

REGISTER



South Dakota Legislative Research Council

Volume 45

Monday, 8:00 a.m., August 27, 2018

GET COPIES OF PROPOSED RULES AND OTHER INFORMATION AT NO CHARGE

at <https://rules.sd.gov> or by contacting the agency directly via the means outlined in their notice of hearing.

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.)

Department of Agriculture: (August 22, 2018) intends to amend rules to allow quarantines to be established in South Dakota to combat the spread of emerald ash borer. The general authority for these rules, as cited by the department, is SDCL § 38-24A-9.

A public hearing will be held at the Mathews Training Center, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on October 2, 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 Department of Agriculture, Division of Agricultural Services, 523 E. Capitol Avenue, Pierre, SD 57501. Material sent by mail must reach the agency by October 2, 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) 773-4432 at least 48 hours before the public hearing.

Department of Education: South Dakota Board of Education Standards:

(August 22, 2018) intends to amend rules to remove the requirements for paraprofessional educators to obtain and renew state-issued certificates. The general authority for these rules, as cited by the board, is SDCL §§ 13-1-12.1, 13-42-3, and 13-42-71.

A public hearing will be held at Holgate Middle School Theater, 2200 North Dakota Street, Aberdeen, South Dakota, on September 17, 2018, at 9:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Education, Attn: Ferne Haddock, 800 Governors Drive, Pierre, SD 57501, or electronically to ferne.haddock@state.sd.us or <https://rules.sd.gov/default.aspx>. Material sent by mail or email must reach the agency by September 13, 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) 773-3553 at least 48 hours before the public hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF GAME, FISH AND PARKS:

41:03:01:37; 41:04:02:05, 41:04:02:18, 41:04:02:36, 41:04:02:38, 41:04:02:39, 41:04:02:43, 41:04:02:46, 41:04:02:49, 41:05:02:05, 41:05:02:10, 41:05:02:18, 41:05:02:38, 41:05:02:57; 41:06:05:01; 41:06:08:01; 41:06:14:01, 41:06:14:02, 41:06:14:02.01; 41:07:03:03.

History-Notice: 44 SDR 191, June 18, 2018
 Hearing: July 11, 2018
 Filed: August 20, 2018
 Effective: September 10, 2018

DEPARTMENT OF HEALTH:

44:12:01:01, 44:12:01:14; 44:12:02:01,
 44:12:02:14.

History-Notice: 44 SDR 197, June 25, 2018
 Hearing: July 25, 2018
 Filed: August 20, 2018
 Effective: September 10, 2018

DEPARTMENT OF HEALTH:

BOARD OF CERTIFIED

PROFESSIONAL MIDWIVES:

20:85:01:01; 20:85:02:01, 20:85:02:02,
 20:85:02:03, 20:85:02:04, 20:85:02:05,
 20:85:02:06; 20:85:03:01, 20:85:03:02,
 20:85:03:03, 20:85:03:04, 20:85:03:05,
 20:85:03:06, 20:85:03:07, 20:85:03:08,
 20:85:03:09, 20:85:03:10, 20:85:03:11,
 20:85:03 Appendix A; 20:85:04:01,
 20:85:04:02, 20:85:04:03, 20:85:04:04,
 20:85:04:05, 20:85:04:06, 20:85:04:07;
 20:85:05:01, 20:85:05:02, 20:85:05:03,
 20:85:05:04, 20:85:05:05, 20:85:05:06,
 20:85:05:07, 20:85:05:08, 20:85:05:09,
 20:85:05:10, 20:85:05:11, 20:85:05:12,
 20:85:05:13, 20:85:05:14, 20:85:05:15,
 20:85:05:16, 20:85:05:17, 20:85:05:18,
 20:85:05:19.

History-Notice: 44 SDR 198, June 25, 2018
 Hearing: July 17, 2018
 Filed: August 20, 2018
 Effective: September 10, 2018

**DEPARTMENT OF LABOR AND
 REGULATION: SD COSMETOLOGY**

COMMISSION: 20:42:03:06, 20:42:03:12;
 20:42:04:01.01; 20:42:06:06, 20:42:06:09,
 20:42:06:10, 20:42:06:12, 20:42:06:17;

20:42:07:06, 20:42:07:07, 20:42:07:07.01,
 20:42:07:09, 20:42:07:10; 20:42:08:01,
 20:42:08:01.01, 20:42:08:02, 20:42:08:03,
 20:42:08:03.02, 20:42:08:04, 20:42:08:04.01.

History-Notice: 44 SDR 179, June 4, 2018

Hearing: June 25, 2018

Filed: August 21, 2018

Effective: September 10, 2018

DEPARTMENT OF PUBLIC SAFETY:

61:31:01:20, 61:31:01:21; 61:32:01:01,
 61:32:01:02; 61:18:02:10; 61:18:08:02;
 61:23:01:03, 61:23:01:04.

History-Notice: 44 SDR 191, June 18, 2018

Hearing: July 19, 2018

Filed: August 21, 2018

Effective: September 10, 2018

DEPARTMENT OF AGRICULTURE:

12:07:05:01:01; 12:07:08; 12:07:10:02,
 12:07:10:08; 12:07:12:01, 12:07:12:03,
 12:07:12:05, 12:07:12:06, 12:07:12:07,
 12:07:12:09, 12:07:12:10, 12:07:12:12,
 12:07:12:13, 12:07:12:14, 12:07:12:15.01,
 12:07:12:16.01, 12:07:12:17, 12:07:12:18,
 12:07:12:19, 12:07:12:22; 12:07:13; 12:07:17.

History-Notice: 44 SDR 197, June 25, 2018

Hearing: August 6, 2018

Filed: August 24, 2018

Effective: September 13, 2018

NOTE REGARDING ADOPTED 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

8-29-2018	Department of Labor and Regulation: Division of Insurance: 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.
8-30-2018	Office of the Secretary of State: 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.
9-6-2018	Department of Game, Fish and Parks: 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.
9-6-2018	Department of Labor and Regulation: South Dakota Real Estate Commission: 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.
9-6-2018	South Dakota Retirement System: 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.
9-11-2018	Department of Agriculture: South Dakota Weed and Pest Control Commission: Amend rules to add absinth wormwood to the statewide noxious weed list; 45 SDR 21, August 13, 2018.
9-17-2018	Department of Education: South Dakota Board of Education Standards: Amend rules to remove the requirements for paraprofessional educators to obtain and renew state-issued certificates; 45 SDR 30, August 27, 2018.
10-2-2018	Department of Agriculture: Amend rules to allow quarantines to be established in South Dakota to combat the spread of emerald ash borer; 45 SDR 30, August 27, 2018.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2018 Interim is September 17, 2018, at 10:00 a.m. in Room 414 of the State Capitol. The final scheduled meeting for the 2018 interim will be 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>.