



# Legislative Research Council

## RULES REVIEW COMMITTEE AGENDA

Revised 7/26/2004

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

Two hundred fiftieth meeting  
Tuesday  
August 3, 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 Transportation - Amend speed zones in Hughes, Meade, and Perkins Counties and increase the permit fees for oversize or overweight vehicles.

Department of Agriculture: South Dakota Animal Industry Board - Adopt and amend rules regarding the definition of carcass and contract hauler; provide for a regulating system for hauling of animal carcasses; and provide for identification and tracking of nondomestic animals permitted for possession in South Dakota.

Department of Revenue and Regulation: Division of Insurance - Amend rules to update the dates of sources referenced; update general authority and law implemented references; add a definition of severe cognitive impairment and allow an additional exclusion in long-term care policies; and define terms used in statute.

### Senator Dennert

Department of Social Services: Office of Medical Services - Amend rules to define terms, establish a system for reviewing and approving OTC items for coverage by the department, and amend the payment provisions for items dispensed by a pharmacy or PHS provider.

Department of Social Services: Office of Medical Services - Amend rules to update and clarify certain rules, reference materials, and cross-references; clarify a hospital's DRG rate of reimbursement; establish a lower rate of reimbursement and claim requirements

in a psychiatric unit; amend the list of services that are subject to payment by the department; require certain hospitals to care for Medicaid-eligible individuals; and revise admission criteria for an infant admitted to a neonatal intensive care unit.

Department of Social Services: Office of Child Care Services - Adopt rules relating to child care programs regulated by the department regarding child care facilities, family day care homes, group family day care homes, day care centers, environmental health standards, and before and after school care.

### **Representative Engels**

Department of Labor: Division of Labor and Management - Updated the Workers' Compensation fee schedule.

Department of Environment and Natural Resources: Board of Minerals and Environment - Amend rules to update existing hazardous waste rules by incorporating the federal rules by reference. This includes changes that have been made to the federal hazardous waste rules from July 1, 2002, to June 30, 2003. Changes to the rules include: establishing criteria for the use of certain materials in the production of zinc fertilizers, the establishment of treatment standards prior to disposing of certain metal-containing wastes, and the correction of technical errors in previously promulgated rules.

Department of Environment and Natural Resources: Board of Water Management - Amend rules regarding the designated beneficial use classifications and water quality standards and the federal EPA requirements established for state surface water quality standards.

Department of Environment and Natural Resources: Board of Water Management - Repeal two existing chapters of the state drinking water rules and update them by incorporating by reference the most recent published version of the Code of Federal Regulations for drinking water.

Department of Health: Board of Pharmacy - Adopt rules to establish criteria to register and regulate pharmacy technicians who assist pharmacists in the pharmacy and to update, reorganize and clarify language of current rules and regulations pertaining to pharmacy interns, support personnel, and reference materials.

11:00 a.m. Break

Department of Health: Board of Nursing - Amend rules to update the approval of nursing education programs with a major revision of accepting national nursing accreditation in lieu of the every four year on-site visit by the Board of Nursing for the purpose of maintaining on-going approval; add a rule for the regulation of distance education programs in nursing; amend the time period for calculation of the 75% pass rate requirement for first time writers on the licensing exam; and amend rules related to retaking the licensing examination.

## **Representative Smidt**

Department of Game, Fish and Parks - Amend rules to provide that no person may have an uncased firearm in possession on the Lake Henry Fishing Access Area in Bon Homme County except any licensed hunter, using a shotgun with shotshells only, while hunting small game or wild turkey during an open season; add Bob's Landing Lakeside Use Area in Potter County to the list of park lands that require an entrance fee; provide that public water use restrictions indicated on buoys, as well as on signs, placed by the department must be obeyed by persons who enter, use, or occupy public waters; modify the West River Prairie Deer hunting season as follows: modify description of season dates for season extensions when hunters are restricted to hunting of antlerless deer only, modify description of a hunting unit boundary line, and change number of resident and nonresident licenses for 1-tag and 2-tag deer and antlerless deer licenses; and provides release and/or reporting procedures and requirements for trappers who have trapped or snared pine marten, swift fox, fisher or river otter.

Department of Public Safety: Office of Emergency Medical Services - Adopt rules to establish cardiopulmonary directives for ambulance personnel.

Department of Game, Fish and Parks - Amend rules relating to antelope, East River deer, National Wildlife Refuge deer, youth waterfowl, and early fall Canada goose hunting seasons, and modify the provisions of the Walk-In Program.

11:50 a.m. Committee Discussion - Date of Next Meeting Via Conference Call  
(Game, Fish and Parks and Secretary of State: Board of Elections)

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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