

# REGISTER

*South Dakota Legislative Research Council*



*Volume 34*

*Monday, 8:00 a.m., September 10, 2007*

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

***Department of Education: Board of Education:*** (September 4, 2007) intends to amend rules to allow school service specialists, i.e., counselors, speech language pathologists, library media specialists, school psychologists, school social workers, special education directors, and curriculum directors, to add a teaching program to their current certificate upon completion of a full degree, to require that non-public and tribal schools follow the same standards for accreditation, and that all schools submit a "plan of intent" for staff that are not properly certified or qualified to teach in all content areas. The general authority for these rules, as cited by the board, is 1-45-13, 13-1-12.1, 13-3-1.4, 13-3-47, 13-13-18, and 13-42-3.

A public hearing will be held at the MTI Technology Center, 1800 East Spruce, Room 111, Mitchell, South Dakota on September 24, 2007, at 1:00 p.m. CDT. Copies of the proposed rules may be obtained without charge from the Department of Education, South Dakota Board of Education, 700 Governors Drive, Pierre, South Dakota 57501-2291 or on the Internet at <http://doe.sd.gov/secretary/board/schedule.asp>. Written comments may be sent to the board at the address above and must be received by September 20, 2007, 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) 773-3426 at least 48 hours before the hearing.

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

**ATTORNEY GENERAL: LAW ENFORCEMENT OFFICERS STANDARDS AND TRAINING COMMISSION:** 2:01:10:04; 2:01:11:01; 2:01:13:03, and 2:01:13:18.

History-Notice: 34 SDR 23, July 16, 2007  
Hearing: August 2, 2007  
Filed: September 5, 2007  
Effective: September 25, 2007

## **Executive Appointments:**

**Bobbie Dold**, Howard, was reappointed on September 5, 2007, to the **Value Added Finance Authority Board**, effective immediately and shall continue until June 30, 2011.

**Julia Dvorak**, Mellette, was reappointed on September 5, 2007, to the **Board of Social Services**, effective immediately and shall continue until June 30, 2011.

**Hugh Grogan**, Sioux Falls, was appointed on September 5, 2007, to the **Board of Social Services**, to fill a vacant position, effective August 29, 2007, and shall continue until June 30, 2011.

**Mark Gross**, Bridgewater, was reappointed on September 5, 2007, to the **Value Added Finance Authority Board**, effective immediately and shall continue until June 30, 2011.

**Marcia Hendrickson**, Lennox, was appointed on September 5, 2007, to the **Value Added Finance Authority Board**, to replace Harvey Sheehan, effective August 30, 2007, and shall continue until June 30, 2011.

**Robert Hull**, Sisseton, was reappointed on September 5, 2007, to the **Value Added Finance Authority Board**, effective immediately and shall continue until June 30, 2011.

**Connie Kisecker**, Ft. Pierre, was reappointed on September 5, 2007, to the **Board of Social Services**, effective immediately and shall continue until June 30, 2011.

**Kaye Neller**, Mitchell, was reappointed on September 5, 2007, to the **Board of Social Services**, effective immediately and shall continue until June 30, 2011.

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

9-11-2007	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

		<p>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.</p>
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.
9-24-2007	Education: Board of Education	Amend rules to allow school service specialists, i.e., counselors, speech language pathologists, library media specialists, school psychologists, school social workers, special education directors, and curriculum directors, to add a teaching program to their current certificate upon completion of a full degree, to require that non-public and tribal schools follow the same standards for accreditation, and that all schools submit a "plan of intent" for staff that are not properly certified or qualified to teach in all content areas; 34 SDR 77.

### 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.