

# REGISTER



*South Dakota Legislative Research Council*

*Volume 30*

*Tuesday, 8:00 a.m., October 14, 2003*

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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:*** (October 6, 2003) has filed rules that will change filing requirements to allow retaliatory fees to be billed to insurers on a periodic basis; repeal redundant rules on policy delivery; treat annuities and life insurance replacement form requirements in the same manner; and to allow life insurance exclusions for travel to certain specifically identified countries for sophisticated buyers or those purchasing very large life insurance policies. The general authority for these rules, as cited by the department, is SDCL 58-4-1, 58-11-63, 58-15-45, and 58-17B-4.

A public hearing will be held in the first floor conference room of the Anderson Building, 445 East Capitol Avenue, Pierre, South Dakota, on October 28, 2003, at 3:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Revenue and Regulation, Legal Division/Rules, 445 East Capitol Avenue, Pierre, South Dakota 57501, or by emailing [Ellen.Blauert@state.sd.us](mailto:Ellen.Blauert@state.sd.us). Copies of the rules are also available at the department's website: [www.state.sd.us/drr](http://www.state.sd.us/drr). Material sent by mail must reach the department by October 27, 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 forty-eight hours before the hearing.

***Department of Labor: South Dakota Board of Accountancy:*** (October 6, 2003) has filed rules that will carry out the functions of the new computerized "uniform CPA examination" which is to be implemented April 5, 2004, and adopt new continuing professional education standards, following approval by the Legislature for implementation January 1, 2004. The general authority for these rules, as cited by the department, is SDCL 36-20B-12, 36-20B-13, 36-20B-15, 36-20B-16, 36-20B-18, and 36-20B-19.

A public hearing was held in the Conference Room of the Department of Legislative Audit, 427 S. Chapelle Street, Pierre, South Dakota, on October 10, 2003, at 9:00 a.m. Copies of the proposed rules may be obtained without charge from the South Dakota Board of Accountancy, 301 E. 14<sup>th</sup> Street, #200, Sioux Falls, South Dakota 57104 or by calling (605) 367-5770.

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

### **Administrative Rules:**

### **DEPARTMENT OF AGRICULTURE: STATE BRAND BOARD: 12:10:02:05.**

History-Notice: 29 SDR 187, June 30, 2003  
Hearing: August 11, 2003  
Filed: October 9, 2003  
Effective: October 29, 2003

**DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF INSURANCE: 20:06:48:01 thru 20:06:48:17, inclusive.**

History-Notice: 30 SDR 33, Sept. 2, 2003  
 Hearing: September 18, 2003  
 Filed: October 8, 2003  
 Effective: October 28, 2003

History-Notice: 30 SDR 25, August 18, 2003  
 Hearing: September 5, 2003  
 Filed: October 8, 2003  
 Effective: October 28, 2003

**DEPARTMENT OF REVENUE AND REGULATION: SOUTH DAKOTA LOTTERY COMMISSION:** 48:01:04:16.01; 48:02:04:01; 48:02:05:01; 48:02:06:09; 48:03:02:04, 48:03:02:05; 48:03:03:03; 48:03:06:05.

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**

|            |                                       |   |
|------------|---------------------------------------|---|
| 10-22-2003 | Transportation                        | Amend speed zones in Brookings, Kingsbury, Pennington, and Shannon Counties; 30 SDR 35.   |
| 10-22-2003 | Transportation                        | Amend a rule that will allow the three axle units to move 40,000 pounds and allow the same lenience for the short internal axle bridge providing the group is four axles; 30 SDR 47.  |
| 10-23-2003 | Health                                | Amend rules to conform to the current health and safety standards; permit appropriate independence of residents; define construction and operational requirements for hospitals using seclusion rooms; ensure food safety; and follow the less restrictive federal requirements for signing of physician's orders; 30 SDR 39.   |
| 10-24-2003 | Revenue and Regulation                | Repeal certain rules pertaining to transactions between cigarette wholesalers and retailers; amend rules to increase the minimum size of sample bottles; allow a wholesaler to deliver a product ordered during a post-down period for a short time after the post-down period; and allow a wholesaler to reset the premises of a retailer, with certain restrictions; 30 SDR 47. |
| 10-28-2003 | Health Department                     | Amend rules that will update the list of reportable communicable diseases in South Dakota and update the reporting mechanisms; 30 SDR 47  |
| 10-28-03   | Department of Revenue and Regulations | Amend rules to change filing requirements to allow retaliatory fees to be billed to insurers on a periodic basis; repeal redundant rules on policy delivery; treat annuities and life insurance replacement form requirements in  |

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|  |  | the same manner; and allow life insurance exclusions for travel to certain specifically identified countries for buyers purchasing very large life insurance policies; 30 SDR 51 |
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### *Rules Review Committee Meetings*

The next meeting of the Interim Rules Review Committee will be held Friday, November 14, 2003, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting for the remainder of the interim: January 12, 2004.

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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