

REGISTER

South Dakota Legislative Research Council



Volume 34

Tuesday, 8:00 a.m., September 4, 2007

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

Department of Military and Veteran Affairs: (August 29, 2007) intends to amend rules to allow residents of the Michael J. Fitzmaurice South Dakota Veterans Home to receive medications from the Veterans Home pharmacy while on furlough and increase a resident's fees for care in the nursing unit of the Michael J. Fitzmaurice South Dakota Veterans Home. The general authority for these rules, as cited by the department, is SDCL 33-18-2.

A public hearing will be held in Building 3, 1st floor Auditorium, Michael J. Fitzmaurice South Dakota Veterans Home, 2500 Minnekahta Avenue, Hot Springs, South Dakota, on September 24, 2007, at 1:30 p.m. Copies of the proposed rules may be obtained from and written comments sent to the Michael J. Fitzmaurice South Dakota Veterans Home, 2500 Minnekahta Avenue, Hot Springs, SD 57747 or by calling (605) 745-5127, ext. 116. Material sent by mail must reach the home by September 21, 2007, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the home can make arrangements are asked to call (605) 745-5127, ext. 116 at least 48 hours before the public hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF HUMAN SERVICES: BOARD OF COUNSELOR EXAMINERS:

20:68:01:02.01; 20:68:02:03; 20:68:04:01,
20:68:04:01.01, 20:68:04:02, 20:68:04:03;

20:68:05:01; 20:68:07:01, 20:68:07:09;
20:73:02:02; 20:73:04:01, 20:73:04:02,
20:73:04:03; and 20:73:05:01.

History-Notice: 34 SDR 23, July 16, 2007
Hearing: August 3, 2007
Filed: August 27, 2007
Effective: September 17, 2007

**DEPARTMENT OF REVENUE AND
REGULATION: ABSTRACTERS BOARD
OF EXAMINERS:** 20:36:01:01, 20:36:01:02;
20:36:03:03, 20:36:03:12; 20:36:04:01,
20:36:04:02, 20:36:04:04, 20:36:04:04.01,
20:36:04:04.04; 20:36:06:01, 20:36:06:01.02;
20:36:07:01.01; and 20:36:08:01.

History-Notice: 33 SDR 229, June 18, 2007
Hearing: July 9, 2007
Filed: August 27, 2007
Effective: September 17, 2007

Executive Appointments:

Melissa Flor, Pierre, was appointed on August 27, 2007, to the **Board of Vocational Rehabilitation**, to replace Julie Carpenter, effective August 17, 2007.

Beth Haug, Custer, was reappointed on August 27, 2007, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2010.

Mary I'atala, Pine Ridge, was reappointed on August 27, 2007, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2010.

Elaine Roberts, Sioux Falls, was appointed on August 27, 2007, to the **Board of Vocational Rehabilitation**, to replace Lynn Boettcher Fjellanger, effective August 17, 2007, and shall continue until June 30, 2008.

Priscilla Romkema, Spearfish, was appointed on August 27, 2007, to the **South Dakota Board of Hearing Aid Dispensers and Audiologists**, to replace Alice Mae Kennedy, effective August 24, 2007, and shall continue until June 30, 2010.

Judy Trzynka, Watertown, was appointed on August 27, 2007, to the **State Library Board**, to replace Richard Van Beek, effective August 23, 2007, and shall continue until June 30, 2011.

Joan Upell, Eagle Butte, was appointed on August 27, 2007, to the **State Library Board**,

to replace Stephanie Charging Eagle, effective August 23, 2007, and shall continue until June 30, 2010.

Lyle Cook, Eagle Butte, was appointed on August 28, 2007, to the **Board of Vocational Rehabilitation**, to replace Kati Seymour, effective August 28, 2007, and shall continue until June 30, 2010.

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

9-6-2007	Revenue and Regulation: Property and Special Taxes	Amend rules to update manuals to current versions and repeal a rule that is no longer necessary; 34 SDR 56.
9-6-2007	Agriculture: South Dakota Pulse Council	Adopt rules to establish the election procedures for the council members of the South Dakota Pulse Council. Criteria being considered are nomination, qualifications, notice of vacancy, certification of candidates, election process, ballots, voter eligibility, certification of election, canvas of election and terms of office; 34 SDR 61.
9-10-2007	Labor: Board of Technical Professions	Amend rules to clarify, such as adding definitions, adding a new section for a business waiver, correcting mistakes, adding NCARB's "Broadly Experienced Architect", adding NCEES policy section, request for disabled examinees to make accommodations from exam vendors, and late renewals are to submit reinstatement applications; 34 SDR 55.
9-11-2007	Health: Board of Medical and Osteopathic Examiners	Adopt rules to clarify to licensees the following: physician fees chargeable by the board; supervision requirements between the physician assistant and the supervising physician and physician assistant fees

		chargeable by the board; physical therapist and physical therapist assistant fees chargeable by the board; athletic trainer continuing education requirements; and occupational therapist and occupational therapy assistance continuing education requirements; 34 SDR 61.
9-12-2007	Revenue and Regulation: Commission on Gaming	Amend Racing Rules to define the terms “independent real time monitoring system” and “pari-mutuel ticket” under the multi-jurisdictional hub account wagering rules; set forth the requirements to be maintained within all totalizator rooms in multi-jurisdictional totalizator hub operations; require that computer systems at hubs be supported by an uninterruptible power supply to allow for system shutdown if power failures occur; require that the totalizator system utilized by the hub be capable of transmitting data in real time to an independent real time monitoring system; set forth the requirement of certain end-of-day reports, including balance report for wagering devices, wagering summary report for every pool and for each race, system balance report comparing pool and paid out totals, money room balance report showing cash added and subtracted from beginning day’s balance, and IRS report showing winner’s social security number, ticket number amount won and taxes withheld; require hubs to produce any reports requested by the Commission within 72 hours after the receipt of such request – the reports may include, but are not limited to, odds progression report, ticket and transaction history report, terminal history report, outstanding ticket report, outstanding tickets cashed report, manually cashed tickets report, canceled tickets report, network balance report, teller inquiry report, wagering report, account history report, inter-track wager report, ticket history report and terminal history report, pool transmission report, and special reports; require hubs to produce daily logs to the Commission which include at a minimum: a teller/machine history log, ticket history log, user terminal log, system error log, system journal log, and account history log; and require hub personnel to maintain off-line logs which include at a

		minimum: system incident log, totalizator room access log and totalizator maintenance log; amend Gaming Rules to allow licensees the discretion to conduct game tournaments on dates of their choosing for tournaments with buy-ins or entry fees of \$50 or less per player; exclude mandatory gratuities paid to licensed dealers from the adjusted gross proceeds of tournaments; eliminate the requirement that licensees conducting tournaments file reports within 48 hours of the conclusion of the tournament except for those licensees conducting tournaments which retain \$250 or more; allow licensees to utilize automatic clearing houses for electronic funds transfers on check cashing; repeal standard financial statement requirements; and update requirements of audited financial statements for licensed operators and route operators; 34 SDR 61.
9-19-2007	Environment and Natural Resources: Board of Minerals and Environment	Amend a rule to change the Underground Injection Control Class II Permits to allow injection at a pressure that may fracture the injection zone but not the confining zone; 34 SDR 55.
9-24-2007	Military and Veterans Affairs	Amend rules to allow residents of the Michael J. Fitzmaurice South Dakota Veterans Home to receive medications from the Veterans Home pharmacy while on furlough and increase a resident's fees for care in the nursing unit of the Michael J. Fitzmaurice South Dakota Veterans Home; 34 SDR 73.

RULES REVIEW COMMITTEE MEETINGS

The next regular meeting of the Interim Rules Review Committee will be held Thursday, September 27, 2007, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2007 interim: December 4, and January 7, 2008.

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.