

# REGISTER



## *South Dakota Legislative Research Council*

*Volume 42*

*Monday, 8:00 a.m., February 29, 2016*

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

#### **Executive Appointment:**

**Tom Nelson**, Spearfish, was appointed on February 19, 2016, to the **State Board of Pharmacy**, to replace Arlene Ham-Burr, effective immediately and shall continue until October 31, 2018.

**FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

**Department of Revenue: SD Commission on Gaming:** (February 22, 2016) is proposing to amend Gaming rules to add a new version of blackjack (Bonus Spin Counts Kustom Blackjack) to the list of authorized blackjack games; add new pay tables and revise the rules in accordance with the new pay tables for Dead Man's Hand Blackjack; add a variation of the play of blackjack known as Bonus Spin Counts Kustom Blackjack; amend a rule The Play – Ultimate Texas Hold'em to recognize that bets cannot exceed \$1,000 bet limit; and amend a Control Program Requirements rule to change the number of recalls for play history from two to ten games. The general authority for these rules, as cited by the commission, is SDCL §§ 42-7B-4, 42-7B-7, and 42-7B-11.

A public hearing will be held in City Hall, 102 Sherman Street, Deadwood, South Dakota, on March 16, 2016, at 9:00 a.m. MDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Commission on Gaming, 445 East

Capitol Avenue, Pierre, South Dakota 57501-3100. Materials sent by mail must reach the Commission on Gaming by March 14, 2016, to be considered. However, the Commission requests that all written comments be received by March 11, 2016, to allow for adequate consideration prior to the hearing. The text of the rules is also available at <http://rules.sd.gov/>. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-6050 or (605) 578-3074 at least 48 hours before the hearing.

**Public Utilities Commission:** (February 26, 2016) intends adopt rules to set forth specific measurement and testing procedures that an electric utility must follow when the utility tests a dairy for stray voltage or current. The general authority for these rules, as cited by the commission, is SDCL § 49-47-2.

A public hearing will be held in Room 413, 4<sup>th</sup> Floor, State Capitol, 500 East Capitol, Pierre, South Dakota, on March 28, 2016, at 1:30 p.m. CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, SD 57501-1234. Copies are also available at the commission's website at <http://puc.sd.gov/Dockets/Rulemaking/2016/default.aspx>. Material sent by mail must be received by the Public Utilities Commission by April 7, 2016, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-3201 at least 48 hours before

the hearing.

**NOTICE:**

The **Department of Social Services** has published a Home and Community Based Services Statewide Transition Plan pursuant to the federal requirements of 42 CFR 441.301. The transition plan contains a description of how South Dakota Home and Community Based Services settings will come into compliance with the Centers for Medicare and Medicaid Services (CMS) final rule. The Transition Plan has been updated to address comments made by the CMS during the initial review of the plan. The Transition Plan and an overview of the changes is available on the Department’s website: <http://dss.sd.gov/medicaid/hcbs.aspx>. The transition plan will be open for public comment from February 29, 2016, to March 30, 2016. Comments may be made by e-mail to [hcbs@state.sd.us](mailto:hcbs@state.sd.us). Comments will also be

accepted by mail or phone. Copies of the proposed transition plan are also available at the Department of Social Services, Division of Medical Services. Written requests for a copy of the transition plan, and corresponding comments, may be sent to Division of Medical Services, Attn: HCBS Transition Plan, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. 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**

<p><b>3-3-2016</b></p>	<p><b>Department of Game, Fish, and Parks</b> Amend a Refuges rule to eliminate the Dry Creek State Waterfowl Refuge; adopt Application for License and General Provisions rules to enable the Game, Fish and Parks Commission to establish by resolution the allocation of limited licenses and access permits for certain hunting seasons and the paddlefish snagging and archery season. The Commission would be required, prior to adopting a license allocation resolution, to provide the public with notice which conforms with the publication requirements established in SDCL Chapter 1-26 for adoption of administrative rules; 42 SDR 117, February 16, 2016.</p>
<p><b>3-3-2016</b></p>	<p><b>Department of Health: Board of Medical and Osteopathic Examiners</b> Adopt rules to provide a process for locum tenens certificate holders to extend the duration of the certificate; remove requirement that a physician assistant and their supervising physician visit each separate practice location; update outdated language; create continuing education requirements for licensed physical therapists; and create rules for continuing education requirements for licensed nutritionists and dietitians; 42 SDR 112, February 1, 2016.</p>
<p><b>3-14-2016</b></p>	<p><b>Department of Education: Board of Education</b> Adopt Emergency Safety Intervention rules to regulate the use of emergency safety intervention (seclusion and restraint) in schools and require schools to adopt policies and procedures regarding administration, notification, training, and reporting; 42 SDR 115, February 8, 2016.</p>

<b>3-16-2016</b>	<p><b>Department of Revenue: SD Commission on Gaming:</b> Amend Gaming rules to add a new version of blackjack (Bonus Spin Counts Kustom Blackjack) to the list of authorized blackjack games; add new pay tables and revise the rules in accordance with the new pay tables for Dead Man's Hand Blackjack; add a variation of the play of blackjack known as Bonus Spin Counts Kustom Blackjack; amend a rule The Play – Ultimate Texas Hold'em to recognize that bets cannot exceed \$1,000 bet limit; and amend a Control Program Requirements rule to change the number of recalls for play history from two to ten games; 42 SDR 123, February 29, 2016.</p>
<b>3-28-2016</b>	<p><b>Public Utilities Commission</b> Adopt rules to set forth specific measurement and testing procedures that an electric utility must follow when the utility tests a dairy for stray voltage or current; 42 SDR 123, February 29, 2016.</p>

### RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will have an informal meeting near the close of the Ninety-first Legislative Session to set the tentative meeting schedule for the 2016 interim. Watch for a notice of this informal meeting on the LRC website and at the Capitol.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 42 are \$25. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the LRC website: <http://legis.sd.gov>. You may subscribe to electronic delivery of the **South Dakota Register** at *E-Subscribe* on the LRC website.

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