

REGISTER



South Dakota Legislative Research Council

Volume 37

Monday, 8:00 a.m., March 7, 2011

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

Department of Revenue and Regulation: South Dakota Lottery Commission: (February 28, 2011) intends to amend Video Lottery Requirements rules to allow the Lottery to collect the new machine license fee during one of the two monthly billing periods rather than once a month; allow for various types of communication between the video lottery machines in establishments and the central computer system; all operators to maintain audit information, including duplicates of tickets, in an electronic or paper format and identify the audit information that must be retained; allow the Lottery to provide operators billing statements by other means than just mail; allow manufacturers and Type II technicians, pursuant to a certain protocol, to clear electronic accounting meters after notice to the Lottery; allow the Lottery to use discretion on whether to require manufacturers to submit various documents during the video lottery machine and associated equipment testing and approval process; allow video lottery machines to maintain copies of tickets in either a paper format within the machine or in an electronic format on a self contained internal or external median; allow a "symbol" to be used in approved video lottery games and require randomness testing concerning their use; make it optional for a game to offer a player the chance to select numbers or symbols, require that all lines are clearly identified when playing additional lines bought into play by wagering additional credits and allow other specified shapes to be a winning combination other than a vertical, horizontal, or diagonal line; require

hard meter readings of a machine before moving it between locations in the state or shipping a machine out of state; repeal a requirement that certain individuals become Type I or Type II technicians by November 15, 1995; and require that software access points on video lottery machines be sealed after initial inspection. The general authority for these rules, as cited by the commission, is SDCL 42-7A-1, 42-7A-4, 42-7A-21, 42-7A-43, and 42-7A-44.

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on March 25, 2011, at 9:45 a.m. CT. Copies of the proposed rules may be obtained from and written comments sent to the Department of Revenue & Regulation, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185. Copies of the rules are also available at the department's website: http://www.state.sd.us/drr2/lottery_rules_public_hearing0521.pdf. Written comments must be received by March 24, 2011, 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) 773-4701 at least forty-eight hours before the hearing.

NOTICE:

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan effective June 1, 2011, to prohibit payment for items or services provided under the Medicaid State Plan or under a waiver to any financial institution or entity located outside of the United States. The proposed change adds page 79ac to the South Dakota Medicaid State Plan, and is required by Section 6505 of the

Affordable Care Act. The Department estimates there will be no Federal fiscal impact associated with this amendment. Copies of the plan revisions are available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to the Division Director, Division of Medical Services, 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. 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.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointment:

Tom D. Tobin, Winner, was reappointed on March 1, 2011, to the **State Historical Society Board of Trustees**, effective April 16, 2011, and shall continue until April 15, 2014.

REMINDER OF HEARINGS SCHEDULED

3-15-2011	Health: Board of Pharmacy	Adopt Prescription Drug Monitoring Program rules to establish requirements for a data base of controlled substance prescriptions dispensed to South Dakota residents; 37 SDR 157.
3-17-2011	Revenue and Regulation: Division of Insurance	Amend rules to require agents to complete application and replacement forms for Medicare supplement insurance; change the time extension associated with continuing education requirements; require agents to complete application and replacement forms for long term care policies; change a cross reference in the law implemented relating to disclosure requirements for limited benefit health insurance plans; adopt standards requiring parity between medical/surgical benefits and mental health or substance use disorder benefits in connection with a group health plan; require reports, set standards for determinations of disproportionate share, and clarify underwriting practices for health insurance issued to persons under the age of 19; 37 SDR 157.
3-22-2011	Social Services: Child Protection Services	Amend rules to repeal obsolete rules, remove obsolete references, update terminology,

		<p>clarify confidentiality policy, align regulations associated with adoption petitions with current statutory requirements, update and clarify standards related to adoption, foster care, and alternative care, remove certain reporting requirements for adoptive parents, provide for the suspension of an adoption subsidy under certain circumstances, clarify the definition and scope of child protective services, update the composition of the permanency planning review team, outline dispositional hearing requirements and amend the timeframe in which such hearings are held, provide notification of an adoptive applicant's right to a fair hearing, and require annual updates on adoptive home studies; 37 SDR 151.</p>
<p>3-25-2011</p>	<p>Revenue and Regulation: South Dakota Lottery Commission</p>	<p>Amend Video Lottery Requirements rules to allow the Lottery to collect the new machine license fee during one of the two monthly billing periods rather than once a month; allow for various types of communication between the video lottery machines in establishments and the central computer system; all operators to maintain audit information, including duplicates of tickets, in an electronic or paper format and identify the audit information that must be retained; allow the Lottery to provide operators billing statements by other means than just mail; allow manufacturers and Type II technicians, pursuant to a certain protocol, to clear electronic accounting meters after notice to the Lottery; allow the Lottery to use discretion on whether to require manufacturers to submit various documents during the video lottery machine and associated equipment testing and approval process; allow video lottery machines to maintain copies of tickets in either a paper format within the machine or in an electronic format on a self contained internal or external median; allow a "symbol" to be used in approved video lottery games and require randomness testing concerning their use; make it optional for a game to offer a player the chance to select numbers or symbols, require that all lines are clearly identified when playing additional lines bought into play by wagering additional credits and allow other specified shapes to be a winning</p>

		combination other than a vertical, horizontal, or diagonal line; require hard meter readings of a machine before moving it between locations in the state or shipping a machine out of state; repeal a requirement that certain individuals become Type I or Type II technicians by November 15, 1995; and require that software access points on video lottery machines be sealed after initial inspection; 37 SDR 161.
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RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will have an informal meeting near the close of the Eighty-sixth Legislative Session to set the tentative meeting schedule for the 2011 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 Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.