

# REGISTER

*South Dakota Legislative Research Council*



*Volume 29*

*Monday, 8:00 a.m., August 19, 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)

***Department of Labor: Division of Labor and Management:*** (August 12, 2002) is proposing rules to establish an outpatient fee schedule for workers' compensation claims, to change the discount for uncategorized workers' compensation claims, to change the reimbursement for dental claims, to change the billings codes and reimbursements for physician claims, to require workers' compensation payers to provide an explanation of benefits when providers' bills are reduced, to redefine the term "physical medicine," and to repeal in-patient treatment standards for workers' compensation claims. The general authority for these rules, as cited by the division, is SDCL 62-7-8.

A public hearing will be held in Conference Room 1, Kneip Building, 700 Governors Drive, Pierre, South Dakota, on September 5, 2002, at 10:30 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Labor, Division of Labor and Management, Kneip Building, 700 Governors Drive, Pierre, South Dakota 57501-2291. Material sent by mail must be received by September 15, 2002, to be considered. Persons who have special needs for which the division can make arrangements are asked to call (605) 773-3681 before the hearing.

***Department of Commerce and Regulation: Division of Banking:*** (August 16, 2002) intends to adopt a rule to establish a limit on a bank's investment in annuities. The general authority for this rule, as cited by the division, is SDCL 51A-2-13 and 51A-4-25.

A public hearing will be held at the Division of Banking Office, 217 ½ West Missouri Avenue, Pierre, South Dakota, on September 17, 2002, at 11:00 a.m. Copies of the proposed rule may be obtained from and written comments sent to the State Banking Commission, Division of Banking, 217 ½ West Missouri Avenue, Pierre, South Dakota 57501-4590. Material sent by mail must be received by September 17, 2002, to be considered. Persons who have special needs for which the division can make arrangements are asked to call (605) 773-3421 at least forty-eight hours before the hearing.

***Department of Education and Cultural Affairs: State Historical Society:*** (August 19, 2002) is proposing rules to not require a fiscal match for some grants and to allow grant awards twice a year on an on-going basis. The general authority for these rules, as cited by the department, is SDCL 1-19A-5, 1-19A-13.5, and 1-19A-29.

A public hearing will be held at the Cultural Heritage Center, 900 Governors Drive, Pierre, South Dakota, on September 13, 2002, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Historical Society, 900 Governors Drive, Pierre, South Dakota 57501-2217. Material sent by mail must be received by September 13, 2002, 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) 773-3458 at least forty-eight hours before the hearing.

**DECLARATORY RULING:**

The South Dakota Commission on Gaming has filed a Declaratory Ruling with the Legislative Research Council regarding the restaurant used by SW Casino and Hotel Corporation. The Commission determined that the portion of the structure located at 681 Main Street, Deadwood South Dakota, utilized as a restaurant constitutes a third building for the purposes of determining the number of gaming devices that can be placed in the structure. According to SDCL Chapter 42-7B and ARSD Chapter 20:18, thirty devices may be placed in the structure assuming compliance with other rules, statutes, and requirements for gaming activity.

The Declaratory Ruling is dated June 20<sup>th</sup>, 2002, and may be reviewed or copied at the office of the Legislative Research Council during normal business hours.

**FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)**

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**

8-20-2002	Commerce and Regulation: Division of Insurance	Replacement of life insurance, HIPAA rules – employer plans, privacy of consumer financial information, and nondiscrimination in group market; 29 SDR 1.
8-22-2002	Department of Transportation	Amend speed zones in Minnehaha and Potter County; 29 SDR 15.
8-30-2002	Education and Cultural Affairs	Change method of calculating exclusions when opting out of property tax limitations; 29 SDR 19.
9-4-2002	Public Utilities Commission: One-Call Notification Board	One-call notification system, requirements for facility operators, notification requirements, emergency notification, excavator requirements, response time for facility operators, vendor contract; 29 SDR 21.
9-5-2002	Labor: Division of Labor and Management	Workers' compensation fee schedule, discount for uncategorized claims, reimbursement for dental claims, billing codes and reimbursements for physician

		claims, require explanation of benefits when reduced, redefine "physical medicine," repeal in-patient treatment standards; 29 SDR 25.
9-13-2002	Education and Cultural Affairs: State Historical Society	Fiscal match not required for some grants, allow grant awards twice a year; 29 SDR 25.
9-17-2002	Commerce and Regulation: Division of Banking	Establish a limit on bank's investment in annuities; 29 SDR 25.
9-30-2002	Department of Commerce and Regulation: Board of Social Work Examiners	Assist social workers in achieving highest level of continuing education, clarify existing rules, and allow board to recover costs associated with examination fees; 29 SDR 15.

### ***Rules Review Committee Meetings***

The next meeting of the Interim Rules Review Committee will be held Tuesday, September 17 in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2002 interim: November 20 and January 6.

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>).