

REGISTER

South Dakota Legislative Research Council



Volume 29

Monday, 8:00 a.m., December 2, 2002

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)

Secretary of State: Board of Elections: (November 25, 2002) intends to adopt rules that will change notices to reflect correct statutory requirements, improve instructions to voters on optical scan ballots, require candidates nominated to fill a vacancy to sign an oath, require independent running mates to indicate their party affiliation, specify certain testing procedures for automated tabulating systems and direct recording electronic voting systems, change the procedure for certifying changes in new voting systems, establish criteria for certifying direct recording electronic voting systems, establish criteria for certifying direct recording electronic voting systems, redefine the process for justifying the number of ballots and voters, change the language on absentee ballot envelopes and clarify what rules apply to recounts. The general authority for these rules, as cited by the department, is SDCL 6-16-8, 12-1-9, 12-7-1, 12-17B-17, and 12-21-6.1.

A public hearing will be held in LCR 1, State Capitol, Pierre, South Dakota, on December 19, 2002, at 8:15 a.m. Copies of the proposed rules may be obtained from the Election Department, Secretary of State, 500 East Capitol Avenue, Pierre, South Dakota 57501. Written comments may be sent to the Secretary of State, 500 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received on or before December 19, 2002. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3537 before the hearing.

Department of Education and Cultural Affairs: (November 27, 2002) intends to repeal rules for a program that is no longer administered by the department, repeal rules for a defunct federal program, clarify rules regarding criteria for the Robert Byrd Honors Scholarship program, modify selection criteria in accordance with federal rules, and add an additional date in which the submission of the student record form is due. The general authority for these rules, as cited by the department, are SDCL 13-13-37.4, 13-14-1, 33-6-7, and 33-6-8.

A public hearing will be held in Conference Room 1, First Floor, Richard F. Kneip Building, 700 Governors Drive, Pierre, South Dakota, on December 20, 2002, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Education and Cultural Affairs, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by December 30, 2002, to be considered. Copies of the rules are also available on the Department's web-site located at:

www.state.sd.us/deca/Secretary/adminrules/index.htm.

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) 773-5669 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF SOCIAL SERVICES:
67:46:01:02.

History-Notice: 29 SDR 61, October 28, 2002
Hearing: October 29, 2002
Filed: November 25, 2002
Effective: December 15, 2002

History-Notice: 29 SDR 77, Nov. 18, 2002
Hearing: NA
Filed: November 22, 2002
Effective: November 22, 2002

**DEPARTMENT OF COMMERCE AND
REGULATION: DIVISION OF
INSURANCE:** 20:06:01:05.01; 26:06:06:09,
26:06:06:10; 20:06:08:42 and Appendix C;
20:06:12:02, 20:06:12:07 and 20:06:12:08.

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

12-3-2002	Commerce and Regulation	Update the Appraiser Certification Program; 29 SDR 71.
12-4-2002	Health	Amend employment contract requirements for the J-1 physician; 29 SDR 71.
12-4-2002	Environment and Natural Resources: Board of Water Management	Add warmwater marginal fish life propagation waters and limited contact recreation waters beneficial uses to a segment of Moccasin Creek in Brown County; 29 SDR 72.
12-4-2002	Commerce and Regulation: Gaming Commission	Adoption and amendment of rules concerning Deadwood gambling and horse racing; 29 SDR 72.
12-12-2002	Game, Fish and Parks	Amend park entrance license exemptions at Custer State Park, add fish limits at Middle Lynn Lake and Lynn Lake in Day County, and adopt new rules regarding taxidermists; 29 SDR 79.
12-18-2002	Commerce and Regulation: Division of Insurance	Amend rules for long-term care insurance, individual health policy premiums, and clarify who rules apply to regarding creditable coverage and pre-existing waiting periods; 29 SDR 79.

12-18-2002	Social Services: Medical Services	Adopt rules that allow the department to establish a state MAC list for certain drugs; 29 SDR 79.
12-19-2002	Secretary of State: Board of Elections	Adopt rules concerning instructions to voters, appointed candidates, party affiliation of certain independent candidates, voting systems, and absentee voting; 29 SDR 83.
12-20-2002	Education and Cultural Affairs	Repeal rules for a program that is no longer administered by the department and for a defunct federal program, clarify rules regarding the Robert Byrd Honors Scholarship program, modify selection criteria, and add additional date in which the submission of the student record form is due; 29 SDR 83.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Monday, January 13, 2003, in Room 413 of the State Capitol.

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 now available at the LRC office and on the LRC web site.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 29 are \$20. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at MyLRC (<http://legis.state.sd.us/mylrc/index.cfm>).