



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

Senator Orville B. Smidt, Chair
Representative Roger W. Hunt, Vice Chair

Two hundred eighty-sixth meeting
Tuesday
April 15, 2008

DDN – Pierre Cap A
State Capitol
Pierre, South Dakota

DDN – South Dakota State University #203
101 Pugsley Center
Brookings, South Dakota

DDN – Rapid City Regional Hospital, Education Services Dept.
353 Fairmont Blvd.
Rapid City, South Dakota

DDN – Sioux Falls University Center #282
2205 Career Avenue
Sioux Falls, South Dakota

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

8:00 a.m. CDT Call to order, roll call, approval of minutes, staff report

7:00 a.m. MDT

8:05 a.m. Review of proposed rules

Senator Smidt

Department of Game, Fish and Parks - Amend Amend a List of Endangered Birds rule to change Peregrine falcon (*Falco peregrinus anatum*) to Peregrine falcon (*Falco peregrinus*) and Interior least tern (*Sterna albifrons athalassos*) to Interior least tern (*Sterna antillarum athalassos*); amend a List of Threatened Birds rule to change American dipper (*Circlus mexicanus*) to American dipper (*Cinclus mexicanus*) and Bald eagle (southern) (*Haliaeetus leucocephalus*) to Bald eagle (*Haliaeetus leucocephalus*); amend a List of Threatened Mammals rule to change Northern swift fox (*Vulpes velox hebes*) to Swift fox (*Vulpes velox*), River otter

(*Lutra Canadensis interior*) to River otter (*Lontra Canadensis*), and delist Black Bear (*Ursus americanus*); amend a List of Endangered Fish rule to change Finscale dace (*Phoxinus neogaeus*) to Finescale dace (*Phoxinus neogaeus*); amend a List of Endangered Reptiles rule to change The lined snake (*Tropidoclonion lineatum*) to Lined snake (*Tropidoclonion lineatum*); and amend a List of Threatened Reptiles rule to change Eastern hognose snake (*Heterodon platyrhinos*) to Eastern hognose snake (*Heterodon platyrhinos*).

Department of Game, Fish and Parks – Amend Amend Hunter Safety Course rules to increase the amount allowed for reimbursement of expenses incurred by hunter safety course instructors from one dollar per student to three dollars per student and clarify that the amount so allowed is considered as being reimbursement of expenses rather than compensation for services; and amend Special Permits and Licenses to create a new chapter entitled Permit to Kill Non-game Birds and include a new administrative rule authorizing the department secretary to issue a special permit which would allow a designated permittee to kill non-game birds which are a threat to the public health, safety and welfare, or are doing damage to property.

Department of Game, Fish and Parks – Amend Parks and Public Lands rules to allow limited recreational horse use on Title VI Game Production Areas (GPA) and lakeside use areas (LUA) along the Missouri River. However, in areas where wildlife habitat has been developed, cultural resources or endangered species concerns exist, or where recreational horse use is determined to conflict with primary GPA or LUA purposes (wildlife production, wildlife habitat, public hunting, or other public recreation), recreational horse use may be restricted by posting. The amendments also would allow horses to be used for the hunting and retrieval of deer and elk on the Battle Mountain/Friendshuh Game Production Area; amend Public Water Zoning rules to modify the boundaries of the public swimming zone in American Creek Bay (Brule County); modify the boundaries of three public swimming zones (Stokes Thomas City Park, Memorial Park, and Jackson Park) on Lake Kampeska and change the designation of one of them (Jackson Park) from a public swimming zone to a no wake zone; eliminate two no wake zones on Pactola Reservoir (Pennington County), commonly referred to as Boarding House Gulch and Musekamp Draw; create three no wake zones on McCook Lake (Union County); and create two no wake zones on Lewis and Clark Lake (Yankton County); amend Refuges to move the western boundary of the Sutton State Waterfowl Refuge from the water's edge to the center of the reservoir; amend Persons with Disabilities to allow the department secretary to issue special crossbow permits to persons who are "temporarily" unable to use a bow and arrow due to the loss of use of one or both arms or who is confined to a wheelchair; amend Endangered and Threatened Species to exempt persons who possess legally acquired or legally taken raptors from the requirement to obtain a state endangered species permit.

Representative Hunt

Department of Labor - Amend Appendix B to the Workers' Compensation Fee Schedule.

Senator Hundstad

Department of Transportation - Amend the following: a speed zone in Pennington County on US Highway 16 in the city of Hill City to increase speed limits for traffic east of the east junction with the US 16 truck bypass; a speed zone in Lawrence County on US Highway 14A in the city of Deadwood to reduce speed limits for traffic east of the junction with US 85; a speed zone in Edmunds County on US Highway 12 in the city of Bowdle to reduce speed limits for traffic along the area of recent commercial development west of town; and repeal a speed zone in Sully County on SD Highway 1804 to raise the speed limit from the current 55 miles per hour to 65 miles per hour.

Department of Revenue and Regulation: Gaming Commission - Amend a Gaming Rule to allow the Executive Secretary to accept testing results of gaming testing laboratories to assist in determinations for approval of slot machines as long as the testing laboratory has current International Organization of Standardization certification and accreditation.

Department of Revenue and Regulation: Division of Insurance - Amend rules to update the sources referenced in rule.

9:50 a.m.

Break

Senator Hunhoff

Department of Health: Health and Medical Services - Amend a rule to ensure that Children's Special Health Services (CSHS) is using the current poverty guidelines in determining cost share eligibility as a part of financial assistance to eligible clients.

Representative Lust

Department of Education: Board of Education - Amend Vocational Education rules to assure that current practices for training instructional staff at the post-secondary technical institutes are up-to-date by changing from "vocational" to "career and technical", change the number of credits required to take in the first two years of teaching, determination of who can receive a two year and five year credential, and change in language for a one year credential; and amend National Board for Professional Teaching Standards Certification rules to add individuals deemed as school services specialists as well as administrators to be compensated for receiving National Board Certification.

Representative Thompson

Department of Environment and Natural Resources: Water Management Board – Amend rules regarding Underground Injection Control-Class III Wells to update the requirements an applicant must meet to obtain a state permit. The updates include

more comprehensive requirements for the permit application, well construction, well mechanical integrity testing, plugging of wells and drill holes, baseline water equality sampling, remedial action, ground water restoration and postclosure activities.

Department of Social Services: Medical Services – Amend a rule to implement new requirements for reimbursement for prescription drugs under Medicaid. In ARSD 67:16:14:06.11 tamper resistant prescription pads must be used for the State Medicaid program to provide reimbursement. The rule provides standards to identify a tamper resistant prescription pad. (*This rule is adopted under the procedure provided in SDCL 1-36-20.*)

Department of Social Services: Medical Services - Implement rules to establish the Medicaid Family Support Waiver Services provided through the Division of Developmental Disabilities for the Department of Human Services and covered under the Department of Social Services. These rules will define terms; specify those family support services covered and the requirements for coverage; establish eligibility criteria; establish service restrictions; require a physician's statement indicating the frequency of the service; require the service coordinator to coordinate the development of the individual's service plan; require providers to be certified by the Division of Developmental Disabilities and have a signed provider agreement with the Department of Social Services; specify that the Department of Human Services, Division of Developmental Disabilities will establish the rates of payment for service coordination and respite, personal and companion care services and specify that the remaining covered services will be paid based on the charges billed for the services provided; require that claims submitted for payment contain the applicable procedure codes for the covered services provided; specify the information that must be included on a claim submitted to the Department for reimbursement; establish record retention requirements; specify that a provider must allow state and federal agencies access to information maintained by the provider that relates to the services provided; reference additional program rules that apply; and provide for utilization review of the services and supplies provided.

11:00 a.m. Adjourn

Members: Senators Jean M. Hunhoff, Jim Hundstad, and Orville B. Smidt; and Representatives Roger W. Hunt, David Lust, and Bill Thompson.

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