

# REGISTER



## South Dakota Legislative Research Council

Volume 42

Monday, 8:00 a.m., August 24, 2015

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

**Department of Revenue: SD Commission on Gaming:** (August 21, 2015) is proposing to amend Gaming rules to add a definition for House Banked Table Games; add new versions of blackjack to the list of authorized blackjack games; include within the authorized games of poker new games adopted by the Commission; authorize a variation of Mississippi Stud poker; create a new variation of poker known as Flushes Gone Wild; and create a variation of poker known as Hot Poker Spot. The general authority for these rules, as cited by the commission, is SDCL §§ 42-7B-4 and 42-7B-7.

A public hearing will be held in City Hall, 102 Sherman Street, Deadwood, South Dakota, on September 24, 2015, 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, 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 September 23, 2015, to be considered. However, the Commission requests that all written comments be received by September 21, 2015, 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.

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

**DEPARTMENT OF GAME, FISH AND PARKS:** 41:06:16:03, 41:06:16:07; and 41:10:02:02.

History-Notice: 42 SDR 5, July 13, 2015  
Hearing: August 6, 2015  
Filed: August 17, 2015  
Effective: September 8, 2015

### DEPARTMENT OF TRANSPORTATION:

70:01:02:16, 70:01:02:39; 70:03:01:113 and 70:03:01:114.

History-Notice: 42 SDR 1, July 6, 2015  
Hearing: July 23, 2015  
Filed: August 17, 2015  
Effective: September 8, 2015

### DEPARTMENT OF AGRICULTURE:

**DIVISION OF AG DEVELOPMENT:** 12:20:03:01 to 12:20:03:10, inclusive.

History-Notice: 42 SDR 1, July 6, 2015  
Hearing: July 30, 2015  
Filed: August 18, 2015  
Effective: September 8, 2015

### DEPARTMENT OF PUBLIC SAFETY:

61:18:01:02:02; 61:18:08:01, 61:18:08:03; 61:19:04:01; 61:23:01:04; 61:25:04:02, 61:25:04:03, 61:25:04:04, 61:25:04:09, 61:25:04:11, 61:25:04:12, 61:25:04:13; and 61:26:02:01.

History-Notice: 42 SDR 2, July 6, 2015  
Hearing: July 31, 2015  
Filed: August 20, 2015  
Effective: September 9, 2015

**Executive Appointments:**

**Sara Hoogheem**, Clark, was reappointed on August 11, 2015, to the **South Dakota Advisory Panel for Children with Disabilities**, effective immediately and shall continue until June 30, 2018.

**Roger Musick**, Mitchell, was reappointed on August 11, 2015, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2018.

**Jon Sogn**, Lincoln County, was appointed on August 20, 2015, as **Judge of the Second Judicial Circuit Court of South Dakota**, effective immediately upon taking the oath of

office and shall continue until December 31, 2022.

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**

8-26-2015	<b>Attorney General: Law Enforcement Officers Standards and Training Commission</b> Amend rules to prohibit temporary or probationary non-certified law enforcement officers from working in any enforcement capacities until they successfully complete the state firearms course and receive instruction from their agency on their agency's use of force or response to resistance policy; add an additional specific area of training that law enforcement officers must complete as part of their continuing education requirements; and allow physician's assistants and nurse practitioners to conduct examinations of 911 Telecommunicator applicants; 42 SDR 27, August 17, 2015.
7-27-2015 8-26-2015	<b>Health: Division of Health Systems Development and Regulation</b> Amend rules to update and create separate Articles for each health care provider currently regulated in Article 44:04, to allow facilities the ability to consider inclusion of operators of X ray equipment to meet federal provisions of electronic health records, and designate geographic areas for the redistribution of nursing facility beds; 42 SDR 2, July 6, 2015.
8-27-2015	<b>Department of Transportation</b> Adopt rules to provide guidance to local public agencies for submission of a county highway and bridge improvement plan and set forth the application process, timelines, guidelines and criteria that will be used to award and distribute funds from the newly created Bridge Improvement Grant fund; 42 SDR 13, July 27, 2015.
8-28-2015	<b>Department of Labor and Regulation: Division of Insurance</b> Adopt rules to update the South Dakota Division of Insurance's contact information, incorporate the 2015 Medicare coverage amounts, and update the sources referenced; 42 SDR 21, August 10, 2015.
9-4-2015	<b>Department of Labor and Regulation: Division of Securities</b> Adopt a rule to allow the division to conduct a Fairness Hearing; 42 SDR 27, August 17, 2015.
9-4-2015	<b>Department of Social Services</b> Amend Economic Assistance, Medical Services, and Adult Services and Aging rules to repeal unnecessary rules, update the Department's website, update coding from ICD 9 to

	ICD-10 to comply with federal regulations, update the guidelines for terminology and coding to the most recent versions available, update claim requirements and provide more information for providers and recipients via the Department's website; 42 SDR 27, August 17, 2015.
<b>9-24-2015</b>	<b>Department of Revenue: SD Commission on Gaming</b> Amend Gaming rules to add a definition for House Banked Table Games; add new versions of blackjack to the list of authorized blackjack games; include within the authorized games of poker new games adopted by the Commission; authorize a variation of Mississippi Stud poker; create a new variation of poker known as Flushes Gone Wild; and create a variation of poker known as Hot Poker Spot; 42 SDR 31, August 24, 2015.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, September 21, 2015, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2015 interim: November 9 and December 14.

**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>.

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