



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.

Department of Game, Fish and Parks: (April 12, 2023) intends to amend rules to modify the number of waterfowl licenses available to nonresidents; correct an erroneous unit description in the West River deer season; expand hunting opportunities in the West River season by modifying unit 49A; modify unit RFD-SL4 by restricting the type of weapon that can be used to take a deer; modify the open units on Lacreek Refuge for the deer hunting season; modify the time period for which hunting can only be done by archery equipment within Custer State Park; and modify the closed units for the apprentice hunter deer season and youth deer season by expanding opportunity on Fort Meade Bureau of Land Management units. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-6-18.2, 41-6-18.4, 41-6-21, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Custer State Park Event Barn, 13438 U.S. Highway 16A, Custer, South Dakota, on May 4, 2023, at 2:00 p.m. (MT). Individuals wishing to participate by teleconference can find the necessary information at <https://gfp.sd.gov/commission/information/>. Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rules 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 State Board of Dentistry (Department of Health): (April 13, 2023) intends to amend rules to update regulations pertaining to clinical examinations and licensure; update advertising regulations; update specialty practice advertising regulations and account for legal case law developments; update supervision requirements for the administration of nitrous oxide sedation and analgesia by dental hygienists and registered dental assistants; update supervision requirements for the administration of local anesthesia by dental hygienists; and repeal the unnecessary reporting requirement for collaborative supervision. The general authority for these rules, as cited by the board, is SDCL 36-6A-14, 36-6A-44, 36-6A-44.2, 36-6A-47, 36-6A-47.1, and 36-6A-50.

A public hearing will be held at the Drifters Event Center, 325 Hustan Avenue, Fort Pierre, South Dakota, on June 2, 2023, at 10:00 a.m. (CT). Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rules may be sent to, the South Dakota State Board of Dentistry, P.O. Box 1079, Pierre, South Dakota 57501. Copies are also available at <https://www.sdboardofdentistry.org/>. Comments may also be emailed to contactus@sdboardofdentistry.com. The comment period will close on May 26, 2023. This hearing is being held in a physically accessible location. Persons with special needs for which the board can make arrangements may call (605) 224-1282 or (800) 877-1113 (Telecommunication Relay Services for the Deaf) at least 48 hours before the public hearing.

Petition for Rules

The **Department of Game, Fish and Parks** on April 11, 2023, served on the Interim Rules Review Committee and director of the Legislative Research Council a petition received from interested persons, per [SDCL 1-26-13](#), to amend administrative rule to change how preference points are accrued related to elk applications ([ARSD 41:06:01:10](#)). The [Game, Fish and Parks Commission](#) reviewed the petition at its April 13, 2023, meeting.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

[DEPARTMENT OF GAME, FISH AND PARKS](#): 41:03:01:13; 41:03:04:03.02.

History/Notice: 49 SDR 53, November 21, 2022

Hearing: December 8, 2022

Filed: April 11, 2023

Effective: May 1, 2023

[DEPARTMENT OF GAME, FISH AND PARKS](#): 41:03:01:16; 41:04:02:23; 41:06:01:17; 41:06:20:02; 41:06:22:01, 41:06:22:01.02, 41:06:22:03.01; 41:06:24:01; 41:06:29:03; 41:06:40:05.

History/Notice: 49 SDR 72, February 21, 2023

Hearing: March 9, 2023

Filed: April 11, 2023

Effective: May 1, 2023

[DEPARTMENT OF TRANSPORTATION](#): 70:03:01:20, 70:03:01:65.

History/Notice: 49 SDR 68, February 6, 2023

Hearing: February 23, 2023

Filed: April 11, 2023

Effective: May 1, 2023

[STATE BOARD OF ELECTIONS \(OFFICE OF THE SECRETARY OF STATE\)](#): 05:02:03:01.

History/Notice: 49 SDR 70, February 13, 2023

Hearing: March 15, 2023

Filed: April 11, 2023

Effective: May 1, 2023

Executive Order

Governor Noem has signed [Executive Order 2023-04](#), dated April 14, 2023, blocking executive branch agencies under the control of the Governor from entering into state contracts with a bank, insurance company, credit union, savings and loan association, investment trust, or other financial institution with \$100 billion or more in total assets that discriminates against a firearm-related entity, regardless of whether the subject matter of the contract is related to the discriminatory activity of the contractor. The Order defines the term, discriminate against a firearm-related entity, to include refusing to engage in the trade of any good or service with the entity; refraining from continuing an existing business relationship with the entity; or terminating an existing business relationship with the entity—all based solely on its status as a firearm-related entity. The purpose of the Order, as described in the document, is to protect South Dakotans' constitutional rights to keep and bear arms from being infringed upon by financial institutions. The Order is prospective, effective thirty days after signature, and shall continue in effect until amended, modified, terminated, or rescinded by the Governor.

SCHEDULED PUBLIC HEARINGS

4-17-2023	<u>South Dakota Board of Education Standards (Department of Education)</u> : Amend rules to create a student teacher permit and advanced student teacher permit; 49 SDR 76, March 6, 2023.
4-18-2023	<u>South Dakota Weed and Pest Control Commission (Department of Agriculture and Natural Resources)</u> : Amend a rule to add wild parsnip to the local noxious weed and declared pest list; 49 SDR 78, March 13, 2023.
4-24-2023	<u>Office of the Attorney General</u> : Adopt rules to provide information about the form to be used by law enforcement agencies to file a forfeiture report, the deadline to submit a forfeiture report, and the procedures necessary to submit the report; 49 SDR 76, March 6, 2023.
5-4-2023	<u>Department of Game, Fish and Parks</u> : Amend rules to modify the number of waterfowl licenses available to nonresidents; correct an erroneous unit description in the West River deer season; expand hunting opportunities in the West River season by modifying unit 49A; modify unit RFD-SL4 by restricting the type of weapon that can be used to take a deer; modify the open units on Lacreek Refuge for the deer hunting season; modify the time period for which hunting can only be done by archery equipment within Custer State Park; and modify the closed units for the apprentice hunter deer season and youth deer season by expanding opportunity on Fort Meade Bureau of Land Management units; 49 SDR 88, April 17, 2023.
5-11-2023	<u>Department of Agriculture and Natural Resources</u> : Amend rules to update pest control certification and training regulations in accordance with the department's signed certification and training plan with the Environmental Protection Agency, update pesticide recycling rules on types of containers, and waive the pre-registration requirement for waste pesticide disposal; 49 SDR 86, April 11, 2023.
6-2-2023	<u>South Dakota State Board of Dentistry (Department of Health)</u> : Amend rules to update regulations pertaining to clinical examinations and licensure; update advertising regulations; update specialty practice advertising regulations and account for legal case law developments; update supervision requirements for the administration of nitrous oxide sedation and analgesia by dental hygienists and registered dental assistants; update supervision requirements for the administration of local anesthesia by dental hygienists; and repeal the unnecessary reporting requirement for collaborative supervision; 49 SDR 88, April 17, 2023.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2023 Interim is Tuesday, May 2, 2023, at 10:00 a.m. (CT) via electronic conference and in Room 414 of the Capitol. Future meetings for the 2023 Interim are scheduled for June 13, July 18, August 8, September 12, and November 7. 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.