

AGENDA

Interim Rules Review Committee



Representative Jon Hansen, Chair
Senator Jean Hunhoff, Vice Chair

Three hundred ninety-seventh meeting
Monday, May 10, 2021

Room 414 – State Capitol
Pierre, South Dakota

In accordance with COVID-19 guidance, in-person attendees should be spaced at least six feet apart and are encouraged to wear face coverings.

Those wishing to testify must register by May 6, 2021, by email to Kelly.Thompson@sdlegislature.gov.
Testifiers should provide their full names, whom they are representing, city of residence, which proposed rules they will be addressing, whether they are a proponent or opponent, and if they will be testifying remotely or in person.

10:00 a.m. CT:

Call to order, roll call, approval of minutes, and staff report

Review of proposed rules

Senator Heinert

Bureau of Human Resources: Amend rules to allow for specific changes pertaining to the administration of the health, life, and flexible benefit plans offered to state employees and their dependents, including the elimination of the retiree health plan.

South Dakota Retirement System: Amend rules to:

- Correspond with the changes resulting from the passage of [House Bill 1030](#) by the 2021 Legislature relating to required minimum distributions consistent with IRC § 401(a)(9);
- Clarify certification requirements when a retired member is reemployed;
- Update language relating to the maximum annual retirement benefit consistent with statutory changes;
- Revise the process for unforeseeable emergency distributions; and
- Repeal obsolete language and provisions.

Representative Hansen

Department of Agriculture and Natural Resources: Amend rules to allow for an external embargo on regulated articles originating outside of South Dakota's border, giving the Department of Agriculture the authority to regulate those articles in the same manner as the current emerald ash borer quarantine within South Dakota.

Department of Social Services: Amend rules to clarify that services, procedures, and drugs granted an emergency use authorization are not necessarily excluded from coverage on the basis of South Dakota Medicaid's non-coverage of experimental services, procedures, and drugs.

Representative Cwach

Law Enforcement Officers Standards and Training Commission (Office of the Attorney General): Amend rules to:

- Require that a hiring agency conduct an adequate background investigation for officers and 911 telecommunicators, and that the commission is notified when an officer ceases employment with a law enforcement agency;
- Require at least 2 hours of response-to-resistance training for law enforcement officers to meet their continuing educational requirements and provide that an officer who fails to maintain all required continuing educational requirements will have their certification become inactive;
- Require the executive secretary to place on a national decertification index the officer's name in the case of a revocation or suspension of the officer's certification and that the investigation into allegations of misconduct will continue even if an officer consents to decertification;
- Amend the definition of "moral turpitude" to refer to the statutory definition for officers and 911 telecommunicators;
- Require officers and 911 communicators to cooperate with investigations, disclose arrests, intervene in situations when another officer is subjecting a person to excessive force, and prohibit the use of marijuana or controlled substances;
- Amend the procedures for filing a complaint against law enforcement officers or 911 communicators; and
- Strike unneeded language from the rule regarding the burden of proof at a hearing on a complaint against law enforcement officers and 911 telecommunicators.

Senator Johns

South Dakota Lottery (Department of Revenue): Amend rules to adopt official game rules that are set and adopted by the Multi-State Lottery Association and New England Lotteries for Powerball and Lucky for Life.

Public Utilities Commission: Adopt rules to improve, clarify, and update existing rules language pertaining to:

- Confidentiality;
- Rate filing;
- Energy facility plans;
- Siting rules;
- Local exchange competition;
- Telecom services;
- Pipeline safety; and
- Stray voltage training qualifications.

Comment and discussion on proposed Form 16, Housing Cost Impact Statement

Public Testimony

Adjourn

* Breaks will be at the call of the chair.

NOTE: A copy of the proposed rules being reviewed at the meeting may be obtained without charge by contacting the department, board, or commission; or by downloading them at rules.sd.gov.

Members: Representative Jon Hansen, Chair; Senator Jean Hunhoff, Vice Chair; Representatives Ryan Cwach and Kevin Jensen; and Senators Troy Heinert and Timothy Johns.

This meeting is being held in a physically accessible location. Any individual 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 further arrangements. All committee agendas, minutes, and audio are available on the LRC website: <http://www.sdlegislature.gov/>. Live committee audio is provided by South Dakota Public Broadcasting and is also available at <http://www.sd.net>. You may subscribe to electronic delivery of agendas and minutes at My LRC on the LRC website.