



# Legislative Research Council

## RULES REVIEW COMMITTEE AGENDA

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

Two hundred fifty-ninth meeting  
Tuesday  
June 14, 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 Health - Adopt and amend rules to determine the application requirements for certified and informational copies of a vital record, acceptable proof of identity and the security features required on a certified or informational copy and adopt rules that will establish the requirements for a delayed certificate of marriage.

Department of Health - Amend and adopt rules that will expand the availability of healthcare services for South Dakota residents, increase the number of sub specialist physicians practicing in South Dakota, and allow additional areas in South Dakota to partake of the J-1 Visa Waiver Program.

### **Senator Smidt**

Department of Game, Fish and Parks - Amend the exceptions on the restrictions on use of firearms and bows at Adams Homestead and Nature Preserve, at La Framboise Island, and at Farm Island Recreation Area, and prohibit deer hunting in state parks and recreation and nature areas during January-1-31; amend the special Custer State Park Antlerless Elk season; amend the National Wildlife Refuge Deer seasons; modify the Youth Deer Hunting season; amend the Black Hills Deer Hunting season; amend the Fall Wild Turkey Hunting season and establish new hunting units in Hutchinson and Turner County; amend the Special Canada Goose Hunting season by repealing the special hunting units in Fall River, Custer, and Minnehaha County and include the property within Unit 1, modify the season dates in Unit 11B (Bennett County), modify license type in Unit 11A to be 3 tag license, and establish (lower) the number of licenses available in Unit 11B; amend the Nonresident Waterfowl licenses by modifying the

numbering system for the applicable units, provide that certain Bennett County nonresident licenses are valid for the January Canada goose season, and modify the number of 3 day temporary nonresident waterfowl licenses available in the hunting units comprised of the counties of Potter, Stanley, Sully, Hughes, and Lyman by transferring a number of them to the unit comprised of the counties of Brown, Marshall, Roberts, Day, Grant, Clark, Codington, Deuel, and Hamlin; amend Tundra Swan hunting season by modifying the number of licenses available to residents and nonresidents; amend Hunting Requirements and Prohibited Methods by modifying conditions, restrictions, and prohibitions relating to "accompaniment" of a big game firearm licensee by a person not similarly licensed to hunt in the same area and at the same time of year and provide exemptions therefrom; amend Archery Restrictions by modifying conditions, restrictions, and prohibitions relating to "accompaniment" of a person licensed to hunt only by archery by a person not similarly licensed to hunt in the same area and at the same time of year and provide exemptions therefrom; and amend Public Water Zoning by designating the waters within Wilmarth Lake in Aurora County as a "no wake" zone.

### **Senator Hundstad**

Department of Revenue and Regulation: Division of Insurance - Amend rules to change the permissible exclusions in life insurance policies and clarify how certain notice requirements can be made; update Medicare supplement insurance policies and related requirements, clarify overinsurance, clarify the allowance of agent compensation, specify acceptable rating methodologies and update references and the Division's address; define premium; adopt notice requirements to those in long-term care facilities, define overinsurance; allow companies to implement a minimum premium for purposes of returning unearned premiums; clarify how certain notice requirements can be made; and implement definitions for discount plans.

Department of Revenue and Regulation: Risk Pool Board - Amend rules to implement definitions and clarify the tolling of the 63-day timeframe.

Department of Revenue and Regulation: Property and Special Taxes - Amend rules that will allow taxpayers to submit an electronic application to file and pay taxes electronically; change the definition of commencement of a project; change the way tax is reported on bad debts; provide information required for Streamline Registration and permits, and explain the reporting periods for volunteer registrations; allow direct mail transactions to be sourced under either of the two methods in this rule; clarify who is responsible for collecting tax due from auction sales; add definitions related to computer services; update sourcing examples for attorneys; end the exemption for nutritional supplements; remove the requirements for a disclosure form for manufactured homes purchased; add and delete provisions from the definitions; make form and style changes; reduce the reporting requirements for transfers of stock in corporations holding alcohol licenses; clarify that this chapter applies to all alcoholic beverages, except malt beverages; authorize electronic filing of price schedules; repeal rules that are no longer necessary; repeal the requirement that all advertising specialties be submitted to the Department, and increase the value of advertising material wholesalers may supply to retailers; increase the maximum amount of a rebate authorized by a manufacturer and to require wholesalers to notify other wholesalers before moving their products; allow the

Secretary to authorize special disposition of alcoholic beverages; add a provision from 64:75:07:02 to 64:75:07:01 which allows that rule to be repealed; increase the maximum value of items that wholesalers may supply to retailers, and repeal the special provisions for tap handles; add rules to the chapters dealing with malt beverages; and require all wholesale licensees to report any attempts to solicit unauthorized incentives.

10:40 a.m. Break

### **Representative Hunt**

Department of Labor: Board of Accountancy - Amend a rule that will allow the board to collect the fees associated with the computerized Uniform CPA Examination from candidates, to be paid to the third party providers upon receipt of their services.

Department of Labor: Division of Labor and Management - Update the Workers' Compensation Fee Schedule.

Secretary of State: Board of Elections - Amend rules to bring the petition to increase or decrease the number of county commissioners, confirmation mailing notice, voter registration form and instructions into compliance with statutory changes, set up guidelines for statutory change on acceptance of facsimile absentee ballot applications from UOCAVA voters, set up criteria for approving electronic ballot marking systems, set up parameters for voter registration verification with social security administration records, provide additional information on the provisional ballot envelope, provide agencies with a larger size voter registration, declination and instruction form to use.

### **Representative Thompson**

Department of Social Services: Medical Services - Amend rules relating specifically to prescription drugs, the effects of these changes will be to: remove the coverage limits and prior authorization requirements for Clozaril therapy; no longer require that certain lab tests be conducted as a condition of continued Clozaril therapy; no longer require the treating psychiatrist to notify the department if Clozaril therapy is being discontinued; remove the Clozaril enrollment information form; begin covering items prescribed for weight control and appetite depressants; supply the federal website address from which an individual can obtain a current list of drugs that the federal government has determined to be less than effective; delete a reference to the Health Care Financing Administration and reference instead the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services; change a reference to the brand name drug "Clozaril" to the generic name "Clozapine"; remove the coverage limits for Azidothymidine, brand name Retrovir; allow a pharmacy claim to be submitted electronically; require that a claim for a prescription drug include the provider's National Council of Prescription Drug Providers' (NCPDP) number and the prescribing physician's Drug Enforcement Agency (DEA) number; no longer require a referral from the recipient's primary care physician for prescriptions written by a physician who was not the recipient's primary care provider; no longer print a code on the recipient's medical identification card if a third-party payment source exists and instead notify providers through either the Department's Medical Eligibility Verification System or the

Audio Response System; if a third-party payment source exists and the provider submits an electronic claim to the department for payment, require the provider to maintain and submit to the department, on request, evidence of payment or payment rejection from the third-party payment source.

11:40 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.

**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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