF PHARMACY:** 20:51:05:15, 20:51:05:16, 20:51:05:19, 20:51:05:20; and 20:51:20:03.

History-Notice: 39 SDR 211, June 3, 2013  
 Hearing: July 12, 2013  
 Filed: August 23, 2013  
 Effective: September 16, 2013

**Executive Appointments:**

**Matt A. Tooley**, Sioux Falls, was reappointed on August 1, 2013, to the **South Dakota Public Safety Communications Council**, effective

immediately and shall continue until June 30, 2016.

**Kevin V. Schieffer**, Sioux Falls, was appointed on August 8, 2013, to the **State Board of Regents**, to replace Carol Pagonos, effective immediately and shall continue until March 31, 2015.

**Vernon L. Larson**, Lyman County, was appointed on August 8, 2013, as **Commissioner of School and Public Lands**, to replace Jarrod Johnson, effective August 15, 2013, upon taking the oath of office

**Mark A. Puetz**, Mitchell, was appointed on August 9, 2013, to the **Housing Development Authority**, to replace Kurt Pfeifle, effective immediately and shall continue until June 30, 2018.

**Bob Wilcox**, Pierre, was reappointed on August 9, 2013, to the **South Dakota Public Safety Communications Council**, effective immediately and shall continue until June 30, 2016.

**Joseph Hartford**, Rapid City, was reappointed on August 12, 2013, to the **State Board of Examiners in Optometry**, effective immediately and shall continue until June 30, 2016.

**David S. Pummel**, Belle Fourche, was reappointed on August 12, 2013, to the **Housing Development Authority**, effective immediately and shall continue until June 30, 2018.

**Terry J. Sabers**, Mitchell, was appointed on August 12, 2013, to the **Critical Teaching Needs Scholarship Board**, effective immediately and shall continue until June 30, 2018.

**James W. Abbott**, Vermillion, was appointed on August 13, 2013, to the **Council on Higher Education Policy Goals**, effective immediately and shall continue until June 30, 2014.

**Kathryn O. Johnson**, Hill City, was appointed on August 13, 2013, to the **Council on Higher Education Policy Goals**, effective immediately.

**Timothy M. Mitchell**, Rapid City, was appointed on August 13, 2013, to the **Council on Higher Education Policy Goals**, effective immediately, and shall continue until June 30, 2014.

**Douglas C. Morrison**, Sioux Falls, was appointed on August 13, 2013, to the **Council on Higher Education Policy Goals**, effective immediately, and shall continue until June 30, 2014.

**Terry J. Sabers**, Mitchell, was appointed on August 13, 2013, to the **Council on Higher Education Policy Goals**, effective immediately, and shall continue until June 30, 2014.

**Randy Schaefer**, Madison, was appointed on August 13, 2013, to the **Council on Higher Education Policy Goals**, effective immediately.

**Deb Shephard**, Watertown, was appointed on August 13, 2013, to the **Council on Higher Education Policy Goals**, effective immediately, and shall continue until June 30, 2014.

**David R. Emery**, Rapid City, was appointed on August 14, 2013, to the **South Dakota Ellsworth Development Authority**, to replace Bob Sutton, effective immediately and shall continue until January 19, 2015.

**Kris Langer**, District 25, was appointed on August 14, 2013, to the **South Dakota House of Representatives**, to replace Representative Jon Hansen who resigned, effective August 15, 2013.

**Kyle D. White**, Rapid City, was reappointed on August 14, 2013, to the **South Dakota Energy Infrastructure Authority**, effective immediately and shall continue until June 30, 2019.

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**

9-11-2013	Revenue: Commission on Gaming	Amend Gaming rules to allow licensees to immediately review available surveillance or slot machine event logs in the event of a possible patron dispute; allow manufacturers to be responsible for minimum bankroll requirements and to clarify the requirement for 85 percent of immediate exposure to be in cash; add Dealer Bust 21 to the list of authorized blackjack games; recognize the Legislature's increase in wage limits passed in 2012; add Fortune Pai Gow poker to the list of authorized poker games; allow variations in the payout of the game of Texas Hold'em to include variations known as High Hold'em and Low Hold'em; define "static jackpot award"; recognize a request from industry to allow
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		manufacturers to pay static jackpot awards; allow for static jackpot awards to be paid by annuity; allow licensees liable for payment of prizes in excess of \$100,000 to utilize minimal bankroll requirements rather than utilize cash deposits or performance bonds; allow the Commission to require performance bond for static jackpot awards; allow for licensed manufacturers to pay jackpot awards; clarify the requirements of server-supported gaming system; clarify the requirements for server-supported gaming systems; update existing rules to comply with a prior change which allows 6 to 5 payout odds in blackjack; and exempt linked progressive slot machines with a denomination of five cents or less from the requirements of surveillance coverage until the progressive award reaches \$5,000; 40 SDR 35.
9-26-2013	Agriculture: SD Value Added Finance Authority	Amend rules to make changes to the value added sub fund rules upon moving the fund from the Governor's Office of Economic Development to the Department of Agriculture; through the South Dakota Value Added Finance Authority; 40 SDR 25.
9-27-2013	Environment and Natural Resources: Board of Water and Natural Resources	Amend a rule to make adjustments to the director areas of the South Central Water Development District; 40 SDR 35.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, September 17, 2013, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2013 interim: November 12, and December 17.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.