

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: (July 1, 2003) intends to adopt, amend, and repeal rules regarding the following: update the dates of sources referenced in the rules; change a cross-reference for group policies and to delete a duplicate requirement on applications; repeal current grievance procedures and to clarify the scope of certain requirements contained in HB 1047; define the term contract of more than six-month duration; and amend rules that will require disability plans to follow new standards for utilization review and grievances. The general authority for these rules, as cited by the department, are SDCL 58-4-1, 58-4-48, 58-6-75, 58-14-17, 58-17-84, 58-17A-2, 58-17B-4, 58-17B-8, 58-17C-57, 58-17C-63, 58-17C-103, 58-26-13.1, 58-26-46, 58-26-47, 58-26-52, 58-27-7, 58-27-108, and 58-33-5.1.

A public hearing will be held at 10:00 a.m. on July 24, 2003, in Room 412 of the State Capitol located at 500 East Capitol Avenue, Pierre, South Dakota. Copies of the proposed rules may be obtained without charge from the department's website, www.state.sd.us/drr, by emailing Beth.Christie@state.sd.us, or by contacting the Department of Revenue & Regulation, Legal Division/Rules, 445 East Capitol Avenue, Pierre, SD 57501-3100. Written comments may be sent to the department at the address listed above and must be received on or before August 1, 2003, 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.

Department of Revenue and Regulation:

Business Tax: (July 1, 2003) intends to amend rules to define the term, "commencement of the project" for sale tax purposes; clarify what classes are exempt from tax; define the terms "prescription" and "medical device;" and to ensure that credit is not given for tax paid to another state if that tax was subsequently refunded to the taxpayer. The general authority for these rules, as cited by the department, are SDCL 10-45-47.1, 10-45B-12, 10-46-35.1, 10-46C-8, and 49-34A-92.

A public hearing will be held at 9:00 a.m. on August 6, 2003, in Room 412 of the State Capitol located at 500 East Capitol Avenue, Pierre, South Dakota. Copies of the proposed rules may be obtained without charge from the department's website, www.state.sd.us/drr, by emailing Beth.Christie@state.sd.us, or by contacting the Department of Revenue & Regulation, Legal Division/Rules, 445 East Capitol Avenue, Pierre, SD 57501-3100. Written comments may be sent to the department at the address listed above and must be received on or before August 16, 2003, 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.

Department of Transportation: (July 1, 2003) intends to amend rules regarding a speed zone in Charles Mix County on SD Highway 44 through Platte; repeal a speed zone in Marshall County on SD Highway 10 beginning west of Lake City

and continuing east to the Roberts County line; repeal a speed zone in Roberts County on SD Highway 10 beginning at the Marshall County line and continuing east to the junction with Roberts County Road 22; and amend a rule to include baled solid waste as eligible for an extended period permit for movement of oversize or overweight vehicles. The general authority for these rules, as cited by the department, is SDCL 32-22-41, 32-22-42, and 32-25-7.

A public hearing will be held at 9:05 a.m. (CT) on July 24, 2003, in the Commission Room, Becker-Hansen Building, Pierre, South Dakota. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of Transportation, Room 202, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Written comments must be received on or before July 23, 2003, 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) 773-3265 at least 48 hours before the hearing.

Bureau of Administration: (July 3, 2003) intends to adopt rules to increase the maximum fees for publication of legal notices by 1.5 percent. The general authority for these rules, as cited by the bureau, is SDCL 17-2-19.

A public hearing will be held at the Office of Hearing Examiners, 210 East Fourth Street, Conference Room 1, in Pierre, South Dakota, on August 4, 2003, at 1:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to the Bureau of Administration, State Capitol Building, 320 N. Nicollet Avenue, Pierre, South Dakota 57501. Written comments must be received by August 14, 2003, 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) 773-3688 at least 48 hours before the

hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules: (None)

Attorney General Appointments:

The following were appointed Special Assistant Attorney General:

Cris Palmer, June 26, 2003

Erin Snyders, June 26, 2003

The Special Assistant Attorney General appointment of **John Storsteen**, for the Retirement System, is revoked as of July 1, 2003.

Executive Appointments:

John Miller, Brookings, was appointed on July 1, 2003, to the **State Historical Society Board of Trustees**, to replace Patrick Wyss, effective immediately and shall continue until April 15, 2006.

David Olson, Mitchell, was appointed on July 1, 2003, to the **South Dakota Board of Accountancy**, to replace Don Des Jarlais, effective immediately and shall continue until July 1, 2006.

Meghan Juhnke, Brookings, was appointed on July 3, 2003, to the **State Fair Commission**, effective immediately and shall continue at the pleasure of the Governor.

Karen L. Tufty, Flandreau, was reappointed on July 3, 2003, to the **State Arts Council**, effective immediately and shall continue until July 1, 2006.

Phyllis Rink, Huron, was reappointed on July 3, 2003, to the **Commission on Human Rights**, effective immediately and shall continue until June 30, 2007.

Wilbert Blumhardt, Bowdle, was reappointed on July 3, 2003, to the **Board of Minerals and Environment**, effective immediately and shall continue until July 1, 2007.

Larry Nelson, Rapid City, was reappointed on July 3, 2003, to the **South Dakota Aeronautics Commission**, effective immediately and shall continue until July 1, 2008.

Pat Healy, Sioux Falls, was reappointed on July 3, 2003, to the **Board of Minerals and Environment**, effective immediately and shall continue until July 1, 2007.

Linda Hilde, Madison, was reappointed on July 3, 2003, to the **Board of Minerals and Environment**, effective immediately and shall continue until July 1, 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 Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

7-10-2003	Game, Fish and Parks	Amend antelope, East River deer, and early fall Canada goose hunting seasons; amend the application process for private shooting preserves; establish waterfowl refuges on Lake Oahe at Dry Creek, Okobojo Creek, and at the Whitlock Bay area; modify traps and snares requirements; adopt rules regarding taxidermists; 29 SDR 175.
7-10-2003	Social Services	Amend rules relating to the Medical Services' program; 29 SDR 181.
7-10-2003	Social Services	Adopt a rule relating to the Food Stamp Program that will consider some additional income as exempt; 29 SDR 181.
7-15-2003	Tourism and State Development: Board of Economic Development	Adopt rules to implement the Value Added Tourism Sub Fund; 29 SDR 181.
7-17-2003	Environment and Natural Resources: Board of Minerals and Environment	Update existing hazardous waste rules by incorporating the federal rules by reference; 29 SDR 163.
7-23-2003	Labor: Plumbing Commission	Adopt and amend rules regarding the plumbing installation certificate; 29 SDR 187.
7-24-2003	Revenue and Regulation: Division of Insurance	Adopt, amend, and repeal rules regarding reference updates; eliminate duplication and to change a cross-reference for group policies; repeal current grievance procedures and clarify the scope of certain requirements contained in HB 1047; clarify the term contract of more than six-month duration; amend rules regarding disability plans; 30 SDR 1.
7-24-2003	Transportation	Amend speed zones in Charles Mix, Marshall, and Roberts Counties and amend the extended period permit for movement of oversize or

		overweight vehicles to include baled solid waste; 30 SDR 1.
8-4-2003	Administration	Increase fees for publication of legal notices; 30 SDR 2.
8-6-2003	Revenue and Regulation: Business Tax	Amend rules to define the terms "commencement of the project", "prescription," and "medical device" to the uniform language of the Streamlined Sales Tax Agreement; amend what classes are exempt from tax; and clarify rules concerning the credit when tax is paid to another state if that tax was subsequently refunded to the taxpayer; 30 SDR 1.
8-11-2003	Agriculture: State Brand Board	Increase the ownership inspection fee by ten cent; 29 SDR 187.
8-21-2003	Attorney General: Law Enforcement Officers Standards and Training Commission	Adopt a rule concerning compensation for a reserve officer; 29 SDR 175.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 5, 2003, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2003 interim: September 8, October 6, and November 19.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules.

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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