

# REGISTER

*South Dakota Legislative Research Council*



*Volume 33*

*Tuesday, 8:00 a.m., October 10, 2006*

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

***Public Utilities Commission:*** (October 3, 2006) intends to amend rules to allow for the electronic filing and serving of documents and to otherwise clarify how documents are to be filed. If a person does not have the ability to file electronically, that person may still file a paper copy. A number of the rule changes explain how to file electronically, how the commission will serve documents, outline the exceptions for filing electronically, and delete references to require paper copies. The rules will provide that the circuit court rules of civil procedure will apply unless otherwise stated. The changes to the rules will also differentiate between complaints filed by consumers and complaints filed by one utility against another utility; make it easier for a consumer to file a complaint when compared to a complaint filed by a utility; revise the requirements for stipulations by deleting the requirement that all parties must sign a stipulation; clarify that rules apply to all contested cases, not just complaints; clarify the filing of interventions and answers to interventions; revise the procedures for filing amended pleadings; clarify the filing of exhibits or technical documents during a hearing; require a party to file proposed findings of fact only if requested by the Commission; revise the filing of declaratory rulings and the timeline for Commission action; and revise the treatment and filing of confidential information. The general authority for these rules, as cited by the commission, is SDCL 49-1-11, 49-34A-4, and 49-34A-6.

A public hearing will be held in Room 412,

4<sup>th</sup> Floor, State Capitol, 500 East Capitol, Pierre, South Dakota, on November 7, 2006, at 1:30 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, SD 57501-5070. Copies are also available at the commission's home page at <http://www.state.sd.us/puc>. Material sent by mail must be received by the Public Utilities Commission by November 17, 2006, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-3201 at least 48 hours before the hearing.

***Department of Health:*** (October 3, 2006) intends to adopt and amend rules to clarify definitions, terms, and statements regarding 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 at the Health Laboratory Building large conference room, 615 East 4<sup>th</sup> Street, Pierre, South Dakota, on October 30, 2006, at 10:00 a.m. to consider the adoption and amendment of proposed rules. 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 November 9, 2006, 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 Agriculture: State Conservation Commission:*** (October 4, 2006) has filed rules to update the criteria for administration, terms, and conditions for disbursement of funds and for the selection of projects to receive funds through the Coordinated Natural Resource Conservation Program. The general authority for these rules, as cited by the department, is SDCL 38-7-8 and 38-7-27.

A public hearing will be held in Mathew Training Center, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on November 9, 2006, at 1:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to South Dakota Department of Agriculture, Division of Resource Conservation & Forestry, 523 E. Capitol Avenue, Pierre, South Dakota 57501-3182. Material sent by mail must reach the department by November 3, 2006, 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) 773-3623 at least 48 hours before the public hearing.

***Department of Revenue and Regulation: Banking Commission:*** (October 4, 2006) has filed a rule to reduce the examination fee schedule for state-chartered banks for the December 2006 semiannual examination fee. The general authority for this rule, as cited by the commission, is SDCL 51A-2-13 and 51A-2-36.

A public hearing will be held at the Division of Banking Office, 217 ½ West Missouri Drive, Pierre, South Dakota, on October 26, 2006, at 10:00 a.m. Copies of the proposed rule 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 Beth.Christie@state.sd.us. Copies of the rule are also available at the department's Web site: [www.state.sd.us/drr](http://www.state.sd.us/drr). Material sent by mail must reach the department by October 25, 2006, 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 STATES OFFICE:**

##### **DEPARTMENT OF HEALTH: BOARD OF CHIROPRACTIC EXAMINERS:**

20:41:05:06; 20:41:08:01; 20:41:09:01; 20:41:10:02, 20:41:10:02.01, 20:41:10:05.03, 20:41:10:05.04, 20:41:10:10; 20:41:11:04; and 20:41:14:06.

History-Notice: 33 SDR 35, August 28, 2006  
Hearing: September 8, 2006  
Filed: October 2, 2006  
Effective: October 23, 2006

##### **SECRETARY OF STATE: BOARD OF FINANCE: 5:01:02:14 and 5:01:02:10.01.**

History-Notice: 33 SDR 41, Sept. 5, 2006  
Hearing: September 19, 2006  
Filed: October 3, 2006  
Effective: October 23, 2006

##### **DEPARTMENT OF LABOR: DIVISION OF LABOR AND MANAGEMENT: 47:03:05**

Appendix A.

History-Notice: 33 SDR 19, July 31, 2006  
Hearing: August 18, 2006  
Filed: October 4, 2006  
Effective: October 24, 2006

**DEPARTMENT OF REVENUE AND  
REGULATION: PROPERTY AND  
SPECIAL TAXES: 64:02:01:13;  
64:03:01:02.01; and 64:04:01:20.**

History-Notice: 33 SDR 30, August 21, 2006  
Hearing: September 8, 2006  
Filed: October 4, 2006  
Effective: October 24, 2006

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**

10-26-2006	Revenue and Regulation: Banking Commission	Amend a rule to reduce the examination fee schedule for state-chartered banks for the December 2006 semiannual examination fee; 33 SDR 66.
10-30-2006	Health	Adopt and amend rules to clarify definitions, terms, and statements regarding children's special health services; 33 SDR 65.
11-7-2006	Public Utilities Commission	Amend rules to allow for the electronic filing and serving of documents and to otherwise clarify how documents are to be filed. If a person does not have the ability to file electronically, that person may still file a paper copy. A number of the rule changes explain how to file electronically, how the commission will serve documents, outline the exceptions for filing electronically, and delete references to require paper copies. The rules will provide that the circuit court rules of civil procedure will apply unless otherwise stated. The changes to the rules will also differentiate between complaints filed by consumers and complaints filed by one utility against another utility; make it easier for a consumer to file a complaint when compared to a complaint filed by a utility; revise the requirements for stipulations by deleting the requirement that all parties must sign a stipulation; clarify that rules apply to all contested cases, not just complaints; clarify the filing of interventions and answers to interventions; revise the procedures for filing amended pleadings; clarify the filing of exhibits or technical documents during a hearing; require a party to file proposed findings of fact only if requested by the Commission; revise the filing of declaratory rulings and the timeline for

		Commission action; and revise the treatment and filing of confidential information; 33 SDR 65.
11-9-2006	Agriculture: State Conservation Commission	Amend rules to update the criteria for administration, terms, and conditions for disbursement of funds and for the selection of projects to receive funds through the Coordinated Natural Resource Conservation Program; 33 SDR 66.

### **RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held Tuesday, December 5, 2006, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2006 interim: January 8, 2007.

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