

REGISTER



South Dakota Legislative Research Council

Volume 45

Tuesday, 8:00 a.m., September 4, 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.

NEW RESOURCES:

The updated 2018 "Guide to Drafting Administrative Rules of South Dakota" manual is now available on the LRC website at <https://sdlegislature.gov/Rules/RulesManual.aspx>. The manual explains how to draft and format rules, the forms and procedures used for the filing process, emergency rules, and the process for adopting rules. Separate PDF and Word versions of the forms needed for filing rules are also available on the website.

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 Labor and Regulation:

South Dakota Board of Technical

Professions: (August 27, 2018) intends to amend rules to update terms to match recent changes made by the National Council of Architectural Registration Boards regarding education tracking, and update when a seal is required to be used by a licensee. The general authority for these rules, as cited by the board, is SDCL §§ 36-18A-22 and 36-18A-27.

A public hearing will be held in Suite 211, Clock Tower Plaza, 2525 West Main Street,

Rapid City, South Dakota, on September 21, 2018, at 10:00 a.m. MT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Board of Technical Professions, 2525 W. Main Street, Suite 211, Rapid City, SD 57702. Material sent by mail must reach the agency by September 20, 2018, 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) 394-2510 at least 48 hours before the public hearing.

Department of Transportation:

(August 28, 2018) intends to amend rules to reduce a 50 miles per hour speed zone on State Trunk Highway 81 in and around Watertown to 45 miles per hour, and extend it further south on State Trunk Highway 81. The general authority for these rules, as cited by the department, is SDCL § 32-25-7.

A public hearing will be held in the Kampeska Meeting Room, Hampton Inn and Suites, 2720 9th Avenue Southeast, Watertown, South Dakota, on September 24, 2018, at 1:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to Secretary of Transportation, Becker-Hansen Building, 700 E. Broadway Avenue, Pierre, SD 57501. Comments may also be emailed to Darin.Bergquist@state.sd.us. Material sent by mail or email must reach the department on or before September 20, 2018, to be considered. 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) 773-3540 or (800) 877-1113 (Telecommunication Relay Service for the Deaf) no later than two business days prior to the hearing.

CODIFICATION ERROR:

On August 20, 2018, the Department of Health: Board of Certified Professional Midwives filed approved rules with the Secretary of State under Article 20:85 with Chapters 20:85:01 to 20:85:05. This Article and these Chapters were later found to already be in use. Under SDCL § 1-26A-1, the Legislative Research Council can correct apparent errors and assign a new title and other designations as needed when preparing the text of the rules for publication. For this set of rules, the Article is being corrected to 20:86 and the new Chapters will be 20:86:01 to 20:86:05.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF EDUCATION: SOUTH DAKOTA BOARD OF EDUCATION STANDARDS: 24:10:42; 24:10:43; 24:10:45; 24:10:46; 24:10:49; 24:43:11:04, 24:43:11:10; 24:28:09:39; 24:28:12:10; 24:28:19:18; 24:28:20:21; 24:28:21:22; 24:28:22:22; 24:28:23:18; 24:28:24:18; 24:28:25:18; 24:43:01:01; 24:43:11:01, 24:43:11:02, 24:43:11:02.01, 24:43:11:02.02, 24:43:11:02.03.

History-Notice: 44 SDR 183, June 11, 2018
 Hearing: July 16, 2018
 Filed: August 30, 2018
 Effective: September 19, 2018

DEPARTMENT OF HEALTH: SOUTH DAKOTA STATE BOARD OF DENTISTRY: 20:43:02:01, 20:43:02:02; 20:43:03:01, 20:43:03:02, 20:43:03:03, 20:43:03:04, 20:43:03:04.01, 20:43:03:04.02, 20:43:03:05, 20:43:03:06, 20:43:03:07, 20:43:03:07.01, 20:43:03:07.02, 20:43:03:08, 20:43:03:09, 20:43:03:10, 20:43:03:11; 20:43:07:10; 20:43:08:09, 20:43:08:09.01.

History-Notice: 44 SDR 161, April 30, 2018
 Hearing: June 15, 2018
 Filed: August 30, 2018
 Effective: September 19, 2018

Correction Filed:

Jesse L. Ronning, Brookings, was appointed on June 19, 2018, to the **Board of Social Services**, effective immediately and shall continue until October 30, ~~2018~~ 2020.

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

<p>9-6-2018</p>	<p>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.</p>
<p>9-6-2018</p>	<p>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</p>

	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.
9-21-2018	Department of Labor and Regulation: South Dakota Board of Technical Professions: Amend rules to update terms to match recent changes made by the National Council of Architectural Registration Boards regarding education tracking, and update when a seal is required to be used by a licensee; 45 SDR 34, September 4, 2018.
9-24-2018	Department of Transportation: Amend rules to reduce a 50 miles per hour speed zone on State Trunk Highway 81 in and around Watertown to 45 miles per hour, and extend it further south on State Trunk Highway 81; 45 SDR 34, September 4, 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>.