

# REGISTER



*South Dakota Legislative Research Council*

*Volume 32*

*Monday, 8:00 a.m., August 22, 2005*

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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:*** (August 19, 2005) intends to adopt rules to establish the reporting requirements for hospitals to report median charge data to the department for their top 25 diagnostic related groups which have more than 10 occurrences and the method and format that the department will make this information available to the public. The general authority for these rules, as cited by the department, is SDCL 34-12E-11.

A public hearing will be held in the Governor's Small Conference Room, State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota, on September 19, 2005, 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 September 29, 2005, 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.

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

The **DEPARTMENT OF SOCIAL SERVICES** has filed three updates for the South Dakota Food Stamp Program Certification and Accountability Manual. One update relates to the "Able-Bodied Adults without Dependents" exemption for certain counties. Another update relates to the procedure to transfer a case file from one office to another. The third update relates to how legally obligated child support payments are excluded from gross income.

## **DEPARTMENT OF REVEUNE AND REGULATION: LOTTERY COMMISSION: 48:03:06:05.**

History-Notice: 31 SDR 198, May 31, 2005

Hearing: June 24, 2005

Filed: July 19, 2005

Effective: August 8, 2005

**DEPARTMENT OF LABOR; ELECTRICAL COMMISSION:** 20:44:14:01; 20:44:18:01, 20:44:18:02; 20:44:19:07; 20:44:20:01, 20:44:20:03, 20:44:20:07, 20:44:20:08, 20:44:20:10; 20:44:21:02; and 20:44:22:16.

History-Notice: 31 SDR 209, June 13, 2005

Hearing: July 18, 2005

Filed: August 12, 2005

Effective: September 1, 2005

**DEPARTMENT OF PUBLIC SAFETY:  
OFFICE OF MEDICAL SERVICES:**

44:05:06:01 to 44:05:06:11, inclusive.

History-Notice: 31 SDR 197, May 31, 2005  
 Hearing: June 21, 2005  
 Filed: August 16, 2005  
 Effective: September 5, 2005

**DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES: WATER  
MANAGEMENT BOARD:**74:51:03:04,  
74:51:03:07, 74:51:03:08, 74:51:03:10,  
74:51:03:25.

History-Notice: 31 SDR 197, May 31, 2005  
 Hearing: July 6, 2005  
 Filed: August 17, 2005  
 Effective: September 6, 2005

**DEPARTMENT OF REVENUE AND  
REGULATION: BANKING****COMMISSION:** 20:07:20:02; 20:07:23:01 to  
20:07:23:05, inclusive.

History-Notice: 31 SDR 177, May 9, 2005  
 Hearing: June 10, 2005  
 Filed: August 17, 2005  
 Effective: September 6, 2005

**Executive Appointments:**

**Thomas S. Stanage, Ph.D.**, Yankton, was appointed on August 5, 2005, to the **Board of Examiners of Psychologists**, effective immediately and shall continue until June 30, 2008.

**Linda Bunkers**, Dell Rapids, was reappointed on August 18, 2005, to the **South Dakota Board of Nursing**, effective immediately and shall continue until June 30, 2008.

**Darrell Davis**, Ipswich, was appointed on August 18, 2005, to the **Wheat Utilization Research and Marketing Development Commission**, to replace Robert Zabel, effective immediately and shall continue until June 30, 2008.

**Loren Diekman**, Watertown, was appointed on August 18, 2005, to the **South Dakota State Board for Nursing Facility Administrators**, to replace Charlene Nash, effective immediately and shall continue until June 30, 2006.

**Laird Larson**, Clark, was reappointed on August 18, 2005, to the **Wheat Utilization Research and Marketing Development Commission**, effective immediately and shall continue until June 30, 2008.

**Allen Merrill**, Parker, was reappointed on August 18, 2005, to the **American Dairy Association of South Dakota**, effective immediately and shall continue until June 30, 2008.

**Mark Pederson**, Bruce, was appointed on August 18, 2005, to the **American Dairy Association of South Dakota**, to replace Bob Sauer, effective immediately and shall continue until June 30, 2007.

**Barbara Yutrzenka, Ph.D.**, Vermillion, was appointed on August 18, 2005, to the **Board of Examiners of Psychologists**, to replace Dr. Stephan Langenfeld, effective immediately and shall continue until June 30, 2008.

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**

8-25-2005	Revenue and Regulation: Real Estate Commission	Adopt and amend rules to clarify appointed agent procedures regarding disclosure and confidentiality, to repeal forms in appendices by establishing contents of forms prescribed by the Real Estate Commission, and to update materials incorporated by reference; 32 SDR 11.
8-26-2005	Revenue and Regulation	Amend rules to update the edition of the manuals used to value and assess property; to provide greater flexibility in how credits are counted for assessor school instructors; to revise the requirements for renewal of property assessor certificates; to update definitions that relate to the determination of agricultural income value; to revise the formula to determine agricultural land value when there are insufficient sales; to list the information a Director of Equalization must base adjustments; to require the department to review adjustments made to valuation and any evidence submitted in support of an adjustment; to tax a retail sale made by one florist, delivered by another florist, where the delivery is made, beginning January 1, 2006; to remove references to the special tax rate for farm machines, attachments and irrigation equipment; to include boats in the damage disclosure requirements and clarify what information is required in a damage disclosure statement; to change the circumstances that require a report from an alcohol licensee about a stock transfer and to specify how that report will be used; and to repeal a provision requiring employees to report any attempted solicitation of bribery, repeal a provision requiring employees to acknowledge their awareness of the requirements of the rule, and specify that the rule applies to all members of the distilled spirits industry; 32 SDR 27.
8-30-2005	Revenue and Regulation: Gaming Commission	Amend racing rules as follows: provide a new basis for summary suspension of licensure – when a licensee fails to pay a fine imposed by the deadline allowed, require permission of the Board of Stewards before payment of another licensee's fine is allowed, require a mandatory suspension of licensure for individuals who do

		not pay fines within established deadlines, eliminate reference to the Association of Racing Commission International in the reinstatement procedure rule and to recognize that there are more than one pari-mutuel associations for racing, and eliminate the reference to the Association of Racing Commissioners International from the rule regarding procedures for denied licenses, recognizing the expansion of pari-mutuel regulatory associations. Regarding the Deadwood Gambling rules, adopt a variation of play of the game of poker known as Heads Up Poker Challenge; 32 SDR 21.
9-2-2005	Revenue and Regulation: Division of Insurance	Amend rules to change the permissible exclusions in life insurance policies; modify the open enrollment period for Medicare eligible individuals; and establish the effective date of producer appointments; 32 SDR 31.
9-19-2005	Health	Adopt rules to establish the reporting requirements for hospitals to report median charge data to the department for their top 25 diagnostic related groups which have more than 10 occurrences and the method and format that the department will make this information available to the public; 32 SDR 37.

### *Rules Review Committee Meetings*

The next meeting of the Interim Rules Review Committee will be held Monday, August 29, 2005, in Room 412 of the State Capitol. The meeting on August 29, 2005, will be conducted by teleconference and will be limited to rules for waterfowl hunting and mountain lion hunting. The committee chair has set the following tentative meeting schedule for the 2005 interim: September 20, October 18, December 6, and January 9, 2006.

**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.