

# REGISTER

*South Dakota Legislative Research Council*



*Volume 34*

*Monday, 8:00 a.m., May 5, 2008*

**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:*** (April 29, 2008) is proposing to adopt rules to encourage Insurers and Self-Insurers to promptly address workers' compensation medical bills by paying, denying, or requesting information about them. The general authority for these rules, as cited by the department, is SDCL 62-4-1.1.

A public hearing will be held in the Kneip Building, Conference Room #3, 700 Governors Drive, Pierre, South Dakota, on May 20, 2008, at 9:30 a.m., CDT. Copies of the proposed rules may be obtained without charge 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. Material sent by mail must be received by May 30, 2008, to be considered. Copies of the proposed rules may also be obtained on the department's website at [www.sdjobs.org](http://www.sdjobs.org). Persons who have special needs for which the division can make arrangements are asked to call (605) 773-3681 at least 48 hours before the hearing.

***Bureau of Administration:*** (April 30, 2008) intends to adopt rules to establish uniform fees to be charged by governmental agencies in South Dakota for the transmittal, reproduction and retrieval of records which are required or permitted to be made public upon request and no other rate is prescribed. The general authority for these rules, as cited by the bureau, is SDCL 1-27-35.

A public hearing will be held in the Conference Room 3, Kneip Building, 1<sup>st</sup> Floor, 700 Governors Drive, Pierre, South Dakota, on May 22, 2008, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Bureau of Administration, State Capitol Building, 500 East Capitol, Pierre, South Dakota 57501-1234. Written comments must be received by June 2, 2008, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3688 at least 48 hours before the hearing.

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

### **Executive Appointments:**

**Duane Alm**, Aberdeen, was appointed on April 28, 2008, to the **Teacher Compensation Assistance Program Advisory Council**, effective April 28, 2008.

**Sharon Andrews**, Sioux Falls, was appointed on April 28, 2008, to the **Teacher Compensation Assistance Program Advisory Council**, effective April 28, 2008.

**Sherry Crofut**, Rapid City, was appointed on April 28, 2008, to the **Teacher Compensation Assistance Program Advisory Council**, effective April 28, 2008.

**Joe Graves**, Mitchell, was appointed on April 28, 2008, to the **Teacher Compensation Assistance Program Advisory Council**, effective April 28, 2008.

**Dan Guericke**, Platte, was appointed on April 28, 2008, to the **Teacher Compensation Assistance Program Advisory Council**, effective April 28, 2008.

**Lesli Hanson**, Watertown, was appointed on April 28, 2008, to the **Teacher Compensation Assistance Program Advisory Council**, effective April 28, 2008.

**Joseph Harrison**, Rapid City, was appointed on April 28, 2008, to the **Teacher Compensation Assistance Program Advisory Council**, effective April 28, 2008.

**Tom Hawley**, Aberdeen, was appointed on April 28, 2008, to the **Teacher Compensation Assistance Program Advisory Council**, effective April 28, 2008.

**Bryce Healy**, Pierre, was appointed on April 28, 2008, to the **Teacher Compensation Assistance Program Advisory Council**, effective April 28, 2008.

**Pam Homan**, Sioux Falls, was appointed on April 28, 2008, to the **Teacher Compensation Assistance Program Advisory Council**, effective April 28, 2008.

**Louise Lindskov**, Timber Lake, was appointed on April 28, 2008, to the **Teacher Compensation Assistance Program Advisory Council**, effective April 28, 2008.

**Jeff Lukens**, Sioux Falls, was appointed on April 28, 2008, to the **Teacher Compensation Assistance Program Advisory Council**, effective April 28, 2008.

**Lisa McNeely**, Redfield, was appointed on April 28, 2008, to the **Teacher Compensation Assistance Program Advisory Council**, effective April 28, 2008.

**Dennis Rieckman**, Wall, was appointed on April 28, 2008, to the **Teacher Compensation**

**Assistance Program Advisory Council**, effective April 28, 2008.

#### **Legislative Appointments:**

**Senator Kenneth Albers**, Canton, was appointed to the **Teacher Compensation Assistance Program Advisory Council**.

**Senator Tom Hansen**, Huron, was appointed to the **Teacher Compensation Assistance Program Advisory Council**.

**Senator Sandy Jerstad**, Sioux Falls, was appointed to the **Teacher Compensation Assistance Program Advisory Council**.

**Representative Tom Deadrick**, Platte, was appointed to the **Teacher Compensation Assistance Program Advisory Council**.

**Representative Phyllis Heineman**, Sioux Falls, was appointed to the **Teacher Compensation Assistance Program Advisory Council**.

**Representative Larry Lucas**, Mission, was appointed to the **Teacher Compensation Assistance Program Advisory Council**.

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**

5-6-2008	Social Services: Medical Services	Amend rules to incorporate by reference the latest federal poverty levels established by the United States Department of Health and Human Services; incorporate by reference the latest versions of the <u>Physicians' Current Procedural Terminology</u> (cpt), the <u>International Classification of Diseases, 9<sup>th</sup> Revision, Clinical Modification</u> (ICD-9-CMP), and the <u>CMS Common Procedure Coding System</u> (HCPCS) manuals; specify that it is the individual's responsibility to provide the Department with the information necessary to determine initial or continuing eligibility and that failure to do so results in denial of an application or termination of current benefits; and update an internal reference; 34 SDR 263.
5-6-2008	Social Services: Economic Assistance	Amend rules to increase the Temporary Assistance for Needy Families Program (TANF) payment standard for a child not living with a parent and not placed by a child placement agency and increase the TANF payment standard for an assistance unit that includes a parent; 34 SDR 269.
5-8-2008	Revenue and Regulation: Real Estate Commission	Adopt rules to establish fees for a certificate of licensure, additional license, change of business address, change of association, duplicate license, and late renewal fees; 34 SDR 249.
5-13-2008	Health: Health Systems Development and Regulation	Adopt and amend rules to implement health, safety and sanitation requirements for the vacation home lodging category which is currently being licensed as specialty resorts; 34 SDR 269.
5-14-2008	Revenue and Regulation: Banking Commission	Repeal and amend the rules to reflect changes required by the passage of Senate Bill 17 in the 2008 Legislative session. The rule changes will no longer require banks to charge off fifty percent of all assets classified as doubtful; update the requirements on banks regarding their allowance for loan and lease losses; allow loan application decisions to be made at a loan production office; make references to responsible parties consistent for mortgage lending entity applicants; provide for an application process to reflect a change in control of a mortgage licensee without

		requiring an original application; provide for the gonding of mortgage brokerages; include copies of appraisals in the list of required records for each mortgage loan application file; update language regarding approved training courses and to require the division to display a list of approved training providers and courses on its website; specify the records that must be maintained by money lenders licenses pursuant to SDCL chapter 54-4; and update the feew authorized for money transmitters; 34 SDR 277.
5-15-2008	Environment and Natural Resources: Board of Minerals and Environment	Amend a rule to eliminate the minimum 100 feet of surface casing requirement to allow the Secretary of the department to determine how much surface casing is required for all new oil and gas wells on a case by case basis; 34 SDR 269.
5-15-2008	Environment and Natural Resources: Board of Minerals and Environment	Amend rules in Chapter 74:11:08 to update the requirements for plugging mineral exploration test holes to make the rules consistent with the well construction standards found in Chapter 74:02:04; to allow the use of alternative test hole plugging methods; to allow the commonly used method of plugging test holes with bentonite chips in special circumstances; and amend rules in Chapter 74:29:11 governing in situ leach mining to update an existing rule that lists other permits and approvals an applicant must obtain to operate an in situ leach mine; require an operator applying for an in situ leach mine permit to obtain an Underground Injection Control Class III Well permit under Chapter 74:55:01 before the Board of Minerals and Environment may issue a mine permit; and to make the in situ leach mining rules consistent with recently approved changes to Chapter 74:55:01 Underground Injection Control- Class III Wells; 34 SDR 270.
5-19&20-2008	Education: Board of Education	Amend rules to change submission dates of scholarship application from May 1 of each year to the third Friday in March to accommodate school events; delete the "or the equivalent on a weighted scale" to eliminate an advantage for some students with access to Advanced Placement courses to obtaining a weighted grade point average of over 4.0;

		eliminate "High" in Virtual High School; add an electronic delivery necessity unless an exemption is made by the Secretary of Education and to have courses identified as a need by South Dakota Virtual School Advisory Council; add another factor to be considered by the oversight board when reviewing a school district's request for exemption; remove an administrative rule; define terms for appointed board members; better prepare a student for creating a personal learning plan; change the giving of aptitude assessment to a more relevant time; allow individuals with less than a bachelors degree to gain a SD certificate to teach specific career and technical education course; and provide clarity on the Birth to Three Connections program and revise the fee schedule for providers; 34 SDR 277.
5-20-2008	Bureau of Administration	Amend rules to implement high efficiency building design regulations to be used on the construction and renovation of state owned buildings meeting certain requirements; 34 SDR 270.
5-20-2008	Health: Health and Medical Services	Amend Children's Special Health Services rules to increase family income guidelines, remove family cost share requirement, and revise eligibility requirements; 34 SDR 278.
5-20-2008	Labor: Labor and Management	Adopt rules to encourage Insurers and Self-Insurers to promptly address workers' compensation medical bills by paying, denying, or requesting information about them; 34 SDR 285.
5-22-2008	Bureau of Administration	Adopt rules to establish uniform fees to be charged by governmental agencies in South Dakota for the transmittal, reproduction and retrieval of records which are required or permitted to be made public upon request and no other rate is prescribed; 34 SDR 285.
9-18-2008	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2006 through June 30, 2007. Changes include establishing a standardized permit for hazardous waste storage facilities; and a variety of corrections that encompass printing omissions, typographical errors, misspellings and erroneous or missing citations

		and references throughout the rules; 34 SDR 278.
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### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, May 13, 2008, in LCR 1 and 2, Third Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2008 interim: June 10, August 19, September 23, December 2, and January 12, 2009.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.