

# REGISTER



## South Dakota Legislative Research Council

Volume 37

Monday, 8:00 a.m., November 8, 2010

**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: Commission on Gaming:** (November 5, 2010) is proposing to amend Gaming rules to provide a list of the variations of blackjack authorized for play; add several variations of poker that have been previously authorized for play in Deadwood; and allow a progressive side bet variation of play for Let it Ride Poker, Caribbean Stud Poker, Four-Card Poker, Texas Hold'em Bonus Poker, Mississippi Stud Poker, and Ultimate Texas Hold'em Poker. 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 at the City Hall, 102 Sherman Street, Deadwood, South Dakota, on November 30, 2010, at 9:00 a.m. MT. 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 November 30, 2010, to be considered. However, the Commission requests that all written comments be received by November 26, 2010, to allow for adequate consideration prior to the hearing. 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.

### NOTICE:

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan effective October 1, 2010, pursuant to the provisions of Section 6411 of the Affordable Care Act's provisions amending 1902(a)(42)(B)i of the Social Security Act pertaining to the Medicaid Recovery Audit Contractors (RACs) program. The provisions of Section 6411 require states to implement agreements with Medicaid Recovery Audit Contractors on a contingency fee basis, or request exemptions from the Act. South Dakota is requesting an exemption. The proposed change adds new pages 36b and 36c to the State Medicaid Plan. 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.

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

#### Executive Appointments:

**Edward Anderson**, Pierre, was reappointed on October 28, 2010, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until October 31, 2013.

**Elsie Baye**, Faith, was appointed on October 28, 2010, to the **Excess General Fund Oversight**

**Board**, to replace David Nicholas, effective October 28, 2010, and shall continue until June 30, 2014.

**Dale Bertsch**, Pierre, was appointed on October 28, 2010, to the **Excess General Fund Oversight Board**, to replace Rodger Leonard, effective October 28, 2010, and shall continue until June 30, 2015.

**Fay M. Jandreau**, Kimball, was reappointed on October 28, 2010, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until October 31, 2013.

**Doug P. Larson**, Aberdeen, was reappointed on October 29, 2010, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until October 31, 2013.

**Terry L. Larson**, Rapid City, was reappointed on October 29, 2010, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until October 31, 2013.

**Executive Order:**

The Governor has signed **Executive Order 2010-40** dated November 4, 2010, which declares the offices of state government within the executive branch to be administratively closed on Friday, the 26<sup>th</sup> day of November. The other units of government and private business may make an independent judgment on this matter.

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**

11-17-2010	Attorney General: Law Enforcement Officers Standards and Training Commission	Adopt rules to establish a county coroner training program; 37 SDR 67.
11-29-2010	Education: Board of Education	Amend a rule to require the curriculum must provide not less than 15 semester credits in general education and not less than 50 percent of the credit hours in technical education; 37 SDR 93.
11-30-2010	Revenue and Regulation: Gaming Commission	Amend Gaming rules to provide a list of the variations of blackjack authorized for play; add several variations of poker that have been previously authorized for play in Deadwood; and allow a progressive side bet variation of play for Let it Ride Poker, Caribbean Stud Poker, Four-Card Poker, Texas Hold'em Bonus Poker, Mississippi Stud Poker, and Ultimate Texas Hold'em Poker; 37 SDR 99.

12-1-2010	Agriculture: South Dakota Oilseeds Council	Amend rules to update the collection, remittance, enforcement, and refund procedures for the Oilseeds Council; 37 SDR 93.
12-4-2010	Health: Board of Chiropractic Examiners	Amend rules to delete language regarding inactive chiropractor from the definitions; update educational institution requirements and delete obsolete information regarding the same; clarify rules for reciprocity provisions; update rules for reactivation of inactive license; establish a rule for activating a lapsed license; modify language regarding inactive license fee; amend a rule regarding Code of Ethics and update disciplinary procedures; 37 SDR 93.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Wednesday, November 17, 2010, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Aberdeen – NSU, 1200 S. Jay Street, Room Lib117; Huron – DOT, 901 Dakota St.; Mitchell – MTI, 1800 E. Spruce, Room TC155; Rapid City – DOT, 2300 Eglin St.; Sioux Falls – University Center, 2205 Career Ave., Room 282 S, and Yankton – DOT 1306 W. 31<sup>st</sup> St. The committee chair has set the following tentative meeting schedule for the 2010 interim: December 20.

**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>.

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