

REGISTER



South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., March 18, 2013

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

Department of Labor and Regulation: South Dakota Retirement System: (March 11, 2013) intends to amend rules to provide administrative and operational details for a designated Roth contribution program, maintain compliance with federal laws, and make certain terminology and cross reference corrections and clarifications. The general authority for these rules, as cited by the board, is SDCL §§ 3-12-47, 3-12-58, 3-12-76.3, 3-12-89.1, 3-13-54, 3-13-57, and 3-13A-4.

A public hearing will be held at View Thirty Four, 4251 E. Highway 34, Pierre, South Dakota, on April 3, 2013, at 1:00 p.m., CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Retirement System, 222 E. Capitol Avenue, P.O. Box 1098, Pierre, South Dakota 57501-1098. Material sent by mail must be received by April 1, 2013, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3731 at least 48 hours before the hearing.

Department of Labor and Regulation: Division of Insurance: (March 12, 2013) intends to amend rules to require equal compensation to producers in certain circumstances; delete provisions relative to refund calculations and to set forth rating standards for health issuers; establish standards for plans filing access plans; establish standards for the sale of individual health insurance outside of an exchange;

establish standards for the sale of employer based health insurance; repeal rules relative to small employer health insurance; set standards for coverage of preventive services; set standards for qualified health plans; and set standards for essential health benefits. The general authority for these rules, as cited by the department, is SDCL §§ 58-4-1, 58-17-4.2, 58-17-64, 58-17-75, 58-17-85, 58-17-87, 58-17F-10, 58-17F-21, 58-18-79, 58-18B-18, 58-18B-20, 58-18B-36, 58-18B-46, 58-30-195, and 58-33A-7.

A public hearing will be held in Conference Room 3, Kneip Building, 700 Governors Drive, Pierre, South Dakota, on April 16, 2013, at 9:00 a.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the Division of Insurance, Administrative Rules, 445 E. Capitol Avenue, Pierre, South Dakota 57501-3185. The text of the proposed rules will be posted on the department's website:

http://dlr.sd.gov/insurance/legal/public_hearings.aspx. The rules may also be obtained as a Microsoft Word attachment by emailing gretchen.brodkorb@state.sd.us. 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) 773-3563 at least 48 hours before the hearing.

Department of Game, Fish and Parks: (March 14, 2013) intends to amend a Camping Permits and Rules rule to add Sheps Canyon Recreation Area to the list of areas that require a group lodging fee and establish the fee; amend a Black Hills Elk Hunting Season rule to adjust the number of licenses available for "any elk"

and "antlerless elk"; amend Custer State Park Trophy Bison Bull Harvest rules to change the number of licenses available, modify preference so license applicants accrue an additional preference point for each successive year they are unsuccessful in the draw, change reference from "permit and permit holder" to "license and licensee" and allocate two trophy bison licenses to residents in a first draw with leftover licenses to be available in a second draw for all applicants; amend an Archery Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk"; amend a Prairie Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk", modify Unit 30 (Gregory County) by removing that portion of the unit located in Boyd County, Nebraska, adjust the season dates for Unit 30 (Gregory County) from September 29 – October 28 and December 1 – 31 to September 1 – December 31, adjust the season dates for Unit 11B (Bennett County and portions of Mellette County) from September 1 to the second Sunday of October to September 1 to the Friday before the third Saturday in October, and add Unit 11D (Bennett County and portions of Mellette County) with season dates of September 1 – December 31; and amend Custer State Park Non-Trophy Bison Harvest rules to change the number of licenses and modify preference so applicants accrue an additional point for each successive year they are unsuccessful in the draw and allocate 7 non-trophy bull bison licenses and 5 cow bison licenses to residents in a first draw with leftover licenses after the first draw to be available in a second draw for all applicants; amend a License Forms and Fees rule to increase the license fee for a non-trophy bison bull and a cow bison; and amend a Custer State Park Restrictions rule to add reference to non-trophy bison harvest as seasons in CSP available to non-residents. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-6-10, 41-6-18.4, 41-6-19.6, 41-6-21, 41-17-1.1, 41-17-13.4, and 41-17-18.

A public hearing will be held at the Holiday Inn Express, 1360 SD Hwy. 44, Winner, South Dakota, on April 4, 2013, at 2:00 p.m. CDT. Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 p.m. three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by email to Wildinfo@state.sd.us. All written and email comments must include the commenter's name and address. 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) 773-3387 before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Robert W. Cronin, Fort Pierre, was reappointed on March 8, 2013, to the **State Electrical Commission**, effective immediately and shall continue until April 14, 2016.

Dennis L. Duncan, Parker, was reappointed on March 8, 2013, to the **South Dakota Commission on Gaming**, effective immediately and shall continue until April 14, 2016.

Rodney W. Foubert, Aberdeen, was reappointed on March 8, 2013, to the **Transportation Commission**, effective immediately and shall continue until April 18, 2017.

Ralph A. Kemnitz, Philip, was reappointed on March 8, 2013, to the **South Dakota Commission on Gaming**, effective immediately and shall continue until April 14,

2016.

Steve G. Nielsen, Winner, was reappointed on March 8, 2013, to the **State Electrical Commission**, effective immediately and shall continue until April 14, 2016.

Donald L. Roby, Watertown, was reappointed on March 8, 2013, to the Transportation Commission, effective immediately and shall continue until April 18, 2017.

Mark R. Smith, Pierre, was appointed on March 8, 2013, to the **Board of Pardons and Paroles**, to replace William Grode, effective March 10, 2013, and shall continue until January 18, 2016.

Executive Order:

The Governor has signed **Executive Order 2013-1** dated March 15, 2013. This order

declares a state of wildfire emergency no longer exists in Fall River County as it is no longer a "Red Zone" county for the purposes of state wildfire assistance as of January 31, 2013. This order and Executive Order 2012-11 shall expire July 1, 2014.

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

3-14-2013	Revenue: Commission on Gaming	Amend Gaming Rules to add failure to maintain minimum bankroll requirements and failure to notify the Executive Secretary of deficiency in cash, to Class A violations which allow for summary suspension of license; change the minimum wager from \$100 to \$1,000; and include summary suspension as a penalty for failure of a licensee to maintain cash or cash equivalents or to maintain minimum bankroll requirements; 39 SDR 141.
3-20-2013	Revenue: South Dakota Lottery Commission	Amend a Hot Lotto Game rule in order to continue to offer the game in South Dakota on and after May 12, 2013; 39 SDR 143.
3-22-2013	Agriculture: State Brand Board	Amend rules to increase the per head inspection fee for livestock ownership inspection and increase the fee for a lifetime horse transportation permit; 39 SDR 143.
4-3-2013	Labor and Regulations: South Dakota Retirement System	Amend rules to provide administrative and operational details for a designated Roth contribution program, maintain compliance with federal laws, and make certain terminology and cross reference corrections and clarifications; 39 SDR 153.

4-4-2013	Game, Fish and Parks	<p>Amend a Camping Permits and Rules rule to add Sheps Canyon Recreation Area to the list of areas that require a group lodging fee and establish the fee; amend a Black Hills Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk"; amend Custer State Park Trophy Bison Bull Harvest rules to change the number of licenses available, modify preference so license applicants accrue an additional preference point for each successive year they are unsuccessful in the draw, change reference from "permit and permit holder" to "license and licensee" and allocate two trophy bison licenses to residents in a first draw with leftover licenses to be available in a second draw for all applicants; amend an Archery Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk"; amend a Prairie Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk", modify Unit 30 (Gregory County) by removing that portion of the unit located in Boyd County, Nebraska, adjust the season dates for Unit 30 (Gregory County) from September 29 – October 28 and December 1 – 31 to September 1 – December 31, adjust the season dates for Unit 11B (Bennett County and portions of Mellette County) from September 1 to the second Sunday of October to September 1 to the Friday before the third Saturday in October, and add Unit 11D (Bennett County and portions of Mellette County) with season dates of September 1 – December 31; and amend Custer State Park Non-Trophy Bison Harvest rules to change the number of licenses and modify preference so applicants accrue an additional point for each successive year they are unsuccessful in the draw and allocate 7 non-trophy bull bison licenses and 5 cow bison licenses to residents in a first draw with leftover licenses after the first draw to be available in a second draw for all applicants; amend a License Forms and Fees rule to increase the license fee for a non-trophy bison bull and a cow bison; and amend a Custer State Park Restrictions rule to add reference to non-</p>
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		trophy bison harvest as seasons in CSP available to non-residents; 39 SDR 153.
4-11-2013	Agriculture: SD Weed and Pest Commission	Amend a rule to add white horehound to the local noxious weed and declared pest list; 39 SDR 147.
4-16-2013	Labor and Regulation: Division of Insurance	Amend rules to require equal compensation to producers in certain circumstances; delete provisions relative to refund calculations and to set forth rating standards for health issuers; establish standards for plans filing access plans; establish standards for the sale of individual health insurance outside of an exchange; establish standards for the sale of employer based health insurance; repeal rules relative to small employer health insurance; set standards for coverage of preventive services; set standards for qualified health plans; and set standards for essential health benefits; 39 SDR 153.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, April 2, 2013. The committee chair has set the following tentative meeting schedule for the 2013 interim: June 4, July 9, August 20, September 17, November 12, and December 17.

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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