

# REGISTER



## South Dakota Legislative Research Council

Volume 45

Monday, 8:00 a.m., August 20, 2018

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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 with the Legislative Research Council.)

***South Dakota Retirement System:***

(August 9, 2018) intends to amend rules to clarify the independent status of the surviving spouse benefit for generational members as it relates to qualified domestic relations orders; remove an elected official's ability to discontinue active membership while holding an elected position; clarify repayment options for members and others receiving an overpayment; prohibit the disclosure of election results for the Board of Trustees before the results have been certified by the board; remove an outdated amount relating to maximum benefits; and clarify procedures for the new auto enrollment feature for members not currently contributing to the deferred compensation plan. The general authority for these rules, as cited by the agency, is SDCL §§ 3-12-58, 3-12-89.1, 3-13-54, and 3-13-57.

A public hearing will be held at View 34, 4251 East Highway 34, Pierre, South Dakota, on September 6, 2018, at 1:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Retirement System, 222 E. Capitol Avenue, P.O. Box 1098, Pierre, SD 57501. Material sent by mail must reach the agency by September 5, 2018, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the agency can make arrangements are asked to call (605) 773-3731

at least 48 hours before the public hearing.

***Department of Labor and Regulation:***

***South Dakota Real Estate Commission:***

(August 13, 2018) intends to amend rules to specify the education hour requirements for residential rental agents; increase the number of continuing education hours for property manager's initial licensing cycle from 24 hours to 30 hours; and specify the education hours in a property manager's initial licensing cycle to be all required subject area continuing education. The general authority for these rules, as cited by the commission, is SDCL §§ 36-21A-12.1 and 36-21A-89.

A public hearing will be held at the Department of Labor and Regulation Office, 123 West Missouri Avenue, Pierre, South Dakota, on September 6, 2018, at 8:30 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Real Estate Commission, 221 W. Capitol Avenue, Pierre, SD 57501. Material sent by mail must reach the Commission by August 31, 2018, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Commission can make arrangements are asked to call (605) 773-3600 at least 48 hours before the public hearing.

***Department of Game, Fish and Parks:***

(August 15, 2018) intends to amend rules to create a new definition for a safety zone called "no discharge of a firearm from a boat zone"; apply the aforementioned new safety zone from October 10 to December 31 on certain waters on Indian Springs; and limit fishing from a boat

on certain waters of Indian Springs from October 10 to December 31. The general authority for these rules, as cited by the department, is SDCL §§ 32-3A-1 and 41-2-18.

A public hearing will be held at the Lewis and Clark Resort, 43496 Shore Drive, Yankton, South Dakota, on September 6, 2018, at 2:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to Secretary of the Department of Game, Fish and Parks, Foss Building, 523 E. Capitol, Pierre, SD 57501. The proposed rules can also be viewed online at <https://rules.sd.gov/>. Data, opinions, and arguments may be submitted electronically at <http://gfp.sd.gov/forms/positions>. All information, whether by mail or email, must be received by the Department at least 72 hours prior to the date of the hearing. This hearing is being held in a physically accessible place. Persons who have special needs for which the Department can make arrangements are asked to call (605) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf) at least 48 hours before the public hearing.

**FILINGS IN THE SECRETARY OF STATE’S OFFICE:**

**Executive Proclamation:**

**Governor Dennis Daugaard**, by Executive Proclamation dated August 14, 2018, is convening a special session of the South Dakota Legislature on Wednesday, September 12, 2018, at 10:00 a.m. CT. The purpose of the special session is to consider legislation relating to the

collection and remittance of sales tax by remote sellers, and the timeframe by which state officers can enter into office.

**Executive Order:**

The Governor has signed **Executive Order 2018-07**, dated August 16, 2018. South Dakota has a comprehensive and coordinated statewide emergency communications network. The Public Safety Communications Council, established by Executive Order 2007-05, provides oversight and direction relating to guidelines, best practices, and standard approaches to address the state's public safety communications interoperability issues. Membership for the council is comprised of 21 representatives of the major users of the communications network including public safety agencies, professional associations, and state departments. This executive order abolishes the initial executive order and authorizes the Public Safety Communications Council to continue to function in compliance with the provisions stated in the newly issued order.

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**

<b>8-22-2018</b>	<b>Department of Veterans Affairs:</b> Amend rules to clarify the duties of county veterans' service officers, and simplify the application process; 44 SDR 197, June 25, 2018.
<b>8-29-2018</b>	<b>Department of Labor and Regulation: Division of Insurance:</b> Amend rules to update the ORSA Manual referenced in rule; change the term "qualification" to "line of authority"; update rating standards for health issuers; and update standards for the sale of

	individual health insurance and update references to preventive services; 45 SDR 21, August 13, 2018.
<b>8-30-2018</b>	<b>Office of the Secretary of State:</b> Amend rules to update the notary public application form and revise the fees for statewide voter registration files by adding fees for new parties or parties with alternative political status for just their party voters; 45 SDR 15, July 30, 2018.
<b>9-6-2018</b>	<b>Department of Game, Fish and Parks:</b> Amend rules to create a new definition for a safety zone called "no discharge of a firearm from a boat zone"; apply the aforementioned new safety zone from October 10 to December 31 on certain waters on Indian Springs; and limit fishing from a boat on certain waters of Indian Springs from October 10 to December 31; 45 SDR 27, August 20, 2018.
<b>9-6-2018</b>	<b>Department of Labor and Regulation: South Dakota Real Estate Commission:</b> Amend rules to specify the education hour requirements for residential rental agents; increase the number of continuing education hours for property manager's initial licensing cycle from 24 hours to 30 hours; and specify the education hours in a property manager's initial licensing cycle to be all required subject area continuing education; 45 SDR 27, August 20, 2018.
<b>9-6-2018</b>	<b>South Dakota Retirement System:</b> Amend rules to clarify the independent status of the surviving spouse benefit for generational members as it relates to qualified domestic relations orders; remove an elected official's ability to discontinue active membership while holding an elected position; clarify repayment options for members and others receiving an overpayment; prohibit the disclosure of election results for the Board of Trustees before the results have been certified by the board; remove an outdated amount relating to maximum benefits; and clarify procedures for the new auto enrollment feature for members not currently contributing to the deferred compensation plan; 45 SDR 27, August 20, 2018.
<b>9-11-2018</b>	<b>Department of Agriculture: South Dakota Weed and Pest Control Commission:</b> Amend rules to add absinth wormwood to the statewide noxious weed list; 45 SDR 21, August 13, 2018.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2018 Interim is Monday, August 20, 2018, at 10:00 a.m. in Room 414 of the State Capitol. Other meetings scheduled for the 2018 interim will be held September 17 and November 13.

**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>.