

REGISTER

South Dakota Legislative Research Council



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A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

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:

Division of Insurance: (March 23, 2004) has filed rules to clarify who is entitled to special enrollment provisions under HIPAA and to incorporate the updated mortality tables for ordinary life insurance. The general authority for these rules, as cited by the department, is SDCL 58-18-79 and 58-26-57.

A public hearing will be held in the first floor conference room of the Anderson Building, 445 East Capitol Avenue, Pierre, South Dakota, on April 20, 2004, 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 Services, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185, or by emailing Ellen.Blauert@state.sd.us. Copies of the rules are also available at the department's website: www.state.sd.us/drr. Material sent by mail must reach the department by April 19, 2004, 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.

Secretary of State: (March 24, 2004) intends to repeal standard form rules implemented prior to Revised Article 9 of the Uniform Commercial Code; repeal rules related to fees for copies of microfiche; repeal rules related to mainframe computer access to the central filing system; outline county requirements for the central recording of real property liens through Dakota

Fast File; update the notary public forms to reflect the increased commission fee required by statute and update the address to which the form should be delivered; add a new form for notary public notification of change of seal and request to correct record; add transactions codes for county auditor and bypass to the file format for the county voter registration system; add a new recognized political party to the voter registration system; amend the length of the Social Security Number/Drivers License Number field in the voter registration system and mark it as a required field; create a new field name in the voter registration system requiring the State of drivers license issuance; amend the standardized file transmitted between the counties and the state voter registration system to reflect updates made to the file format fields and access provisions agreed to on the form for voter registration list requests. The general authority for these rules, as cited by the office, is SDCL 12-4-39, 18-1-1, and 57A-9-501.2.

A public hearing will be held in the Governor's Large Conference Room, 2nd floor, State Capitol, Pierre, South Dakota, on April 20, 2004, at 8:30 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of State, 500 East Capitol, Pierre, South Dakota 57501 or the proposed rules may be obtained at <http://sdsos.gov/rulenotice.htm>. Written comments must be received on or before April 30, 2004, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3537 at least 48 hours before the hearing.

Department of Health: (March 26, 2004) has filed rules that will clarify certain definitions, update eligibility requirements, and delete redundant and outdated language regarding the Children's Special Health Services. The general authority for these rules, as cited by the department, is SDCL 34-1-21.

A public hearing will be held in the small conference room, Health Laboratory Building, 615 East Fourth Street, Pierre, South Dakota, on April 21, 2004, at 9:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Health, Attn: Colleen Kozel, 600 East Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rules may also be obtained at the Health Department website:

<http://www.state.sd.us/doh/News/index.htm>.

Material sent by mail must reach the department by May 1, 2004, 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) 773-3361 at least 48 hours before the hearing.

Department of Labor: Division of Labor and Management: (March 26, 2004) is proposing to update the workers' compensation fee schedule. The general authority for this rule, as cited by the division, is SDCL 62-7-8.

A public hearing will be held in Conference Room 1, Kneip Building, 700 Governors Drive, Pierre, South Dakota, on May 11, 2004, at 10:00 a.m., CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Labor, Division of Labor and Management, Kneip Building, 700 Governors Drive, Pierre, South Dakota 57501-2291. Material sent by mail must be received by May 21, 2004, to be considered. Persons who have special needs for which the division can make arrangements are asked to call (605) 773-6804 before the hearing.

Department of Agriculture: Division of Ag Development: (March 26, 2004) intends to amend rules to remove language that refers to the now defunct Mediation Board and to more clearly define the beginning of the 42-day mediation period. The general authority for these rules, as cited by the department, is SDCL 54-13-2.

A public hearing will be held at the Joe Foss Building, 523 East Capitol, Pierre, South Dakota on April 26, 2004, at 1:30 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Office of Mediation Services, Division of Ag Development, South Dakota Department of Agriculture, 523 East Capitol, Pierre, South Dakota 57501. Written comments must be received by April 27, 2004, to be considered. This hearing is being held in a physically accessible location. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-5436 at least 48 hours before the hearing.

NOTICE: The **South Dakota Lottery** is ending instant ticket game numbers 176 - Walleye Winfall and 177 - Lucky 7's. The last day that prizes will be paid for these games is September 13, 2004.

NOTICE: The **South Dakota Lottery** is ending instant ticket game numbers 18 - High Card and 182 - 15 Grand Years. The last day that prizes will be paid for these games is September 20, 2004.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF LABOR: 47:06:01:02; 47:06:04:21.03; and 47:06:05:02.

History-Notice: 30 SDR 121, February 2, 2004
Hearing: March 3, 2004
Filed: March 25, 2004
Effective: April 14, 2004

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 Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

4-1-2004	Game, Fish and Parks	Amend rules regarding the following hunting seasons: Custer State Park Deer, Custer State Park Bighorn Sheep, Special Custer State Park Antlerless Elk, Archery Antelope, Archery Deer, Archery Elk, Black Hills Elk, Prairie Elk, General Muzzleloading Deer, Black Hills Bighorn Sheep, Pheasant, Grouse, Sage Grouse, Gray Partridge, Quail, and Mourning Dove; amend dog training restrictions on Fort Pierre National Grasslands; increase the daily admission fee for the Fort Sisseton Festival; add camping permit fees at Amsden Dam, increase the cost of the daily camping fee at Fort Sisseton during the Festival, and amend and establish daily equestrian camping permit fees at Bear Butte, Lewis and Clark, Newton Hills, Oakwood Lakes, Pease Creek, Pelican Lake, and Union Grove; 30 SDR 143.
4-15-2004	Environment and Natural Resources: Board of Minerals and Environment	Adopt rules regarding risk compensation in compulsory pooling and unitization orders; 30 SDR 135.
4-20-2004	Revenue and Regulation: Division of Insurance	Clarify who is entitled to special enrollment provisions under HIPAA and to incorporate the updated mortality tables for ordinary life insurance; 30 SDR 151.
4-20-2004	Secretary of State	Repeal standard form rules regarding the Uniform Commercial Code and the central filing system; outline county requirements for the central recording of real property liens through Dakota Fast File; update the notary public forms; and amend the voter registration system; 30 SDR 151.
4-21-2004	Health	Amend rules regarding the Children's Special Health Services; 30 SDR 152.
4-26-2004	Agriculture: Division of Ag Development	Amend rules regarding the farm mediation program; 30 SDR 152.
5-11-2004	Labor: Division of Labor and Management	Updated the Workers' Compensation fee schedule; 30 SDR 152.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, April 20, 2004, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2004 interim: May 18, June 3, August 3, and October 15.

Note: An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the LRC web site.

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