

REGISTER



South Dakota Legislative Research Council

Volume 37

Monday, 8:00 a.m., July 19, 2010

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

South Dakota Board of Regents: (July 13, 2010) intends to amend rules to allow students an opportunity to complete coursework in Career and Technical education, allow for an alternative calculation of the credit hour requirements for continuing eligibility in the South Dakota Opportunity Scholarship program, and allow for students pursuing alternative forms of instruction to establish initial eligibility in the program. The general authority for these rules, as cited by the board, is SDCL 13-55-36.

A public hearing will be held in the Club Buzz Room, Student Union, Black Hills State University, Spearfish, South Dakota, on August 12, 2010, at 2:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Regents, 306 East Capitol, Suite 200, Pierre, South Dakota 57501. Written comments must be received by August 9, 2010, 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) 773-3455 at least forty-eight hours before the hearing.

Department of Revenue and Regulation:
Division of Insurance: (July 13, 2010) intends to amend a Premium Tax rule to clarify the definition of "Annuity Considerations Returned"; amend Individual Plans rules to prohibit discrimination in individual health plan coverage based on genetic information; and amend Employer Plans rules to prohibit discrimination in group health plan coverage

based on genetic information. The general authority for these rules, as cited by the division, is SDCL 10-44-1.1, 58-17-87, 58-18-79, and 58-18-87.

A public hearing will be held in the Main Floor Conference Room, Anderson Building, Pierre, South Dakota, on August 10, 2010, 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 August 9, 2010, 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.Klemann@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: (July 16, 2010) intends to amend Motorboats and Watercraft (Boat License Fees and Licensing Period) rules to eliminate the 3 year licensing option for motorboat licenses effective January 1, 2011; amend Waterfowl Hunting Seasons rules to establish season dates, open areas, and establish daily bag and possession limits for duck, coot, and merganser, which would include increasing the daily bag limit for pintails from 1 to 2 contingent upon the pintail

harvest strategy at the Flyway level by the U.S. Fish and Wildlife Service, and establish season dates, open areas, and daily bag and possession limits for Canada geese, light geese, and white-fronted geese, which would include increasing the Canada goose daily bag limit from 3 to 4 and the possession limit from 6 to 8 contingent upon approval from the Central Flyway Council and U.S. Fish and Wildlife Service. The general authority for these rules, as cited by the department, is SDCL 32-3A-4, 32-3A-11, 41-2-18, and 41-11-5.

A public hearing will be held at the Ramada Convention Center, 2727 6th Avenue SE, Aberdeen, South Dakota, on August 5, 2010, 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 Avenue, 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 chuck.schlueter@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:

Linda Barker, Sioux Falls, was reappointed on July 9, 2010, to the **Housing Development Authority**, effective immediately and shall continue until June 30, 2015.

Chad Comes, Madison, was appointed on July 9, 2010, to the **Water Management**

Board, to replace Francis Brink, effective July 9, 2010, and shall continue until June 30, 2014.

Brent Dykstra, Ft. Pierre, was reappointed on July 9, 2010, to the **Housing Development Authority**, effective immediately and shall continue until June 30, 2015.

Bill Hansen, Centerville, was appointed on July 9, 2010, to the **Housing Development Authority**, to replace Bob Sutton, effective July 9, 2010, and shall continue until June 30, 2014.

Leo Holzbauer, Wagner, was reappointed on July 9, 2010, to the **Water Management Board**, effective immediately and shall continue until June 30, 2014.

Priscilla Romkema, Spearfish, was reappointed on July 9, 2010, to the **South Dakota Board of Hearing Aid Dispensers and Audiologists**, effective immediately and shall continue until June 30, 2013.

Susan Bentsen, Rapid City, was reappointed on July 15, 2010, to the **State Board of Funeral Service**, effective immediately and shall continue until June 30, 2013.

Rebecca Dykema, Mina, was reappointed on July 15, 2010, to the **Board of Massage Therapy**, effective immediately and shall continue until June 30, 2013.

Twyla Fritz, Black Hawk, was reappointed on July 15, 2010, to the **Board of Massage Therapy**, effective immediately and shall continue until June 30, 2013.

David Volk, Sioux Falls, was appointed on July 15, 2010, to the **State Board of Funeral Service**, to replace Jim Benham, effective July 12, 2010, and shall continue until June 30, 2013.

Linda Zeller, Pierre, was appointed on July 15, 2010, to the **Board of Massage Therapy**, to

replace Jeffrey Holcomb, effective July 12, 2010, and shall continue until June 30, 2012.

Executive Order:

The Governor has issued **Executive Order 2010-20** dated July 15, 2010. This order establishes the South Dakota Public Safety Communications Council (SDPSCC). The Council consists of 18 members who are representative of the users of the public safety communications network. The Council shall foster collaboration among the stakeholders at the local, state, and federal level. The Council will be administered by the Bureau of Information and Technology and will prepare an

annual report to the Governor. This order replaces Executive Order 2007-05 dated March 14, 2007.

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

7-22-2010	Labor: State Plumbing Commission	Amend rules to adopt the 2009 edition of the Uniform Plumbing Code; revise the format of the plumber examination; repeal plumbing contractors being exempt from examination based on the score of their journeyman plumber examination; and revise the fee structure for plumbing permits; 36 SDR 213.
7-22-2010	Transportation	Amend a speed zone in Lawrence County on U.S. Highway 85 beginning at the junction with U.S. Highway 14A near the north city limits of Deadwood; 37 SDR 1.
8-3-2010	Social Services: Medical Services	Amend rules to revise definitions; remove obsolete and duplicative references; update internal references; centralize prior authorization information; remove certain gastric procedures from the list of noncovered services; add liver transplants for qualifying adults to the list of covered organ transplants; revise time limits for submission of claims; clarify existing cost sharing exemptions and age requirements; and revise requirements related to federally qualified health centers and rural health clinics; 37 SDR 5.
8-5-2010	Game, Fish and Parks	Amend Motorboats and Watercraft (Boat License Fees and Licensing Period) rules to eliminate the 3 year licensing option for motorboat licenses effective January 1, 2011; amend Waterfowl Hunting Seasons rules to establish season dates, open areas, and establish daily bag and possession limits for

		duck, coot, and merganser, which would include increasing the daily bag limit for pintails from 1 to 2 contingent upon the pintail harvest strategy at the Flyway level by the U.S. Fish and Wildlife Service, and establish season dates, open areas, and daily bag and possession limits for Canada geese, light geese, and white-fronted geese, which would include increasing the Canada goose daily bag limit from 3 to 4 and the possession limit from 6 to 8 contingent upon approval from the Central Flyway Council and U.S. Fish and Wildlife Service; 37 SDR 9.
8-10-2010	Revenue and Regulation: Division of Insurance	Amend a Premium Tax rule to clarify the definition of "Annuity Considerations Returned"; amend Individual Plans rules to prohibit discrimination in individual health plan coverage based on genetic information; and amend Employer Plans rules to prohibit discrimination in group health plan coverage based on genetic information; 37 SDR 9.
8-12-2010	Board of Regents	Amend rules to allow students an opportunity to complete coursework in Career and Technical education, allow for an alternative calculation of the credit hour requirements for continuing eligibility in the South Dakota Opportunity Scholarship program, and allow for students pursuing alternative forms of instruction to establish initial eligibility in the program; 37 SDR 9.
8-25-2010	Military and Veteran Affairs	Amend a rule regarding furloughs for residents of the Michael J. Fitzmaurice South Dakota Veterans Home; 36 SDR 199.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, July 20, 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 – SDSM&T, 501 E. St. Joseph St., Room CB108; Sioux Falls – University Center, 2205 Career Ave., Room 282 S, and Yankton – DOT 1306 W. 31st St. The committee chair has set the following tentative meeting schedule for the 2010 interim: August 31, September 28, November 17, and 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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