

R 1100-2006



**South Dakota**

# Legislative Research Council

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SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

## MEMORANDUM

Sen. Ed Olson, Chair  
Rep. Gordon R. Pederson, Vice Chair

James Fry, Director  
Doug Decker, Code Counsel

**August 15, 2006**

**TO:** Rules Contacts

**FROM:** Doug Decker, Code Counsel *Dovey*

**RE:** Interim Rules Review Committee Meeting – August 29, 2006

Your agency has been scheduled to present rules at the next Interim Rules Review Committee meeting (see the enclosed agenda). The agency must have a representative present at this meeting to explain the rules, give background information, or answer any questions from the committee.

**Each agency must serve a copy of the rules and other information on the committee members at least five days before the meeting.** Please review the "Directions For Submitting The Final Draft". The five-day requirement should be considered the minimum time allowed for service of the rules before the meeting. The committee members will use the copy of the rules that is served on the committee as part of the rule adoption process according to SDCL 1-26-4(9) to prepare for the meeting. The service of the rules must be done with enough time between the service of the rules and the meeting to allow the committee members time to review the rules prior to the meeting. A committee member who has not received the rules in time to review the rules before the meeting may vote to reject the agency's rules.

Thank you for your cooperation in this matter. This procedure will expedite the presentation of your rules before the committee and give the committee members access to the most recent version of your rules.

DD:ks

Enclosure: Agenda



# Legislative Research Council

## RULES REVIEW COMMITTEE AGENDA

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

Two hundred seventy-first meeting  
Tuesday  
August 29, 2006

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 Health: Board of Nursing - Adopt and amend rules for the implementation of criminal background checks as a condition for initial licensure as a nurse in South Dakota.

Attorney General: Law Enforcement Officers Standards and Training Commission - Adopt and amend rules to provide for the continuing educational requirements of reserve law enforcement officers and to set the time frame in which reserve law enforcement officers are to complete specific firearm and continuing educational requirements; to clarify the authority of canine handlers in evaluating canines; and to clarify which canines a canine judge may evaluate.

Department of Human Services: Board of Social Work Examiners - Amend rules to increase fees for renewal and applications and to clarify the licensing process.

### **Senator Smidt**

Department of Game, Fish and Parks - Amend Antelope Hunting Season rules to establish the number/types of resident and nonresident hunting licenses/tags available in the applicable modified, consolidated, new, and existing hunting Units, modify the hunting season dates and length of the season, modify the hunting season dates in Units with split seasons, establish a split hunting season and dates in Ziebach County, modify the boundary of Units involving Fall River County, include all of Jackson County in Unit PRA-39A, establish a new hunting Unit in Shannon County, modify the procedures for issuance of certain hunting licenses associated with landowner-operator licenses and establish certain requirements, validity of licenses, and types of antelope that may be taken, and add a Unit and establish the number of licenses available for the purpose of acquiring a preference point; amend East River Deer Hunting Season rules to establish the number/types of hunting license/tags available in the applicable new and existing hunting Units, modify the hunting season dates in the East River hunting Units, modify

the procedures for issuance of certain hunting licenses associated with landowner-operator licenses and establish certain requirements, validity of licenses, and types of deer that may be taken, and add a Unit and establish the number of licenses available for the purpose of acquiring a preference point; amend Early Fall Canada Goose Hunting Season rules by adding Union County to Unit C where the season is open for 14 consecutive days beginning on the second Saturday of September and modify the opening of the hunting season in Unit A and Unit B from the first Saturday in September to September 1; amend Uses of Parks and Public Lands to require all persons, not just archery hunters, utilizing a tree stand in the hunting of a big game animal on lands owned, leased, or controlled by GFP to attach their name and address or the year and current big game license of the owner or user on the tree stand; and amend Private Shooting Preserves to modify procedures for issuance and utilization of and information required on a transportation permit (a/k/a processing permit) used by shooting preserve operators which transport harvested species from their preserve for processing and repeal the provisions relating to issuance of a common carrier shipping permit.

Department of Game, Fish and Parks - Amend Duck Hunting Season - establish bag limits, season dates and zone boundaries for the High Plains and Low Plains North, Middle, and South Duck Hunting Zones; Goose Hunting Season – establish bag limits and change the length of the Canada goose hunting season and establish bag limits and change the season length for light geese and white-fronted geese; Depredation Permits – change the process utilized in establishing the pool of hunters that may be called upon to shoot depredating deer, antelope and turkeys from the current big game license application process to a state-wide web-based internet registration process, suspend imposition of the \$5.00 permit application fee, and change the maximum number of landowner/operator depredation permits that may be issued from 2 to 4 permits per household.

10:30 a.m. Break

Department of Corrections: Board of Pardons and Paroles - Amend rules to clarify and modernize the Board of Pardons and Paroles' operational procedures.

Department of Military and Veterans Affairs - Amend rules to allow the Secretary of the Department of MVA authorize couples where one is ambulatory and one is in a wheel chair, and allows applicants who utilize electric wheel chairs but have ability to take care of their own needs; amend the reapplication procedure for an individual who wants to be readmitted; amend rules to reflect current chain of command; establishes clearer sign out policy, when leaving the campus grounds; changes how sponsors/residents must arrange for meal tickets and use of the guest house or guest room; allow the superintendent to extend use of the guest house or guest room for residents family members if needed and to allow the guest house use for staff who have an emergency situation; clarify existing rules and allow superintendent more latitude in meeting the needs of all residents including those that have refrigerators, entertainment centers and computers; eliminates rule which no longer meets present day residents' needs and changes wording within the rule to reflect present administration chain of command; allow for a more reasonable time and way to handle AWOL; and to better explain how maintenance rent fees are calculated and applied.

## **Senator Bogue**

Department of Education: Board of Education - Amend rules to allow those who are currently certified to take South Dakota Indian Studies and Human Relations for either renewal or transcribed credit; to remove the Human Relations and South Dakota Indian Studies requirement for individuals who have stand-alone K-12 Braille certificates; to incorporate concepts outlined in the South Dakota Science Content Standards and National Research Council best practices into the definition of "laboratory class"; to clarify the state accreditation option now available to non-public schools; to extend the term of administrative rule waivers to five years; and to change the implementation dates for graduation requirements to September 1.

Public Utilities Commission - Amend rules to change the construction requirements for temporary public grain storage units and to allow for seasonal emergency storage and non-seasonal emergency storage rules.

## **Senator Hundstad**

Department of Agriculture: Animal Industry Board - Amend a rule to allow interested parties to apply for a permit to possess certain breeds of nondomestic sheep in the area of South Dakota lying west of the Missouri River.

Department of Transportation - Amend a speed zone in Corson County on South Dakota Highway 63 north of US Highway 12 in McLaughlin to remove the existing 55 miles per hour speed zone north of town and to shorten the existing 45 mile per hour speed zone; amend a speed zone in Dewey County on US Highway 212 in the City of Eagle Butte to reduce speed limits in the vicinity of recent residential and commercial development; amend a speed zone in Dewey County on US Highway 12 to reduce the speed limits through the east junction with State Highway 1806 and to the Walworth County line on the Missouri River; amend a speed zone in Hughes County on State Trunk Highway 1804 north of the City of Pierre to reduce speed approaching the junction with US Highway 14/83; and amend a speed zone in Lincoln County on SD Highway 44 in the City of Lennox to reduce speed limits in the vicinity of the high school and athletic complex.

Department of Revenue and Regulation: Division of Insurance - Amend rules to allow permissible exclusions that are appropriate for accidental death and dismemberment policies and to update the sources referenced.

## **Representative Hunt**

Department of Labor: Division of Labor and Management - Adopt rules to establish procedures for small claims hearings in workers' compensation claims, define facility charges for workers' compensation claims, and amend the procedure for issuing scheduling orders in workers' compensation cases.

12:00 p.m.

Lunch

1:10 p.m.

## **Representative Thompson**

Department of Social Services: Division of Medical Services - Amend rules to update the definitions of "Center" and "Clinic"; delete the definition of "Hospital-based provider"; no longer relate to a hospital-based provider as a separate type of provider; incorporate by reference the standards established by the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act (BIPA) of 2000 and specify that the department uses BIPA to determine a facility's rate of payment; limit payment for mental health services to those providers and services covered under the provisions of Chapter 67:16:41 – Mental health services provided by independent practitioners; clarify that claims may be submitted in electronic format; and no longer cost settle following completion of an audit.

Department of Social Services - Amend rules to require applicants and recipients of Medicaid to present evidence of citizenship or nationality as a condition of eligibility for medical assistance. The amendments also apply to determinations for initial and continued eligibility for medical assistance regarding the "look-back" period for asset transfers. The rule amendments are necessary in order to comply with federal requirements imposed on the department under Pub. Law 109-171, §§ 6011 through 6036, inclusive. *(These rules are adopted under the procedure provided in SDCL-1-36-20. This procedure permits adoption of a federally mandated rule without following the procedures set forth in SDCL 1-26-4 to 1-26-6, inclusive.)*

Department of Environment and Natural Resources: Board of Minerals and Environment - Amend air pollution control program rules that will revise how the prevention of significant deterioration permitting program is implemented and adopt the federal clean air mercury rule that caps and reduces mercury emissions from coal fired power plants.

## **Representative Hunhoff**

Department of Health: Board of Massage Therapy - Adopt rules to provide for general rules of board governance, provide for applications and licenses for qualified massage therapists, to set fees for licenses and other functions of the board, to provide continuing education requirements, set standards for disciplinary proceedings, and set malpractice insurance limits for massage therapists. *(These rules were sent back for additional hearing on 6/13/06.)*

## **Committee Discussion**

- Draft Legislation

2:40 p.m. Adjourn

Members: Senators Eric H. Bogue, Jim Hundstad, and Orville B. Smidt; and Representatives Jean Hunhoff, Roger Hunt and Bill Thompson.

**NOTE:** *Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605/773-3251) in advance of the meeting to make any necessary arrangements.*



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