



# SOUTH DAKOTA REGISTER

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## FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

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### Notice of Proposed Rules

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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.

**Department of Agriculture and Natural Resources:** (September 23, 2022) intends to amend rules to update South Dakota's existing industrial hemp rules to meet the requirements in current federal regulations and state laws. The general authority for these rules, as cited by the department, is SDCL 38-35-11.

A public hearing will be held at the Matthews Training Center, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on October 14, 2022, at 10:00 a.m. (CT). Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, the Department of Agriculture and Natural Resources, 523 East Capitol, Pierre, South Dakota, 57501. Comments may also be submitted by email to [DANRMail@state.sd.us](mailto:DANRMail@state.sd.us). The deadline to submit written comments for consideration is ten days after the date of the public 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) 773-5559 or by email to [brian.pontious@state.sd.us](mailto:brian.pontious@state.sd.us) at least 48 hours prior to the hearing.

**Department of Transportation:** (September 23, 2022) intends to amend or repeal rules concerning administration of the board; property management guidelines; the award and administration of railroad trust fund loans; and the requirements for railroad tax credits. The general authority for these rules, as cited by the department, is SDCL 1-26-15, 1-44-30, 10-28-21.6, 49-16C-3, and 49-16C-4.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on October 19, 2022, at 11:00 a.m. (CT). Interested parties may also attend by calling (866) 705-2554 and using conference code 153277. Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, the Secretary of Transportation, Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501. Copies of the rules are also available at <https://rules.sd.gov>. Comments may also be emailed to [Joel.Jundt@state.sd.us](mailto:Joel.Jundt@state.sd.us). Information submitted in writing must be received on or before October 15, 2022, 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) 773-3540 or (800) 877-1113 (Telecommunications Relay Services for the Deaf) at least 48 hours before the public hearing.

**South Dakota Appraiser Certification Program (Department of Labor and Regulation):** (September 23, 2022) intends to amend rules to redesignate the state-registered credential as the registered trainee appraiser credential and clarify the scope of practice to bring rules into closer alignment with federal rules. The general authority for these rules, as cited by the department, is SDCL 36-21B-3.

A public hearing will be held in the DLR Conference Room at 217 West Missouri Avenue, Pierre, South Dakota, on October 18, 2022, at 1:00 p.m. (CT). Interested persons may also attend via [MS Teams](#) or by calling (605) 679-7263 and using conference code 720 378 04#. Copies of the proposed rules may be obtained without charge from, and written

comments may be sent to, Appraiser Certification Program, 217 West Missouri Avenue, Pierre, South Dakota 57501. The rules are available at <https://rules.sd.gov>. 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) 773-3803 at least 48 hours prior to the hearing.

## **FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE**

### **Final Administrative Rules**

**SOUTH DAKOTA BOARD OF EDUCATION STANDARDS (DEPARTMENT OF EDUCATION):** 24:55:01:01, 24:55:01:05; 24:55:02:01, 24:55:02:06, 24:55:02:07, 24:55:02:08, 24:55:02:09, 24:55:02:09.04, 24:55:02:09.05, 24:55:02:10, 24:55:02:12, 24:55:02:15, 24:55:02:16; Appendix C (24:55:02:06); Appendix G (24:55:02:09); Appendix M (24:55:02:12); Appendix N (24:55:02:15); 24:55:03:01, 24:55:03:07, 24:55:03:08, 24:55:03:15; 24:55:04:08, 24:55:04:11; 24:55:05:02, 24:55:05:03, 24:55:05:04, 24:55:05:05, 24:55:05:06, 24:55:05:07; Appendix A (24:55:05:03); Appendix B (24:55:05:05); Appendix C (24:55:05:07); 24:55:06:02, 24:55:06:04, 24:55:07:05, 24:55:07:11, 24:55:07:14; 24:55:08:04; 24:55:09:02.

**History/Notice:** 48 SDR 130, June 21, 2022

**Hearing:** July 18, 2022

**Filed:** September 20, 2022

**Effective:** October 10, 2022

## **SCHEDULED PUBLIC HEARINGS**

<b>9-28-2022</b>	<b>State Board of Elections (Office of the Secretary of State):</b> Amend rules to update recapitulation sheets to provide clarifying language and additional tabulation descriptions; allow for the use of certain abbreviations on official ballot stamps; provide clarity regarding the certificate of transmittal to a counting board; and update the voter registration form to provide clarity to the choice of party information section; 49 SDR 20, August 29, 2022.
<b>9-29-2022</b>	<b>Department of Transportation:</b> Amend rules to delete limited speed zones on highway segments in Pennington County that have been obliterated or transferred to a local government; establish a limited speed zone for the crossroad over Interstate Highway 90 at mileage reference marker 59.19 in Pennington County; change the speed limits on U.S. Highways 281 and 212 in and around Redfield; change requirements for becoming and remaining qualified to submit bids for highway construction contracts; revise the process for accessing bid proposals; repeal a rule relating to rejection of bids; and allow the submission of optional combination bids; 49 SDR 24, September 6, 2022.
<b>9-29-2022</b>	<b>South Dakota Board of Water and Natural Resources (Department of Agriculture and Natural Resources):</b> Amend rules to redistrict the director areas of seven water development districts; 49 SDR 25, September 6, 2022.
<b>9-30-2022</b>	<b>Department of Human Services:</b> Amend rules to increase eligibility for certain telecommunications equipment; correct and specify eligibility for the communication assistance services program; add criteria for denial, suspension, or revocation of interpreter certification; update shared living terminology and compliance requirements; expand time for shared living required training and training requirements; amend definitions; adjust provider enrollment requirements; clean up language and internal references; specify records requirements; update case management provisions; clarify the requirement for a functional behavior analysis; clarify provider role regarding immunizations; increase eligibility for community training services; repeal day service provisions within the shared living chapter; and repeal the 300-foot provider building separation requirement; 49 SDR 23, September 6, 2022.

<b>9-30-2022</b>	<b><u><a href="#">South Dakota Board of Examiners for Counselors and Marriage and Family Therapists (Department of Social Services)</a></u></b> : Amend rules to clarify requirements of an approved counseling program's practicum and internship requirements for education acceptable for licensure as a professional counselor; clarify the required methods of supervision for post graduate supervisees to allow flexibility in the required observation of supervisees seeking a professional counselor license or marriage and family therapist license; clarify that a post-graduate plan of supervision automatically expires upon issuance of a professional counselor, professional counselor – mental health, or marriage and family therapist license; add the Counselor Rehabilitation Certification Examination (CRC) as an acceptable national examination for meeting the requirements of licensure as a professional counselor; and allow the board to accept an examination deemed equivalent to the Association of Marital and Family Regulatory Board's National Examination on Marital Therapy for purposes of meeting the examination requirement as licensure as a marriage and family therapist; 49 SDR 24, September 6, 2022.
<b>10-3-2022</b>	<b><u><a href="#">South Dakota Conservation Commission (Department of Agriculture and Natural Resources)</a></u></b> : Amend rules to accommodate an additional \$3,000,000.00 of one-time general funds added to the conservation district special revenue fund by <u><a href="#">House Bill 1277</a></u> , passed by the 2022 Legislature; 49 SDR 24, September 6, 2022.
<b>10-4-2022</b>	<b><u><a href="#">South Dakota Board of Nursing (Department of Health)</a></u></b> : Amend rules to update the definitions used in Article 20:48; revise and update the rules on the delegation of medication administration tasks to nursing assistive personnel, including training and supervision requirements; remove the registration requirement for diabetes aides to be listed on the board's unlicensed personnel registry; and remove the requirement for all medication aides to be registered by the board and require only those employed in skilled nursing facilities, assisted living centers, or hospitals to be registered; 49 SDR 23, September 6, 2022.
<b>10-6-2022</b>	<b><u><a href="#">Department of Game, Fish and Parks</a></u></b> : Amend rules to modify the time during the season when hunters can have uncased weapons within certain parks in the state park system; change the start date of the spring turkey hunting season and increase the maximum number of licenses available to residents; modify the hunting units within the Black Hills; remove a unit from the spring wild turkey hunting season and revise the valid date of access permits for Good Earth State Park and Adams Homestead and Nature Preserve; align start dates for turkey hunting seasons; establish a later Custer State Park spring wild turkey season and set the number of licenses available to residents; and remove the preference point unit from turkey hunting in Custer State Park; 49 SDR 30, September 19, 2022.
<b>10-7-2022</b>	<b><u><a href="#">Department of Social Services</a></u></b> : Amend rules to update the length of coverage for the Refugee Medical Assistance (RMA) program from eight months to twelve months for eligible refugees with entry dates on or after October 1, 2021, and to update the law implemented throughout the Chapter; 49 SDR 27, September 12, 2022.
<b>10-11-2022</b>	<b><u><a href="#">Department of Health</a></u></b> : Amend rules to allow an extension to certain establishments that cannot open within one year of receiving a certificate; change requirements for agent identification badges; create an allowance for testing facilities to use alternate methods of transportation when sending samples to the public health laboratory; allow the use of non-odorized flammable gas in the extraction process; and reduce the qualifications for submitting a petition for a debilitating condition to the department; 49 SDR 27, September 12, 2022.
<b>10-11-2022</b>	<b><u><a href="#">South Dakota Lottery (Department of Revenue)</a></u></b> : Amend rules to implement ticket-in, ticket-out payment for video lottery terminals, and clean up and clarify existing rules; 49 SDR 30, September 19, 2022.
<b>10-11-2022</b>	<b><u><a href="#">South Dakota Division of Insurance (Department of Labor and Regulation)</a></u></b> : Amend rules to adopt a definition of "authorized"; identify certain circumstances that are not a conflict of interest under the annuity standards passed in <u><a href="#">Senate Bill 148</a></u> ; and amend the effective date of the proposed adopted rules to coincide with the effective date of Senate Bill 148; 49 SDR 30, September 19, 2022.
<b>10-13-2022</b>	<b><u><a href="#">South Dakota Real Estate Commission (Department of Labor and Regulation)</a></u></b> : Amend rules to require applicants for a responsible broker's license to furnish evidence of completion of 24 class hours beyond the associate broker's license; formally adopt the required course of study for the responsible broker's class hours; and add continuing education subject areas related to property managers; 49 SDR 27, September 12, 2022.

<b>10-14-2022</b>	<b><a href="#">Department of Agriculture and Natural Resources</a></b> : Amend rules to update South Dakota's existing industrial hemp rules to meet the requirements in current federal regulations and state laws; 49 SDR 34, September 26, 2022.
<b>10-18-2022</b>	<b><a href="#">South Dakota Appraiser Certification Program (Department of Labor and Regulation)</a></b> : Amend rules to redesignate the state-registered credential as the registered trainee appraiser credential and clarify the scope of practice to bring rules into closer alignment with federal rules; 49 SDR 34, September 26, 2022.
<b>10-19-2022</b>	<b><a href="#">Department of Transportation</a></b> : Amend or repeal rules concerning administration of the board; property management guidelines; the award and administration of railroad trust fund loans; and the requirements for railroad tax credits; 49 SDR 34, September 26, 2022.

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### **RULES REVIEW COMMITTEE MEETINGS**

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The last scheduled meeting of the Interim Rules Review Committee for the 2022 Interim is Tuesday, November 1, 2022, at 10:00 a.m. (CT) via electronic conference and in Room 414 of the Capitol. Find notices of committee 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 is updated regularly to reflect changes in drafting styles and procedures.