

# REGISTER

*South Dakota Legislative Research Council*



*Volume 33*

*Monday, 8:00 a.m., October 16, 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.)

***Department of Health:*** (October 11, 2006) intends to amend rules to improve the timing and accuracy of infectious disease reporting, improve the quality of seasonal influenza disease surveillance, and enhance preparedness for an influenza pandemic. The general authority for these rules, as cited by the department, is SDCL 34-1-17, 34-22-9, 34-22-12, and 34-23-13.

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 November 6, 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 16, 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 Health:*** (October 11, 2006) has filed rules to establish standards for abortion facilities and for the health and safety of patients. The general authority for these rules, as cited by the department, is SDCL 34-23A-46,

34-23A-48, and 34-23A-51.

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 November 9, 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 19, 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 Revenue and Regulation:***

***Division of Insurance:*** (October 13, 2006) intends to adopt and amend rules to allow permissible exclusions that are appropriate for accidental death and dismemberment policies and to allow the use of updated mortality tables in life insurance reserving; and to ensure consumers are aware of the effect of purchasing a short term major medical policy. The general authority for these rules, as cited by the division, is SDCL 58-15-45, 58-26-83, 58-33A-2, 58-33A-5, 58-33A-8, and 58-33A-10.

A public hearing will be held in the Main Floor Conference Room, Anderson Building, Pierre, South Dakota, on November 9, 2006, at 10:00 a.m. Paper copies of the proposed rules may be

obtained without charge from and written comments sent to the Department of Revenue and Regulation, Division of Insurance, Administrative Rules, 445 E. Capitol Avenue, Pierre, South Dakota 57501-3185. The text of the proposed rules will be posted on the Division of Insurance's website at [www.state.sd.us/drr2/reg/insurance/legal/hearing.html](http://www.state.sd.us/drr2/reg/insurance/legal/hearing.html). The rules may also be obtained as a Microsoft Word attachment by emailing [Melissa.Kusser@state.sd.us](mailto:Melissa.Kusser@state.sd.us). Written comments must be received by November 6, 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) 773-3563 at least 48 hours before the hearing.

#### **FILINGS IN THE SECRETARY OF STATES OFFICE:**

**DEPARTMENT OF LABOR: BOARD OF TECHNICAL PROFESSIONS:** 20:38:12:00; 20:38:13:01, 20:38:13:02, 20:38:13:03, 20:38:13:06, 20:38:13:08; 20:38:14:01 to 20:38:14:05, inclusive; 20:38:15:01 to 20:38:15:04, inclusive; 20:38:16:01; 20:38:17:02, 20:38:17:04, 20:38:17:05, 20:38:17:10, 20:38:17:13; 20:38:18:01 to

20:38:18:04, inclusive; 20:38:19:03 to 20:38:19:06, inclusive, 20:38:19:08, 20:38:19:09; 20:38:20:01; 20:38:22:01, 20:38:22:03, 20:38:22:05, 20:38:22:06, 20:38:22:07.01, 20:38:22:08 to 20:38:22:14, inclusive; 20:38:23:03, 20:38:23:05, 20:38:23:06, 20:38:23:07, 20:38:23:10, 20:38:23:12; and 20:38:24:01

History-Notice: 32 SDR 173, April 10, 2006  
Hearing: May 12, 2006  
Filed: May 31, 2006  
Effective: June 20, 2006

#### **Executive Appointment:**

**Patricia Simmons**, Sioux Falls, was appointed on October 11, 2006, to the **South Dakota Board of Education**, effective October 6, 2006, and shall continue until December 31, 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 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.
11-6-2006	Health	Amend rules to improve the timing and accuracy of infectious disease reporting, improve the quality of seasonal influenza disease surveillance, and enhance preparedness for an influenza pandemic; 33 SDR 69.
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.
11-9-2006	Health	Adopt rules to establish standards for abortion facilities and the health and safety of patients; 33 SDR 69.
11-9-2006	Revenue and Regulation: Division of Insurance	Adopt and amend rules to allow permissible exclusions that are appropriate for accidental and dismemberment policies and to allow the use of updated mortality tables in life insurance reserving; and to ensure consumers are aware of the effect of purchasing a short term major medical policy; 33 SDR 69.

## **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.

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