

STATE OF SOUTH DAKOTA
DEPARTMENT OF REVENUE
SOUTH DAKOTA COMMISSION ON GAMING

Notice of Public Hearing to Adopt Rules

A public hearing will be held at the City Hall, 102 Sherman Street, Deadwood, South Dakota, on Wednesday, September 14, 2011, at 9:00 a.m., MT, to consider the adoption and amendment of proposed new rules and rules changes numbered:

HORSE RACING RULES: Chapters 20:04:01, 20:04:18 to 20:04:20, inclusive, 20:04:22, 20:04:26, 20:04:27, 20:04:29

GREYHOUND RACING RULES: Chapters 20:04:11 to 20:04:15, inclusive.

GAMING RULES: Chapter 20:18:16:15

HORSE RACING RULES:

Proposed Rule Change: ARSD 20:04:01:13.01, Informal Consultation with Executive Secretary. Effect – Repeal of the rule.

The reason for the repeal of this rule is that the time frames set forth in the rule are inconsistent with other rules.

Proposed Rule Change: ARSD 20:04:01:15, Procedure on appeal to commission. Effect: This amendment clarifies that all appeals other than disqualifications of the official order of finishes go to the Commission.

The reason for this rule change is to provide clarity in appeals.

Proposed Rule Change: ARSD 20:04:18:02.01, Executive secretary may hold purses. Effect: This amendment is to clarify that appeals on orders of finish only go to the Board of Stewards, not to the Commission, and to be consistent with other rules.

The reason for this rule change is to provide clarify on appeals.

Proposed Rule Change: ARSD 20:04:19:02.01, Association office. Effect: This amendment clarifies that posted business hours of the racing office shall be maintained.

The reason for this rule change is to clarify the business hours that must be maintained by the association office.

Proposed Rule Change: ARSD 20:04:19:08, Sanitation facilities for jockeys. Effect: Remove baths from the facilities racing associations must provide.

The reason for this rule change is to conform to current standards and practices at race tracks.

Proposed Rule Change: ARSD 20:04:20:65, Racing secretary to maintain a record of all races won. Effect: With this amendment the racing secretary will record wins on horses' appropriate records.

The reason for this rule change is to ensure that racing officials in other jurisdictions have access to required information.

Proposed Rule Change: ARSD 20:04:20:97, Use of electrical timing devices. Effect: This amendment is to clarify that in time trials hand timing by the timers will be conducted in certain circumstances.

The reason for this rule change is to conform to industry standards and practices.

Proposed Rule Change: ARSD 20:04:22:14, Jockeys racing appearance. Effect: This amendment will eliminate the requirement that white or light breeches must be worn by jockeys.

The reason for this rule change is to allow jockeys to wear mud pants that are dark in color when riding in muddy conditions.

Proposed Rule Change: ARSD 20:04:26:10, Restrictions on the sale, control, and racing of claimed horses. Effect: Repeal of rule.

The reason for the repeal of this rule is to remove unnecessary regulatory restrictions on the owners of claimed horses.

Proposed Rule Change: ARSD 20:04:27:02, Tests of winner required. Effect: This amendment is to clarify that it is the unofficial winner of races that are tested following a race.

The reason for this rule change is to conform to industry practices and procedures.

Proposed Rule Change: ARSD 20:04:27:12, Penalty for use of illegal substances. Effect: This amendment is to clarify penalty provisions for use of illegal substances.

The reason for this rule change is to conform to current industry practices.

Proposed Rule Change: ARSD 20:04:27:13, Use of certain drugs authorized. Effect: This amendment will remove Ibuprofen as an authorized drug in race horses.

The reason for this rule change is that there is currently no FDA approved use of Ibuprofen in equines.

Proposed Rule Change: ARSD 20:04:27:13.09, Time frames for administration furosemide (lasix). Effect: This amendment will clarify the time frames and methods of administration of furosemide (lasix).

The reason for this rule change is to conform with industry standards and practices.

Proposed Rule Change: ARSD 20:04:27:15, Chemist's test to constitute prima facie evidence. Effect: This amendment clarifies the use of chemist's test as evidence of unauthorized drug use.

The reason for this rule change is conform to current industry standards.

Proposed Rule Change: ARSD 20:04:27:16, Penalty for violation of permitted drug restriction. Effect: This amendment eliminates the punishment of voiding of purses and track records with certain drug usage.

The reason for this rule amendment is to provide the stewards flexibility in assessing penalties in minor drug violations.

Proposed Rule Change: ARSD 20:04:29:13, License fee schedule. Effect: This amendment adds testing assistant as a category of licensee.

The reason for this rule change is to add the new category to more accurately reflect the appropriate duties of the position.

Proposed Rule Change: ARSD 20:04:29:14, Education courses required for renewal. Effect: Repeal of the rule.

The reason for the repeal of this rule is to reduce regulatory burdens on trainers and owner-trainers.

GREYHOUND RACING RULES:

Proposed Rule Changes: ARSD Chapters 20:04:11 to 20:04:15, inclusive.

Effect – Repeal of rules which regulate live greyhound racing.

The reason for the repeal of these rules is that live greyhound racing has not been conducted in South Dakota since 1992. The changes repeal the provisions that relate to live races, yet keeps the authorization for wire signals and off track betting which are still lawfully operated in South Dakota.

Proposed Rule Change: ARSD 20:04:15:01, Authorization for the sale of pari-mutuel pools. Effect: This amendment includes multijurisdictional totalizator hubs as licensed facilities at which pari-mutuel tickets can be sold.

The reason for this rule amendment is to clarify that pari-mutuel tickets may lawfully be sold in multijurisdictional totalizator hubs which are lawfully licensed.

Proposed Rule Change: ARSD 20:04:15:03, Appointment of a commission auditor – Duties. Effect: This amendment is to clarify that the Commission auditor may access all properly licensed facilities.

The reason for this rule amendment is to recognize that Commission auditor must access all licensed facilities, including multijurisdictional totalizator hub facilities.

Proposed Rule Change: ARSD 20:04:15:04, Duty of the officers and employees of the association to cooperate with the auditor. Effect: This amendment clarifies that all licensed facilities must cooperate with the Commission auditor.

The reason for this rule amendment is to recognize that multijurisdictional totalizator hubs are licensed facilities.

Proposed Rule Change: ARSD 20:04:15:05, Power of the commission to adopt rules governing the mutuel department. Effect: This amendment is to clarify that the South Dakota Racing Commission no longer exists and that all licensed facilities must properly operate their mutuel departments.

The reason for this rule amendment is that the South Dakota Racing Commission no longer exists.

Proposed Rule Change: ARSD 20:04:15:06, Duty of the auditor to report compliance failures. Effect: This amendment is to clarify that all licensed facilities must report violations of laws or rules.

The reason for this rule amendment is that multijurisdictional totalizator hubs are deemed appropriate licensed facilities in South Dakota.

Proposed Rule Change: ARSD 20:04:15:98, Penalties for pari-mutuel rules violations. Effect: This amendment is to clarify that the South Dakota Racing Commission no longer exists.

The reason for this rule amendment is that the South Dakota Racing Commission no longer exists.

GAMING RULES:

Proposed Rule Change: ARSD 20:18:16:15.02, The play – Three-card poker. Effect: This amendment is to allow players to play up to two hands of Three-Card Poker at the operator’s discretion.

The reason for this rule change is that it was requested by the manufacturer of Three-Card Poker, Shufflemaster.

Proposed Rule Change: ARSD 20:18:16:15.10, The play – Four-card poker. Effect: This amendment is to provide for the appropriate pay tables for the game.

The reason for this rule change is that when the rule was first promulgated, the pay tables were inadvertently omitted. The manufacturer of the game, Shufflemaster, has requested that the appropriate pay tables be included.

Persons interested in presenting data, opinions, and arguments for or against the proposed rule changes may do so by appearing in person at the hearing or by sending them to the South Dakota Commission on Gaming, 221 West Capitol Avenue, Suite 101, c/o 1320 East Sioux Avenue, Pierre, South

Dakota, 57501-3100. Materials sent by mail must reach the Commission on Gaming by Wednesday, September 14, 2011, to be considered. However, the Commission requests that all written comments be received by Friday, September 9, 2011, to allow for adequate consideration prior to the hearing.

After the hearing, the Commission will consider all written and oral comments it receives on the proposed rule changes. The Commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to any individual with disabilities that this hearing is being held in a physically accessible place. Please notify the Commission on Gaming at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making these special arrangements is (605)773-6050 or (605)578-3074.

Copies of the proposed rules may be obtained without charge from the:

South Dakota Commission on Gaming
221 West Capitol Avenue, Suite 101
c/o 1320 East Sioux Avenue
Pierre, South Dakota 57501-3100
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