

REGISTER

South Dakota Legislative Research Council



Volume 33

Monday, 8:00 a.m., August 28, 2006

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 Chiropractic Examiners: (August 8, 2006) intends to amend rules to clarify requirements for inactive status; adopt a nationally recognized approval source for continuing education courses; and clarify certain ethical standards and the disciplinary procedure. The general authority for these rules, as cited by the board, is SDCL 32-2-16, 34-13-11, 36-5-4, 36-5-10, 36-5-12, 36-5-14.2, 36-5-15.2, 36-5-19, 36-5-20, and 36-5-21.

A public hearing will be held in the Missouri Winds meeting room at Cedar Shore in Chamberlain, South Dakota, on September 8, 2006, at 4:00 p.m. CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Board of Chiropractic Examiners, 2603 Ella Lane, Yankton, South Dakota 57078. Written comments must be received by September 6, 2006, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 668-9017 at least forty-eight hours before the hearing.

Department of Agriculture: State Brand Board: (August 23, 2006) intends to amend a rule to increase the ownership inspection fee from .70 to .80 cents for each head of livestock inspected. The general authority for this rule, as cited by the board, is 40-18-16.

A public hearing will be held at the Matthews Training Center, First Floor, Foss Building, 523

East Capitol Avenue, Pierre, South Dakota, on September 27, 2006, at 1:00 p.m. A copy of the proposed rule may be obtained without charge from and written comments sent to the South Dakota State Brand Board, 413 S. Fort Street, Pierre, South Dakota 57501. Written comments must be received by the board no later than September 15, 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) 773-3324 at least 48 hours before the hearing.

NOTICE:

The **South Dakota Lottery** is ending instant ticket game numbers 245 – Crossword, 238 – \$100,000 Taxes Paid, 233 – Casino Royale, 258 – Bankroll, and 253 – 7-11-21. The last day that prizes will be paid for these games is February 16, 2007.

FILINGS IN THE SECRETARY OF STATES OFFICE:

Executive Appointments:

Lynn Boettcher Fjellanger, Sioux Falls, was appointed on August 16, 2006, to the **South Dakota Advisory Council for Children With Disabilities**, to replace Barb Koenders, effective August 15, 2006, and shall continue until June 30, 2008.

Laura Johnson-Frame, Pierre, was appointed on August 16, 2006, to the **South Dakota Advisory Council for Children With Disabilities**, to replace Bertina Larcher, effective August 15, 2006, and shall continue

until June 30, 2009.

Nora Svatos, Lake Andes, was appointed on August 16, 2006, to the **South Dakota Advisory Council for Children With Disabilities**, to replace Amanda Lautenschlager, effective August 15, 2006, and shall continue until June 30, 2009.

Karn Barth, Sioux Falls, was reappointed on August 21, 2006, to the **South Dakota Advisory Council for Children With Disabilities**, effective immediately and shall continue until June 30, 2009.

Michele Cogley, Claremont, was reappointed on August 21, 2006, to the **South Dakota Advisory Council for Children With Disabilities**, effective immediately and shall continue until June 30, 2009.

Clayton Cooch, Spearfish, was reappointed on August 21, 2006, to the **South Dakota Advisory Council for Children With Disabilities**, effective immediately and shall continue until June 30, 2009.

Jim Dunston, Custer, was reappointed on August 21, 2006, to the **South Dakota Advisory Council for Children With Disabilities**, effective immediately and shall continue until June 30, 2009.

Gail Eichstadt, Pierre, was reappointed on August 21, 2006, to the **South Dakota Advisory Council for Children With Disabilities**, effective immediately and shall continue until June 30, 2009.

Bernie Grimme, Pierre, was reappointed on August 21, 2006, to the **South Dakota Advisory Council for Children With Disabilities**, effective immediately and shall continue until June 30, 2009.

Nicole Haneke, Miller, was reappointed on August 21, 2006, to the **South Dakota Advisory Council for Children With**

Disabilities, effective immediately and shall continue until June 30, 2009.

Lisa Heckenlaible, Mitchell, was reappointed on August 21, 2006, to the **South Dakota Advisory Council for Children With Disabilities**, effective immediately and shall continue until June 30, 2009.

Judy Hoscheid, Pierre, was reappointed on August 21, 2006, to the **South Dakota Advisory Council for Children With Disabilities**, effective immediately and shall continue until June 30, 2009.

Heather Stettinichs, Brandon, was reappointed on August 21, 2006, to the **South Dakota Advisory Council for Children With Disabilities**, effective immediately and shall continue until June 30, 2009.

Executive Order:

The Governor has signed **Executive Order 2006-11** dated August 18, 2006, relating to the delivery of certain gas and diesel products. The executive order identifies a problem with low inventories and outages of diesel fuel and gasoline supplies caused by the temporary closure of the National Cooperative Refinery Association refinery in McPherson, Kansas. Drivers of these petroleum products are subject to state law and federal regulations which direct the hours of service for these drivers and the limits may unnecessarily delay the transportation of these fuels. The executive order directs that the transportation of diesel, ethanol, gasoline and propane shall be exempt from 49 CFR Part 395, otherwise known as the federal hours of service regulations. The executive order will expire upon the conclusion of the emergency but no later than August 31, 2006.

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

9-7-2006	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.
9-8-2006	Health: Board of Chiropractic Examiners	Amend rules to clarify requirements for inactive status; adopt a nationally recognized approval source for continuing education courses; and clarify certain ethical standards and the disciplinary procedure; 33 SDR 35.
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;

		<p>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.</p>
9-19-2006 Note – change of date	Education: Board of Education	<p>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</p>

		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.
9-27-2006	Agriculture: Brand Board	Amend a rule to increase the ownership inspection fee from .70 to .80 cents for each head of livestock inspected; 33 SDR 35.

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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