

# REGISTER

*South Dakota Legislative Research Council*



*Volume 37*

*Monday, 8:00 a.m., July 26, 2010*

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**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:***

***Business Tax and Motor Vehicles:*** (July 22, 2010) intends to amend Business Tax rules to comply with the Streamlined Sales Tax Agreement; correct language; and clarify that a daily pass or membership fee to a fitness club is not subject to the municipal gross receipts tax or tourism tax; and adopt a Motor Vehicles rule to make the boat licensing process consistent with other vehicles and trailers. The general authority for these rules, as cited by the department, is SDCL 10-45-47.1, 10-45-108, 10-45D-13, 10-46-35.1, 10-52A-7, and 32-3A-5.

A public hearing will be held in the Anderson Building, Lower Level Conference Room, 445 E. Capitol Avenue, Pierre, South Dakota, on August 13, 2010, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Revenue and Regulation, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185, or by emailing [John.Richter@state.sd.us](mailto:John.Richter@state.sd.us). Copies of the rules are also available at the department's website: <http://www.state.sd.us/drr2/BTDMVRules2010.pdf>. Material sent by mail must reach the department by August 23, 2010, to be considered. 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) 773-4701 at least 48 hours before the hearing.

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

**Correction:**

**DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF INSURANCE:** 20:06:13:13, 20:06:13:16, 20:06:13:17.06, 20:06:13:17.14, 20:06:13:17.15, 20:06:13:21, 20:06:13:28, 20:06:13:32, 20:06:13:36, 20:06:13:37, 20:06:13:39, 20:06:13:42, 20:06:13:48, 20:06:13:52, 20:06:13:54, 20:06:13:56, 20:06:13:58, 20:06:13:60, 20:06:13:61, 20:06:13:62, 20:06:13:81, Appendix D, Appendix E; and 20:06:18:12.

History-Notice: 36 SDR 175, May 3, 2010  
Hearing: May 17, 2010  
Filed: ~~June 10, 2010~~ June 11, 2010  
Effective: ~~June 30, 2010~~ July 1, 2010

**DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF INSURANCE:** 20:06:08:47 and 20:06:08:48.

History-Notice: 36 SDR 203, June 7, 2010  
Hearing: June 29, 2010  
Filed: July 20, 2010  
Effective: August 9, 2010

**Executive Appointments:**

**Kristin L. Possehl**, Brookings, was appointed on July 19, 2010, to the **South Dakota Board of Nursing**, to replace Robin York, effective July 19, 2010, and shall continue until June 30, 2013.

**James C. Spies**, Watertown, was appointed on July 19, 2010, to the **Game, Fish and Parks Commission**, to replace Tim Kessler, effective July 15, 2010, and shall continue until January 10, 2013.

**Glenn Barber**, Rapid City, was reappointed on July 20, 2010, to the **Workers' Compensation Advisory Council**, effective immediately and shall continue until June 30, 2013.

**Carol Hinderaker**, Watertown, was reappointed on July 20, 2010, to the **Workers' Compensation Advisory Council**, effective immediately and shall continue until June 30, 2013.

**Randy Stainbrook**, Rapid City, was reappointed on July 20, 2010, to the **Workers' Compensation Advisory Council**, effective immediately and shall continue until June 30, 2013.

### Executive Order:

The Governor has signed **Executive Order 2010-21** dated July 19, 2010. This order declares a disaster to exist in Dewey, Perkins, and Ziebach counties and on the Cheyenne River Sioux Tribe Reservation due to a pattern of tornados, severe storms, and flooding from June 16, 2010, through June 24, 2010, which caused damage to public and individual infrastructure.

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

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.
8-13-2010	Revenue and Regulation: Sales Tax and Motor Vehicles	Amend Business Tax rules to comply with the Streamlined Sales Tax Agreement; correct language; and clarify that a daily pass or membership fee to a fitness club is not subject to the municipal gross receipts tax or tourism tax; and adopt a Motor Vehicles rule to make the boat licensing process consistent with other vehicles and trailers; 37 SDR 13.
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, August 31, 2010, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2010 interim: 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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