

# REGISTER



## *South Dakota Legislative Research Council*

*Volume 44*

*Monday, 8:00 a.m., September 18, 2017*

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### **FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:**

**Notice of Proposed Rules:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

***Office of the Secretary of State:***

***Board of Elections:*** (September 13, 2017) intends to amend rules to specify a 30 day deadline for a voter to return the invalid/incomplete voter registration acknowledgment notice; change the name of a Secondary Election to Runoff Election; add judicial office to be listed in the notice of deadline for filing nominating petitions for the primary election; add "Legislative Research Council's Prison/Jail Population Cost Estimate and/or Fiscal Note" to the general election ballot; clean up the primary and general election ballot formats to include notations for front and reverse sides, clarify ballot printing notes, add an option for county finance officer, and provide the format for State Representative Districts 26 and 28 A and B; amend the tax levy opt-out ballot format to be used by counties, municipalities or schools; create a new ballot format for capital outlay elections for school districts; create a new ballot format for school sentinel program elections; create a new ballot format to assist county auditors with tax levy ballots for maintaining, repairing, constructing or reconstructing roads and bridges; clarify that a petition sheet must be printed on a self-contained sheet of paper printed front and reverse side; repeal two petitions for conservation district candidates and amend the third petition to indicate that candidates for district supervisors must run at large instead of by areas; clarify what type of ballot a resolution

board will use to duplicate a ballot that is rejected from the automatic tabulating machine; amend the application for absentee voting to clarify what category of Uniformed Overseas Citizens Absentee Voter the applicant falls under; remove the requirement that a stateside Uniformed Overseas Citizens Absentee Voter provide a photocopy of their identification or have their signature notarized on the absentee ballot application; remove the requirement that a Uniformed Overseas Citizens Absentee Voter provide their voting residence on the ballot return envelope; and add legislative candidates as those who do not use this petition for recount. The general authority for these rules, as cited by the board, is SDCL §§ 12-1-9, 12-4-35, 12-17B-17, and 12-19-2.

A public hearing will be held in the conference room of the Secretary of State's Office, Business Services Building, 215 E. Prospect Ave., Pierre, South Dakota, on September 27, 2017, at 1:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the State Board of Elections, c/o Office of the Secretary of State, State Capitol, Suite 204, 500 E. Capitol, Pierre, SD 57501. Material sent by mail must reach the Office of the Secretary of State by September 27, 2017, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3537 at least 48 hours in advance of the hearing.

### **FILINGS IN THE SECRETARY OF STATE'S OFFICE:** (None)

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the

State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue, and the Department of Labor and Regulation for Article 47:03.

**REMINDER OF HEARINGS SCHEDULED**

<p><b>9-27-2017</b></p>	<p><b>Office of the Secretary of State: Board of Elections</b>                  Amend rules to specify a 30 day deadline for a voter to return the invalid/incomplete voter registration acknowledgment notice; change the name of a Secondary Election to Runoff Election; add judicial office to be listed in the notice of deadline for filing nominating petitions for the primary election; add "Legislative Research Council's Prison/Jail Population Cost Estimate and/or Fiscal Note" to the general election ballot; clean up the primary and general election ballot formats to include notations for front and reverse sides, clarify ballot printing notes, add an option for county finance officer, and provide the format for State Representative Districts 26 and 28 A and B; amend the tax levy opt-out ballot format to be used by counties, municipalities or schools; create a new ballot format for capital outlay elections for school districts; create a new ballot format for school sentinel program elections; create a new ballot format to assist county auditors with tax levy ballots for maintaining, repairing, constructing or reconstructing roads and bridges; clarify that a petition sheet must be printed on a self-contained sheet of paper printed front and reverse side; repeal two petitions for conservation district candidates and amend the third petition to indicate that candidates for district supervisors must run at large instead of by areas; clarify what type of ballot a resolution board will use to duplicate a ballot that is rejected from the automatic tabulating machine; amend the application for absentee voting to clarify what category of Uniformed Overseas Citizens Absentee Voter the applicant falls under; remove the requirement that a stateside Uniformed Overseas Citizens Absentee Voter provide a photocopy of their identification or have their signature notarized on the absentee ballot application; remove the requirement that a Uniformed Overseas Citizens Absentee Voter provide their voting residence on the ballot return envelope; and add legislative candidates as those who do not use this petition for recount; 44 SDR 55, September 18, 2017.</p>
<p><b>10-5-2017</b></p>	<p><b>Department of Environment and Natural Resources: Water Management Board</b>                  Adopt rules to update South Dakota's existing surface water discharge and concentrated animal feeding operation permitting rules by incorporating the latest federal regulations by reference and clarifying current rule language; 44 SDR 47, September 5, 2017.</p>
<p><b>10-10-2017</b></p>	<p><b>Office of the Secretary of State</b>                  Adopt rules to update notary public application and change forms; 44 SDR 47, August 28, 2017.</p>
<p><b>10-18-2017</b></p>	<p><b>Department of Environment and Natural Resources: Division of Environmental Services</b>                  Amend rules to increase the air fees assessed to businesses that are applicable to the Title V air quality permitting program; 44 SDR 51, September 11, 2017.</p>
<p><b>10-20-2017</b></p>	<p><b>Department of Health: South Dakota Board of Dentistry</b>                  Amend rules to update the registration process for dental entities to bring it into compliance with SB 47 and repeal obsolete provisions; 44 SDR 21, July 31, 2017.</p>

<b>10-20-2017</b>	<b>Department of Labor and Regulation: South Dakota Athletic Commission</b> Amend rules to clarify provisions of current rules including general definitions; safety requirements for events; responsibilities of event promoters; requirements for contestants in mixed martial arts contests; penalties for mixed martial artists who fail to make weight for a contracted bout; options for correcting a score entered in error; officials required to be in attendance at an event; the role of a cut man at an event; the authority of a ringside physician during a bout; allowable wraps for a mixed martial artist during a bout; requirements for a ring used for a contest; the process by which a contestant can request a review of a bout; and the adoption of unified rules of mixed martial arts; 44 SDR 31, August 14, 2017.
<b>10-20-2017</b>	<b>Department of Health: South Dakota Board of Examiners in Optometry</b> Adopt rules to clarify the expiration of contact lens and spectacle prescriptions; revise minimum requirements for a comprehensive optometric examination to make the rule consistent with current standards for the profession; and allow an optometrist in certain situations to receive credit for live stream continuing education presentations as "live" continuing education; 44 SDR 51, September 11, 2017.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on September 25, 2017, in Room 414, Fourth Floor of the State Capitol and via the Digital Dakota Network (DDN) in Sioux Falls at the University Center, 4801 N. Career Ave., Room FADM 145. The committee chair has scheduled the final meeting for the 2017 interim for November 14.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://www.sdlegislature.gov/Rules/RulesManual.aspx>.

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