



# Legislative Research Council

## RULES REVIEW COMMITTEE AGENDA Revised 5-16-05

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Representative Jean M. Hunhoff, Chair  
Senator Orville B. Smidt, Vice Chair

Two hundred fifty-eighth meeting  
Tuesday  
May 17, 2005

Room 413  
State Capitol  
Pierre, South Dakota

*Agencies are asked to have a representative present at the meeting to give background information on their rules.*

9:00 a.m. Call to order, roll call, approval of minutes, staff report

9:10 a.m. Review of proposed rules

### **Representative Hunhoff**

Department of Labor: South Dakota Retirement System - Amend the election provisions, adopt a procedure for filling vacancies on the Board of Trustees, and adopt definitions, internal administrative procedures and required provisions of federal law in regard to the South Dakota Retirement System Special Pay Program.

Attorney General: Law Enforcement Standards Commission - Adopt rules regarding police canine team certification.

### **Senator Smidt**

Department of Game, Fish and Parks - Amend rules to exempt military personnel (families) from park entrance license requirements from July 8 through July 10, 2005; prohibit camper units without horse to occupy an equestrian campground unless permitted by the park manager; establish/modify the number, types, and names of licenses available in Custer State Park for "any whitetail deer," "any deer," and "muzzleloader antlerless whitetail deer" and make changes to Unit numbers; close the Custer State Park Bighorn Sheep hunting season; modify the Special Custer State Park Antlerless Elk hunting season; modify the Archery Antelope hunting season; modify Archery Deer hunting season; repeal and modify the Muzzleloading Deer hunting season; modify the Archery Elk hunting season; modify the Black Hills Elk hunting season; modify the Prairie Elk hunting season; modify the Mountain Goat hunting season; amend the rule to state that the application for the second or subsequent lottery drawing for Black Hills Elk, Prairie Elk, and Archery Elk must be accompanied by the application fee and license fee; modify types of certain deer licenses nonresidents may

acquire after the second lottery drawing, modify present and future eligibility requirements for certain elk licenses, and remove the internet application requirement for certain elk licenses; modify Grouse hunting season; modify Pheasant hunting season; modify Private Shooting Preserves by modifying the sex of pheasants that are required to be released on a shooting preserve and which may be counted towards the minimum number and modify the daily bag limit for pheasants taken on certain shooting preserves; modify Quail hunting season dates; modify Gray Partridge hunting season dates; modify the Youth Pheasant hunting season dates; modify the Resident Pheasant hunting season dates and permit hunting on property owned by School and Public Lands; modify the Crow hunting season dates; and modify those areas closed to dog training in the Fort Pierre National Grasslands.

### **Senator Hundstad**

Department of Agriculture: Weed and Pest Control Commission - Amend a rule that will add Salt Cedar (Tamarix ramosissima) and remove Field Bindweed from the statewide noxious weed list.

Department of Agriculture: Animal Industry Board - Amend a rule to update the vaccinology related to rabies in dogs and to include cats in the importation requirements dealing with rabies; to control the spread of and eliminate trichomoniasis from cattle through restricting the sale, loan, lease, or importation of animals presenting the highest risk for this disease; place into regulation identification and record-keeping requirements for sheep and goat producers consistent with those the industry had enacted voluntarily in recent years in order to uniformly market their animals in efforts to control Scrapie, a transmissible spongiform encephalopathy of sheep and goats.

Department of Revenue and Regulation: South Dakota Lottery Commission - Adopt rules that provide a process to have a video lottery machine declared obsolete and to remove the responsibility of licensees from having to provide associated equipment for a machine declared obsolete, and to allow video lottery operators to purchase non-critical associated equipment from sources not otherwise licensed by the Lottery.

10:20 a.m. Break

### **Representative Thompson**

Department of Social Services: Office of Medical Services - Adopt rules that will exempt certain additional medical services from cost sharing, including inpatient psychiatric and rehabilitation services and prescriptions filled or refilled with generic drugs; increase the amount of a recipient's cost share for certain physician, dental, podiatry, optometric, optical, and chiropractic services; increase the cost share amount for prescriptions filled or refilled with a brand-name drug; increase the cost-share for visits to a federally qualified health center (FQHC) or a rural health clinic (RHC); increase the cost-share for certain early and periodic screening, diagnosis, and treatment (EPSDT) services provided to individuals 19 years of age and over; for individuals 19 years of age and over who receive services under the EPSDT Program, establish a cost share for prescriptions filled with brand-name drugs; establish a cost share for non-

emergency inpatient hospital services; increase the cost share for mental health services provided by independent mental health practitioners; and increase the cost share for services provided under the diabetes education program.

Department of Social Services: Office of Energy Assistance - Amend rules that will amend the definition of "congregate living arrangement"; delete the requirement that a household must be directly affected by increased heating costs; specify that the designated head of the household for a congregate living unit is responsible for producing the information necessary to determine the household's eligibility; no longer require the household to produce a statement from the landlord that the household's rent has increased or is due to be increased because of heating costs; for non-self-employed households that do not qualify for LIEAP due to excess income, discontinue the practice of using an alternative method of calculating the household's income; for self-employed household's that do not qualify due to excess income but have experienced a change in circumstances, base the household's income on anticipated, rather than prior, income; consolidate the types of income excluded when computing a household's income; clarify that the exclusion of cash gifts are limited to cash received for recurring occasions such as birthdays and Christmas; when computing income for a self-employed household, include any net profit or loss and consider the household's income to be \$0 if the self-employment income calculations result in a loss; when establishing the benefit levels for eligible households, include the amount of funds available but no longer include the average cost to heat an 850 square foot house; change the deadline for determining eligibility to specify that the Department has 60 days after an application is received rather than 60 days from the date of the application; clarify that LIEAP funds may only be used to pay for unpaid energy bills; and clarify that a claim for energy assistance must be postmarked on or before May 15 in order to be considered.

11:00 a.m. Adjourn

**NOTE:** To help agencies estimate when to appear before the committee, the agenda is set assuming a ten-minute presentation per rule. However, actual times may vary.

**Members:** Representative Jean M. Hunhoff, Chair; Senator Orville B. Smidt, Vice-Chair; Senators Eric H. Bogue and Jim Hundstad; and Representatives Roger Hunt and Bill Thompson.

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