



# Legislative Research Council

## RULES REVIEW COMMITTEE AGENDA (Revised May 10, 2004)

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Senator Royal "Mac" McCracken, Chair  
Representative Jean M. Hunhoff, Vice Chair

Two hundred forty-eighth meeting  
Tuesday  
May 18, 2004

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

### Senator McCracken

Department of Revenue and Regulation: Division of Banking - Adopt an examination fee for trust company examinations and a licensing fee for money order businesses, and amend the license fee rates for mortgage brokers, mortgage bankers, and money lending businesses.

Department of Revenue and Regulation: Division of Insurance - Clarify who is entitled to special enrollment provisions under HIPAA and to incorporate the updated mortality tables for ordinary life insurance.

Department of Agriculture: Division of Ag Development - Amend rules regarding the farm mediation program.

### Representative Hunhoff

Department of Health - Amend rules regarding the Children's Special Health Services.

### Senator Dennert

Department of Social Services: Office of Medical Services - Amend rules to update and clarify existing rules, adopt form and style changes, correct internal references, expand the categories of individuals eligible for medical services, amend eligibility criteria,

specify that an individual's failure to avail himself or herself of all income and resources to which the individual is entitled results in ineligibility, specify that an overpayment constitutes a debt to and is subject to recovery by the department, incorporate the latest federal poverty levels, clarify the long-term care residency requirements, expand the list of income not considered when determining eligibility for long-term care or medical assistance, clarify how the department considers an individual's or couple's income and resources when determining eligibility for long-term care assistance, increase the SSI standard benefit amount, repeal unnecessary rules, and, for the Renal Disease Program, expand the list of entities not considered to be a third-party payer, amend eligibility criteria, and increase the rate of payment for travel expenses.

### **Representative Engels**

Department of Environment and Natural Resources: Board of Minerals and Environment - Adopt rules regarding risk compensation in compulsory pooling and unitization orders.

Secretary of State - Repeal standard form rules regarding the Uniform Commercial Code and the central filing system; outline county requirements for the central recording of real property liens through Dakota Fast File; update the notary public forms; and amend the voter registration system.

10:30 a.m. Break

### **Representative Smidt**

Department of Game, Fish and Parks - Amend rules regarding the Youth Deer Season, the Black Hills Deer Hunting Season, the Fall Wild Turkey Hunting Season, the Nonresident Waterfowl Licenses, the Youth Pheasant Hunting Season, and Aerial Hunting.

### **Senator Dennert**

Department of Revenue and Regulation - Impose municipal rate changes on sales by catalog companies that are preprinted; update reference material in rules; change the capitalization factor used to determine the capitalized income value; provide for two separate methods for sellers to compute tax on gross receipts; clarify definition of receive and receipt; clarify what portion of the delivery charge is taxable; repeal rules on the tax on transportation; clarify definition of permanent foundation for manufactured homes; change when the contractors' excise tax applies to manufactured buildings.

### **Committee Discussion**

*SB 112: An Act to require state agencies promulgating rules pursuant to the Administrative Procedures Act to provide an impact statement on small business.*

12:00 p.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:** Senator Royal "Mac" McCracken, Chair; Representative Jean M. Hunhoff, Vice-Chair; Senators Eric H. Bogue and H. Paul Dennert; and Representatives Richard H. Engels and Orville B. Smidt.

**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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