

# REGISTER



South Dakota Legislative Research Council

Volume 28

Monday, 8:00 a.m., November 26, 2001

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:** (November 19, 2001) is proposing rules to set the reimbursement for workers' compensation in-patient and out-patient charges at a percentage of Medicare's payment levels; change the reimbursement for workers' compensation dental procedures; require workers' compensation payors to provide an explanation of any fee schedule reductions they apply; revise the definition of physical medicine; and to eliminate in-patient treatment guidelines for workers' compensation cases. The general authority for these rules, as cited by the department, is SDCL 62-7-8.

A public hearing will be held in Conference Room 3, Kneip Building, 700 Governors Drive, Pierre, South Dakota, on Monday, December 10, 2001, at 9:00 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. Written comments must be received by December 21, 2001, to be considered. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3681 before the hearing.

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

*Administrative Rules:*

**DEPARTMENT OF COMMERCE AND REGULATION: DIVISION OF INSURANCE:** 120:06:39:12 and 120:06:39:13.

History-Notice: 28 SDR 75, Nov. 19, 2001  
Hearing: N/A  
Filed: November 19, 2001  
Effective: November 19, 2001

*Executive Appointment:*

**Jeff Smith**, Huron, was appointed to the **State Fair Commission**, to replace Ron Williamson, effective immediately and to continue to January 1, 2003.

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

11-28-2001	Secretary of State: Board of Elections	Standards for counting imperfectly marked ballots and for automatic tabulating system recounts, postal endorsements for certain notices,
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		notice for potential duplicate voter registrations, clarify when information may be added to a petition, add election logo to envelopes, broaden the use of recount certificates, recount petitions for school and municipal ballot question elections, simplify voter instructions; 28 SDR 69.
12-3-2001	Education and Cultural Affairs: Board of Education	Establish standards and streamline process for alternative teacher certification; 28 SDR 71.
12-3-2001	Education and Cultural Affairs: Board of Education	Comply with Individuals With Disabilities Education Act, update language to reflect restructuring of early intervention program and the department and address division responsibilities, clarify determination of child eligible for early intervention services; 28 SDR 71.
12-4-2001	Administration	Increase fees for publication of legal notices; 28 SDR 71.
12-4-2001	Commerce and Regulation: Board of Accountancy	Update references; revise continuing ed rules, repeal obsolete rules; change exam certificate and document fees; requirements for out-of-state candidates; clarify disciplinary procedures and conditional status; clarify certificate renewal procedures; update procedures on firm permits; board mailing list provisions; change fee for discipline petitions; 28 SDR 72.
12-5-2001	Retirement System	Comply with federal and state laws, improve portability of retirement funds, allow accumulation of retirement funds, eliminate restrictions on accumulation of retirement funds, identify trust requirement for certain retirement funds; 28 SDR 75.
12-6-2001	Transportation	Speed zones in Yankton and Viborg, prohibit parking on road across Ft. Randall Dam; 28 SDR 53 and 65.
12-6-2001	Game, Fish and Parks	Pets in state parks, park entrance license required in more areas along Missouri River; remove Peoria Flats from fee area; repeal license exemption at Farm Island; increase temporary entrance fees in Custer

		State Park; increase camping fees in Custer State Park and other areas within the state park system; change campground names; modify designation, additions, and classifications of certain campgrounds; campers who register at first come, first served sites to occupy immediately; modify, add, and delete water safety zones in certain counties; 28 SDR 75.
12-7-2001	Commerce and Regulation: Cement Plant Commission	Terminate old retirement plans and reestablish new plans; 28 SDR 76.
12-10-2001	Labor: Division of Labor and Management	Reimbursement for workers' compensation in-patient and out-patient charges at percentage of Medicare; reimbursement for dental procedures; payors provide explanation of fee schedule reductions; redefine physical medicine; eliminate in-patient treatment guidelines; 28 SDR 79.

***Rules Review Committee Meetings***

The next meeting of the Interim Rules Review Committee will be held on Thursday, November 29, at 3:30 p.m. in Room 413 of the State Capitol. The meeting will reconvene at 8:00 a.m. on Friday, November 30, if necessary.

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. Each agency is requested to provide the LRC with eight copies of the most recent draft of its rules two days before the meeting.

**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 28 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>).