



SOUTH DAKOTA REGISTER

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FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notice of Proposed Rules

Date in parentheses indicates when rules were filed with the Legislative Research Council.
Copies of proposed rules may be obtained for no charge at <https://rules.sd.gov> or from the agency directly.

[South Dakota Board of Technical Education \(Department of Education\)](#): (September 13, 2021) intends to adopt rules to change the distribution methodology of funds and update rule language to reflect the "technical institute" to "technical college" name change. The general authority for these rules, as cited by the board, is SDCL [13-39A-14](#), and [13-39A-18](#).

A public hearing will be held October 7, 2021, at 10:00 a.m. (CT) at Lake Area Technical College, Student Center: Level 4, 1201 Arrow Avenue, Watertown, South Dakota. Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, the South Dakota Board of Technical Education, Attn: Scott DesLauriers, 800 Governors Drive, Pierre, South Dakota 57501 or by email to scott.deslauriers@state.sd.us. The comment period will close 72 hours before the date of the hearing. This hearing is being held in a physically accessible location. Persons with special needs for which the board can make arrangements may call (605) 773-3134 at least 48 hours before the public hearing.

[Department of Game, Fish and Parks](#): (September 16, 2021) intends to amend rules to allow greater flexibility to the department as to when park entrance licenses may be offered for sale; designate some lakeside use areas as basic campgrounds and establish a fee for those campsites; designate Randall Creek as a prime campground and establish a fee for those campsites; correct an administrative error by increasing the French Creek Horse Camp fee to a price that was already passed by the Commission; align check out times of camping cabins with other structural camping facilities throughout the state; and incorporate cabin suites into the check out times. The general authority for these rules, as cited by the department, is SDCL [41-17-1.1](#) and [41-17-13.4](#).

A public hearing will be held October 7, 2021, at 2:00 p.m. (MT) at Cadillac Jack's, 360 Main Street, Deadwood, South Dakota. Those wanting to participate by teleconference can find the information to do so at <https://gfp.sd.gov/commission/information/>. Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Comments may also be submitted at <http://gfp.sd.gov/forms/positions>. All written and email comments must include the name, city, and state of the person submitting them. The comment period will close 72 hours prior to the date of the hearing. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf).

[South Dakota Appraiser Certification Program \(Department of Labor and Regulation\)](#): (September 17, 2021) intends to amend rules to revise appraiser examination requirements; define and set requirements for the Experience Training Program; and define and clarify continuing and distance education requirements in accordance with the Appraisal Subcommittee and the Appraiser Qualifications Board. The general authority for these rules, as cited by the department, is SDCL [36-21B-3](#).

A public hearing will be held October 7, 2021, at 10:00 a.m. (CT) at the Appraiser Certification Program Conference Room, 308 South Pierre Street, Pierre, South Dakota. Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, Department of Labor and Regulation, Appraiser Certification Program, 308 South Pierre Street, Pierre, South Dakota 57501 or by email to scott.amundson@state.sd.us. Information submitted by mail must be received within ten days after the date of the public hearing to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-4608 at least 48 hours prior to the hearing.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

DEPARTMENT OF SOCIAL SERVICES: 67:16:01:25, 67:16:01:26, 67:16:01:27; 67:16:14:05; 67:16:24:04; 67:16:25:06.01; 67:16:41:01, 67:16:41:04, 67:16:41:06, 67:16:41:09, 67:16:41:10, 67:16:41:14; 67:16:44:01.

History/Notice: 48 SDR 8, July 26, 2021

Hearing: August 17, 2021

Filed: September 13, 2021

Effective: October 3, 2021

DEPARTMENT OF TRANSPORTATION: 70:01:02:27.

History/Notice: 48 SDR 13, August 9, 2021

Hearing: August 26, 2021

Filed: September 13, 2021

Effective: October 3, 2021

BOARD OF ELECTIONS (OFFICE OF THE SECRETARY OF STATE): 5:02:03:28, 5:02:03:28.01; 5:02:07:06.

History/Notice: 48 SDR 6, July 19, 2021

Hearing: August 23, 2021

Filed: September 14, 2021

Effective: October 4, 2021

SOUTH DAKOTA ANIMAL INDUSTRY BOARD (DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES): 12:68:01:01; 12:68:03:07; 12:68:04:01.01, 12:68:04:09, 12:68:04:32; 12:68:07:03; 12:68:09:07; 12:68:12:04; 12:68:13:02, 12:68:13:04, 12:68:13:13, 12:68:13:15, 12:68:13:18, 12:68:13:37; 12:68:14:01; 12:68:16:01, 12:68:16:03, 12:68:16:07, 12:68:16:09; 12:68:17:11; 12:68:18:03.08, 12:68:18:04, 12:68:18:07; 12:68:19:09; 12:68:20:04; 12:68:21:01; 12:68:23:02, 12:68:23:04, 12:68:23:10, 12:68:23:11; 12:68:24:01, 12:68:24:04; 12:68:25:01; 12:68:28:01, 12:68:28:02; 12:68:29:02, 12:68:29:05, 12:68:29:08, 12:68:29:09, 12:68:29:11.

History/Notice: 47 SDR 140, June 21, 2021

Hearing: August 10, 2021

Filed: September 14, 2021

Effective: October 4, 2021

SOUTH DAKOTA DIVISION OF INSURANCE (DEPARTMENT OF LABOR AND REGULATION): 20:06:31:27, 20:06:31:30.

History/Notice: 48 SDR 13, August 9, 2021

Hearing: August 24, 2021

Filed: September 14, 2021

Effective: October 4, 2021

BUREAU OF ADMINISTRATION: 10:02:02:01, 10:02:02:02.

History/Notice: 48 SDR 10, August 2, 2021

Hearing: August 23, 2021

Filed: September 15, 2021

Effective: October 5, 2021

DEPARTMENT OF HEALTH: 44:90:01:01, 44:90:02:01, 44:90:02:02, 44:90:02:03, 44:90:02:04, 44:90:02:05, 44:90:02:06, 44:90:02:07, 44:90:02:08, 44:90:02:09, 44:90:02:10, 44:90:02:11, 44:90:02:12, 44:90:02:13, 44:90:02:14, 44:90:02:15, 44:90:02:16, 44:90:02:17; 44:90:03:01, 44:90:03:02, 44:90:03:03, 44:90:03:04, 44:90:03:05, 44:90:03:06, 44:90:03:07, 44:90:03:08, 44:90:03:09, 44:90:03:10, 44:90:03:11, 44:90:03:12, 44:90:03:13, 44:90:03:14, 44:90:03:15, 44:90:03:16, 44:90:03:17; 44:90:04:01, 44:90:04:02, 44:90:04:03, 44:90:04:04, 44:90:04:05, 44:90:04:06, 44:90:04:07, 44:90:04:08, 44:90:04:09, 44:90:04:10, 44:90:04:11, 44:90:04:12, 44:90:04:13, 44:90:04:14, 44:90:04:15, 44:90:04:16, 44:90:04:17, 44:90:04:18, 44:90:04:19, 44:90:04:20, 44:90:04:21, 44:90:04:22, 44:90:04:23, 44:90:04:24; 44:90:05:01, 44:90:05:02, 44:90:05:03, 44:90:05:04, 44:90:05:05, 44:90:05:06, 44:90:05:07, 44:90:05:08, 44:90:05:09, 44:90:05:10; 44:90:06:01, 44:90:06:02, 44:90:06:03, 44:90:06:04, 44:90:06:05, 44:90:06:06, 44:90:06:07, 44:90:06:08, 44:90:06:09; 44:90:07:01, 44:90:07:02, 44:90:07:03, 44:90:07:04, 44:90:07:05, 44:90:07:06, 44:90:07:07, 44:90:07:08, 44:90:07:09, 44:90:08:01, 44:90:08:02, 44:90:08:03; 44:90:09:01, 44:90:09:02, 44:90:09:03, 44:90:09:04, 44:90:09:05, 44:90:09:06, 44:90:09:07, 44:90:09:08, 44:90:09:09, 44:90:09:10, 44:90:09:11, 44:90:09:12, 44:90:10:01, 44:90:10:02, 44:90:10:03, 44:90:10:04, 44:90:10:05, 44:90:10:06, 44:90:10:07, 44:90:10:08, 44:90:10:09, 44:90:10:10, 44:90:10:11, 44:90:10:12, 44:90:10:13, 44:90:10:14, 44:90:10:15, 44:90:10:16, 44:90:10:17, 44:90:10:18, 44:90:10:19, 44:90:11:01, 44:90:11:02, 44:90:11:03, 44:90:11:04, 44:90:11:05, 44:90:11:06, 44:90:11:07, 44:90:11:08, 44:90:11:09, 44:90:11:10, 44:90:11:11, 44:90:11:12, 44:90:12:01, 44:90:12:02, 44:90:12:03, 44:90:12:04, 44:90:12:05, 44:90:12:06, 44:90:12:07, 44:90:12:08, 44:90:13:01, 44:90:13:02.

History/Notice: 48 SDR 10, August 2, 2021

Hearing: August 18, 2021

Filed: September 15, 2021

Effective: October 5, 2021

SOUTH DAKOTA BOARD OF NURSING (DEPARTMENT OF HEALTH): 20:48:03.01:01, 20:48:03.01:04; 20:48:05:01; 20:48:08:08, 20:48:08:09, 20:48:08:10, 20:48:08:11, 20:48:08:12, 20:48:08:14, 20:48:08:15; 20:48:09:01, 20:48:09:02; 20:48:11:01, 20:48:11:02, 20:48:11:03, 20:48:11:04, 20:48:11:05, 20:48:11:06; 20:48:14:01, 20:48:14:02, 20:48:14:03, 20:48:14:04; 20:48:17:01, 20:48:17:02, 20:48:17:03, 20:48:17:04, 20:48:17:05, 20:48:17:06, 20:48:17:07, 20:48:17:08, 20:48:17:09, 20:48:17:10, 20:48:17:11, 20:48:17:12, 20:48:17:13, 20:48:17:14, 20:48:17:15, 20:48:17:16; 20:62:05:01, 20:62:05:02.

History/Notice: 48 SDR 1, July 6, 2021

Hearing: August 11, 2021

Filed: September 15, 2021

Effective: October 5, 2021

Executive Orders

Governor Noem has signed [Executive Order 2021-13](#), dated September 14, 2021. SDCL [32-22-2](#) and ARSD [70:03:01:07](#) prohibit overweight vehicles from moving on state highways during nighttime hours. This Order, under the provisions of SDCL [34-48A](#), declares that a state of drought emergency exists in South Dakota, and extends the timeframe that hay haulers may move hay to two hours before sunrise and two hours after sunset to ensure that livestock feed is made available to drought stricken areas. Oversize hay haulers must be permitted as provided for in ARSD [70:03:01:113](#) and [70:03:01:114](#), notwithstanding SDCL [32-22-3](#) and [32-22-14](#), and ARSD [70:03:01:07](#); be equipped with flashing or rotating amber warning lights; and cannot run overweight. The Order will expire upon the cessation of the drought emergency or by November 30, 2021.

SCHEDULED PUBLIC HEARINGS

9-21-2021	<u>Department of Transportation</u> : Amend rules to increase the speed limit on U.S. Highway 81 over the Missouri River in Yankton County and designate the ending point of this speed zone at the South Dakota/Nebraska border, and modify the speed limits on State Trunk Highway 34 in and around Colman; 48 SDR 26, September 7, 2021.
10-4-2021	<u>Department of Social Services</u> : Amend rules to replace the term "division" with "department" throughout most of articles 67:61 (Substances Use Disorders) and 67:62 (Mental Health) to reflect the recent transition of the accreditation and licensing of providers or agencies duties to the newly formed Office of Licensing and Accreditation within the department; update form and style to current guidance including the removal of acronyms; and correctly locate SDCL subsection from law implemented to general authority sections; 48 SDR 26, September 7, 2021.
10-7-2021	<u>South Dakota Real Estate Commission (Department of Labor and Regulation)</u> : Amend rules to repeal unnecessary rules; reduce barriers for out of state applicants; increase educational opportunities; and clarify rules; 48 SDR 34, September 10, 2021.
10-7-2021	<u>Department of Health</u> : Amend rules to revise and update language to bring it in line with federal requirements; 48 SDR 34, September 10, 2021.
10-7-2021	<u>South Dakota Board of Technical Education (Department of Education)</u> : Adopt rules to change the distribution methodology of funds and update rule language to reflect the "technical institute" to "technical college" name change; 48 SDR 38, September 20, 2021.
10-7-2021	<u>Department of Game, Fish and Parks</u> : Amend rules to allow greater flexibility to the department as to when park entrance licenses may be offered for sale; designate some lakeside use areas as basic campgrounds and establish a fee for those campsites; designate Randall Creek as a prime campground and establish a fee for those campsites; correct an administrative error by increasing the French Creek Horse Camp fee to a price that was already passed by the Commission; align check out times of camping cabins with other structural camping facilities throughout the state; and incorporate cabin suites into the check out times; 48 SDR 38, September 20, 2021.
10-7-2021	<u>South Dakota Appraiser Certification Program (Department of Labor and Regulation)</u> : Amend rules to revise appraiser examination requirements; define and set requirements for the Experience Training Program; and define and clarify continuing and distance education requirements in accordance with the Appraisal Sub-Committee and the Appraiser Qualifications Board; 48 SDR 38, September 20, 2021.
10-12-2021	<u>South Dakota Cosmetology Commission (Department of Labor and Regulation)</u> : Amend rules to repeal unnecessary rules; implement esthetics apprenticeships; make changes to apprenticeships; revise prohibited tools and procedures; and clarify rules; 48 SDR 34, September 10, 2021.
10-22-2021	<u>South Dakota State Board of Dentistry (Department of Health)</u> : Amend rules to update regulations pertaining to the administration of sedation and anesthesia in a dental office; incorporate updated requirements, standards, and national guidelines; update anesthesia continuing education requirements to include new host permit; update definitions and references; update authority for advertising sedation and anesthesia to include new host permit; update general anesthesia and deep sedation permit requirements; update moderate sedation permit requirements; update pediatric moderate sedation permit requirements; update requirements for employing or contracting with a licensed anesthesia provider that provides general anesthesia, deep sedation or moderate sedation; clarify exemption for licensed ambulatory surgery center or hospital; incorporate and update moderate sedation course requirements; incorporate a new host permit and host permit requirements that will allow a dentist to utilize a licensed anesthesia provider; incorporate host permit course requirements; incorporate process for review of anesthesia or sedation education accepted in other jurisdictions; update nitrous oxide sedation and analgesia permit requirements for dentists, dental hygienists, and registered dental assistants and ensure consistency among rules; update minimal sedation as it relates to patients under 12 years of age; update permit renewal requirements and incorporate host permit; incorporate required annual sedation or anesthesia cases or continuing education for dentists that hold a general anesthesia and deep sedation or moderate

	<p>sedation permit; incorporate required team training on emergency response protocols for dentists that hold a general anesthesia and deep sedation, moderate sedation, or host permit; update adverse condition reporting and incorporate host permit; update inspector requirements; update inspection requirements for dentists that hold a host permit, moderate sedation permit, or general anesthesia and deep sedation permit; update equipment requirements for moderate sedation; update equipment requirements for general anesthesia and deep sedation; update clinical guidelines; incorporate requirement that an emergency response protocol be in place for patients undergoing moderate sedation, deep sedation or general anesthesia; and remove redundant regulations and obsolete provisions; 48 SDR 17, August 16, 2021.</p>
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RULES REVIEW COMMITTEE MEETINGS

The final scheduled meeting of the Interim Rules Review Committee for the 2021 Interim is Monday, November 1, 2021, at 10:00 a.m. via electronic conference and in Room 414 of the Capitol. Find notices of 2021 meetings in this publication, on the [LRC website](#), and at the Capitol.

The Drafting Manual for Administrative Rules in South Dakota is available on the [Administrative Rules Manual page](#) of the LRC website and will be updated regularly to reflect changes in drafting styles and procedures.