

REGISTER



South Dakota Legislative Research Council

Volume 38

Monday, 8:00 a.m., November 21, 2011

NOTICES OF PROPOSED RULES: (None)

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF GAME, FISH AND

PARKS: 41:03:03:01, 41:03:03:07;
41:03:04:03, 41:03:04:12; 41:06:02:01.03,
41:06:02:03; 41:06:07:02, 41:06:07:08;
41:06:16:13; 41:06:18:06; 41:06:46:03;
41:06:61:02, 41:06:61:06; 41:09:13:11;
41:09:14:04; and 41:09:17:01.

History-Notice: 38 SDR 27, August 22, 2011
Hearing: October 6, 2011
Filed: November 15, 2011
Effective: December 5, 2011

**DEPARTMENT OF REVENUE:
COMMISSION ON GAMING:**

20:04:01:13.01, 20:04:01:15; 20:04:18:02.01;
20:04:19:02.01, 20:04:19:08; 20:04:20:65,
20:04:20:97; 20:04:22:14; 20:04:26:10;
20:04:27:02, 20:04:27:12, 20:04:27:13,
20:04:27:13.09, 20:04:27:15, 20:04:27:16;
20:04:29:13, 20:04:29:14; 20:04:11:10,
20:04:11:11, 20:04:11:14 to 20:04:11:18,
inclusive, 20:04:11:19.01 to 20:04:11:19.03,
inclusive, 20:04:11:21 to 20:04:11:26, inclusive,
20:04:11:28 to 20:04:11:31, inclusive,
20:04:11:33, 20:04:11:35 to 20:04:11:38,
inclusive, 20:04:11:43, 20:04:11:44.02 to
20:04:11:46, inclusive, 20:04:11:49 to
20:04:11:52, inclusive, 20:04:11:57 to
20:04:11:69, inclusive, 20:04:11:71 to
20:04:11:85, inclusive, 20:04:11:87 to
20:04:11:99, inclusive; 20:04:12:01 to
20:04:12:09, inclusive, 20:04:12:11,
20:04:12:12, 20:04:12:15 to 20:04:12:20,
inclusive, 20:04:12:21.02, 20:04:12:22.01,

20:04:12:22.03 to 20:04:12:37, inclusive,
20:04:12:39, 20:04:12:40, 20:04:12:42,
20:04:12:44 to 20:04:12:51, inclusive,
20:04:12:54 to 20:04:12:56, inclusive,
20:04:12:60 to 20:04:12:64, inclusive,
20:04:12:67 to 20:04:12:98, inclusive;
20:04:13:03, 20:04:13:04, 20:04:13:06 to
20:04:13:11, inclusive, 20:04:13:13 to
20:04:13:20, inclusive, 20:04:13:25,
20:04:13:29, 20:04:13:30, 20:04:13:32 to
20:04:13:34, inclusive, 20:04:13:36 to
20:04:13:38, inclusive, 20:04:13:40.01,
20:04:13:42.01, 20:04:13:43, 20:04:13:44,
20:04:13:46 to 20:04:13:70, inclusive,
20:04:13:72 to 20:04:13:89, inclusive,
20:04:13:91 to 20:04:13:100, inclusive;
20:04:14:01.01, 20:04:14:01.03 to
20:04:14:01.05, inclusive, 20:04:14:01.07,
20:04:14:01.08 to 20:04:14:01.10, inclusive,
20:04:14:01.12, 20:04:14:02 to 20:04:14:07,
inclusive, 20:04:14:09 to 20:04:14:27.04,
inclusive, 20:04:14:29 to 20:04:14:33.01,
inclusive, 20:04:14:35.05 to 20:04:14:35.09,
inclusive, 20:04:14:37 to 20:04:14:45, inclusive,
20:04:14:47 to 20:04:14:51, inclusive,
20:04:14:53 to 20:04:14:84, inclusive,
20:04:14:86 to 20:04:14:90, inclusive,
20:04:14:93, 20:04:14:94, 20:04:14:96 to
20:04:14:98.01, inclusive, 20:04:14:98.03,
20:04:14:99; 20:04:15:01 to 20:04:15:08,
inclusive, 20:04:15:10, 20:04:15:15,
20:04:15:17 to 20:04:15:24, inclusive,
20:04:15:26 to 20:04:15:34, inclusive,
20:04:15:36 to 20:04:15:48, inclusive,
20:04:15:50 to 20:04:15:54, inclusive,
20:04:15:56.01 to 20:04:15:83, inclusive,
20:04:15:89, 20:04:15:91, 20:04:15:92,
20:04:15:94 to 20:04:15:194, inclusive;
20:18:16:15.02 and 20:18:16:15.10.

History-Notice: 38 SDR 27, August 22, 2011
 Hearing: September 14, 2011
 Filed: November 15, 2011
 Effective: December 5, 2011

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: 74:08:01:01, 74:08:01:02, 74:08:01:06, and 74:08:01:07.

History-Notice: 38 SDR 39, Sept. 6, 2011
 Hearing: October 12, 2011
 Filed: November 17, 2011
 Effective: December 7, 2011

DEPARTMENT OF LABOR AND REGULATION: DIVISION OF INSURANCE: 20:06:28:09 and 20:06:53:66.

History-Notice: 38 SDR 57, October 3, 2011
 Hearing: October 20, 2011
 Filed: November 17, 2011
 Effective: December 7, 2011

GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT: 68:03:01:01 to 68:03:01:16, inclusive.

History-Notice: 38 SDR 39, Sept. 6, 2011
 Hearing: October 13, 2011
 Filed: November 17, 2011
 Effective: December 7, 2011

Executive Appointments:

Jerry D. Cope, Rapid City, was appointed on November 17, 2011, to the **South Dakota Railroad Authority**, to replace Daniel Cotton, effective immediately and shall continue until January 19, 2015.

Diane H. Dady, Mobridge, was appointed on November 17, 2011, to the **State Board of Pharmacy**, to replace Marla Hayes, effective November 14, 2011, and shall continue until October 1, 2014.

Michelle L. Baack, Sioux Falls, was appointed on November 18, 2011, to the **South Dakota Medicaid Pharmaceutical & Therapeutics Committee**, to replace Verdayne Brandenburg, effective November 14, 2011.

Mikel D. Holland, Pierre, was appointed on November 18, 2011, to the **South Dakota Medicaid Pharmaceutical & Therapeutics Committee**, to replace Willis Sutliff, effective November 14, 2011.

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

| | | |
|------------|---|--|
| 11-28-2011 | Health: Health Systems Development and Regulation | Modify, clarify, and update rules pertaining to licensed assisted living centers; 38 SDR 87. |
| 11-28-2011 | Labor & Regulation: Division of Insurance | Amend a rule to require adjustments in Medicare supplement coverage dates when a person is enrolling or disenrolling in a Medicare Cost plan; 38 SDR 95. |
| 11-28-2011 | Revenue: Division of Property and Special Taxes | Amend rules to update manuals to current version and ensure that the language of the rules is consistent; 38 SDR 87. |

| | | |
|------------|---|--|
| 11-29-2011 | Secretary of State: Board of Elections | Amend rules to create a form for the adult children of overseas residents to register to vote in the state of South Dakota; update and clarify electronic pollbook security; and change the way in which some election related forms are prescribed; 38 SDR 88. |
| 11-29-2011 | Social Services: Division of Adult Services and Aging | Amend rules to repeal obsolete rules, update definitions, update and clarify eligibility requirements and covered services related to the home and community-based services waiver, update references, remove obsolete and unnecessary provisions, and remove obsolete and unnecessary references; 38 SDR 95. |
| 11-30-2011 | Revenue: Commission on Gaming | Amend Gaming rules to define tournament prize pools; clarify which tournaments require prior approval of the executive secretary; allow for the play of a variation of blackjack known as Dealer Bust 21; allow for the play of a variation of poker known as Pai Gow poker; and allow for the configuration of slot machines from a secure server; 38 SDR 78. |
| 12-1-2011 | Agriculture: Division of Ag Development | Amend South Dakota Certified Beef Program rules by changing the definition of verifiable address, updating beef quality assurance (BQA) references, and changing enrollment criteria; 38 SDR 78. |
| 12-1-2011 | Game, Fish and Parks | Amend a Spring Wild Turkey Hunting Season rule to establish the number of licenses/tags available for the Prairie Units and amend a Waterfowl Hunting Season rule to change the daily bag limit for the Spring Light Goose Conservation Order from 20 light geese to unlimited; 38 SDR 96. |
| 12-1-2011 | Secretary of State | Adopt rules to establish fees for lobbyists that were previously in statute and to provide for a fee for replacing a lost lobbyist badge; 38 SDR 95. |
| 12-9-2011 | Health: Board of Pharmacy | Amend rules regarding Registered Pharmacy Technicians to establish requirements for mandatory education, training, and certification of pharmacy technicians; 38 SDR 87. |

RULES REVIEW COMMITTEE MEETINGS

The last regular meeting of the Interim Rules Review Committee will be held Tuesday, December 20, 2011, in Room 414, Fourth Floor, of the State Capitol.

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>.