REGISTER

South Dakota Legislative Research Council

Volume 34 *Monday, 8:00 a.m., June 2, 2008*

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

Department of Corrections: Board of Pardons and Paroles: (May 29, 2008) intends to amend rules to clarify and modernize operational procedures and reflect current case law. The general authority for these rules, as cited by the department, is SDCL 24-13-7 and 24-15A-42.

A public hearing will be held in the South Dakota State Penitentiary, 3rd floor conference room, Sioux Falls, South Dakota, on July 2, 2008, at 2:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Board of Pardons and Paroles, P.O. Box 5911, Sioux Falls, SD 57117-5911. Written comments must be received by July 24, 2008, 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) 367-5040 at least 48 hours before the hearing.

Department of Revenue and Regulation: Division of Insurance: (May 30, 2008) intends to amend a Medicare Supplement Insurance rule to prohibit duplication of coverage when Medicare Advantage coverage is replacing Medicare supplement coverage or when being replaced by Medicare supplement coverage; and adopt Discretionary Clause rules to prohibit discretionary clauses in health insurance policies. The general authority for these rules, as cited by the division, is SDCL 58-2-39, 58-17-87, 58-17A-2, 58-18-79, and 58-29D-34.

A public hearing will be held in the Main Floor Conference Room, Anderson Building, Pierre, South Dakota, on July 1, 2008, at 10:00 a.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Revenue and Regulation, Division of Insurance, Administrative Rules, 445 E. Capitol Avenue, Pierre, South Dakota 57501-3185. Material sent by mail must reach the Division of Insurance by June 30, 2008, to be considered. The text of the proposed rules will be posted on the Department of Revenue and Regulation's website at http://www.state.sd.us/drr2/reg/insurance/Legal/hearing.htm. The rules may also be obtained as a Microsoft Word attachment by emailing Melissa.Kusser@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.

NOTICE:

The **Medicaid Pharmaceutical and Therapeutics Committee** will be meeting on Friday, June 20, 2008, at 1:00 p.m. in the Gallery 3 Room of the Ramada Inn Airport, Sioux Falls, South Dakota. A copy of the agenda is available at: http://www.hidsdmedicaid.com/. For additional information contact the Department of Social Services, Division of Medical Services at (605) 773-3495.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF LABOR: DIVISION OF LABOR AND MANAGEMENT:
47:03:04:02.01, 47:03:04:03, 47:03:04:09, 47:03:04:13, 47:03:04:13.01; 47:03:05:01, 47:03:05:02, and 47:03:05 Appendix A.

History-Notice: 34 SDR 234, March 17, 2008
Hearing: April 8, 2008
Filed: May 30, 2008
Effective: June 19, 2008

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

6-4-2008	Revenue and Regulation: Gaming Commission	Amend a Deadwood Gambling Rule to adopt a variation of blackjack known as Winners Option Blackjack; 34 SDR 291.
6-5-2008	Health: Board of Pharmacy	Amend and adopt rules to establish criteria to permit use of Board of Pharmacy registered technicians to operate a retail telepharmacy when connect to a licensed South Dakota central pharmacy using advanced technology, automation and design, and will establish criteria to permit a licensed South Dakota hospital pharmacy with 24-hour services to provide limited or part-time pharmacy services to small hospitals; 34 SDR 295.
6-5-2008	Game, Fish and Parks	Amend Application for License rules that would remove the 5 license limit after the third drawing for deer, antelope and turkey seasons for which a limited number of licenses are allocated per unit, and make the leftover licenses available on a first-come, first-served basis, and correct the reference in ARSD 41:06:01:09 to the rule subsection which establishes the fee which must be submitted with an application for a preference point from subdivision 41:06:02:03(48) to subdivision 41:06:02:03(49); amend Fall Wild Turkey Hunting Season rules to establish season dates, shooting hours, open units, requirements and restrictions; establish the number and types of licenses available which will include an increase of 500 resident and 40 nonresident one-tag "any turkey" licenses (14% increase of 540 tags over the number issued in 2007) in

		the Black Hills Unit, an increase of 244 resident one-tag and 400 resident two-tag "any turkey" licenses (8% increase of 644 tags over the number issued in 2007) in the Prairie Units, and an increase of 8 nonresident one-tag and a decrease of 16 two-tag "any turkey" licenses in the Prairie Units; combine Units 53A and 53B into one Unit 53A; combine Units 24A (Dewey County) and 64A (Ziebach County) into one Unit 24A; eliminate the split season for Units 44A and 44B (Lincoln County) and combine into one Unit 44A; and adjust the unit boundary for Units 49A and BH1; amend Black Hills Deer Hunting Season rules to establish season dates, shooting hours, open units, and requirements and restrictions; establish the number and types of resident and nonresident licenses available which will include offering residents 100 and nonresidents 8 fewer "any antlerless deer" licenses than were authorized in 2007, and offering residents 450 fewer and nonresidents 36 fewer "antlerless whitetail" licenses than were authorized in 2007; amend West River Deer Hunting Season rules to establish season dates, shooting hours, open units, requirements and restrictions; establish the number and types of resident and nonresident licenses/tags available, which will include adjusting license numbers in 24 units by decreasing resident one-tag licenses by 1,110 licenses and nonresident one-tag licenses by 90 licenses, and increasing resident two-tag licenses by 2,315 licenses (4,630 tags) and nonresident two-tag licenses by 184 licenses (368 tags); combine Units 53A and 53B into one Unit 53A (Perkins County); combine Units 20A and 20B into one Unit 20A (Corson County); and update the Unit 58D description to incorporate "People First Language"; amend Mountain Lion Hunting Season rules to establish season dates, open area, harvest limits, requirements and restrictions, and number of resident licenses available; change the season dates from November 1 to December 31, inclusive, to January 1 through March 31, inclusive; allow the GFP Commission by resolution to extend the mountain lion season beyond March

		31, and create a mountain lion license which allows landowners to hunt year round on their own land situated outside the Black Hills Fire Protection District; amend Furbearer Seasons (Beaver Trapping and Hunting Season) rules to establish season dates, areas open for trapping, requirements and restrictions, and remove the closed to beaver trapping status on the Spring Creek drainage in Pennington County and open that area to trapping from November 1, 2008, to April 1, 2009; amend Furbearer Seasons (Mink, Weasel and Muskrat Trapping Season) to establish season dates, areas open for trapping, requirements and restrictions, and revise the rule section pertaining to nonresident restrictions on trapping mink and weasel that will clarify that nonresidents may trap mink and weasel from December 6 through January 31, inclusive; amend Trapping Prohibitions rules to require trappers statewide to check any trap or snare set entirely beneath ice and which remains entirely beneath ice and remove any animal caught in the trap prior to 12:00 o'clock midnight of the fifth full calendar day following a previous check of the trap or following initial setting of the trap; 34 SDR 295.
6-13-2008	Health: Board of Dentistry	Amend rules to increase the number of hours that a licensed dentist, dental hygienist or advanced dental assistant may take via home study from 10 hours in a licensing cycle to 20 hours; 34 SDR 303.
6-23-2008	Health: Health Systems Development and Regulation	Amend Radiation Control rules to permit hand held intra-oral radiographic imaging devices and a reporting process for lost or damaged equipment; 34 SDR 303.
7-1-2008	Revenue and Regulation: Division of Insurance	Amend a Medicare Supplement Insurance rule to prohibit duplication of coverage when Medicare Advantage coverage is replacing Medicare supplement coverage or when being replaced by Medicare supplement coverage; and adopt Discretionary Clause rules to prohibit discretionary clauses in health insurance policies; 34 SDR 309.
7-2-2008	Corrections: Board of Pardons and Paroles	Amend rules to clarify and modernize operational procedures and reflect current case law; 34 SDR 309.

9-18-2008	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2006 through June 30, 2007. Changes include establishing a standardized permit for hazardous waste storage facilities; and a variety of corrections that encompass printing omissions, typographical errors, misspellings and erroneous or missing citations and references throughout the rules; 34 SDR 278.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, June 10, 2008, in LCR 1 and 2, Third Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2008 interim: August 19, September 23, December 2, and January 12, 2009.

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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