



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 Transportation: (July 5, 2023) intends to amend rules to change the speed limit on Interstate Highway 90 in and around Sioux Falls and on U.S. Highway 385 in Hot Springs. The general authority for these rules, as cited by the department, is SDCL 32-25-7 and 32-25-7.1.

A public hearing will be held in the Commission Room of the Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on July 27, 2023, at 9:00 a.m. (CT). Interested parties may also participate by telephone 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 57501-2586. Copies of the rules are also available at <https://rules.sd.gov>. Comments may also be emailed to Joel.Jundt@state.sd.us. Information submitted in writing must be received on or before July 23, 2023, 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.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

SOUTH DAKOTA WEED AND PEST CONTROL COMMISSION (DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES): 12:62:03:01.07.

History/Notice: 49 SDR 78, March 13, 2023

Hearing: April 18, 2023

Filed: June 26, 2023

Effective: July 16, 2023

Executive Order

Governor Noem has signed [Executive Order 2023-11](#), dated July 6, 2023, establishing the America 250th South Dakota Commission, the purpose of which is to prepare for the celebration of the 250th anniversary of the United States of America in 2026. Under the Order, the America 250th South Dakota Commission will plan, encourage, develop, coordinate, and promote observances and activities to be held in South Dakota in honor of the nation's 250th anniversary.

The Order states that the Governor may appoint as many members as deemed necessary to carry out the Commission's directives which may include Cabinet Secretaries, or their designees; Director of the State Historical Society, serving as chairperson; State Librarian; representative(s) from the Board of Regents; representative(s) from the Historical Society Foundation; members appointed by the Governor representing the geographic and cultural diversity of the State; Representative(s) and Senator(s) of the South Dakota Legislature; representative(s) of local history organizations; and any other interested representative(s) the Governor deems necessary. Members will serve at the pleasure of the Governor and meet as often as needed, at the discretion of the Chair.

The Commission is further instructed, under the Order, to appoint a Tribal Advisory Subcommittee and invite representatives from all nine federally recognized tribes within the State of South Dakota to coordinate educational opportunities, activities, and events with the Commission. Other subcommittees may be appointed as necessary to carry out the purpose of the Commission.

The Commission is to coordinate, review, and promote programs and activities regarding the Declaration of Independence, the founding era, and the "pursuit of happiness."

The South Dakota Historical Society Foundation is designated to be the sole agent for soliciting and accepting donations and grants to the state to carry out the purposes of the Order and the Commission's work. Donated funds may only be disbursed upon recommendation by a majority of the Commission and finally approved by the Chair. The Department of Education and the Historical Society will provide administrative, technical, and legal support to the Commission, while other state agencies are to assist the commission as needed.

The Commission will complete its work and be dissolved and repealed on March 31, 2027, with a prior report to the Governor to be maintained in the State Archives for a potential tricentennial commission to use in preparation for its work in 2076.

Executive Appointments

The term expiration dates for the following board members were incorrectly listed as 6/30/2023 in the July 5, 2023, edition of the South Dakota Register. The correct dates are 6/30/2026 for Family Support Council members Joshua Jones and Tina Two Crow-Slow Bear, and 6/30/2025 for John Mogen, a member of the State Arts Council.

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeding</u>	<u>Effective/End Date</u>
Board of Vocational Rehabilitation			
Shawn Lyons Pierre	Governor	Beth Schiltz	7/1/2023 – 6/30/2026
Family Support Council			
Haley A. Coss Saint Lawrence	Governor	Letty Thelen	7/1/2023 – 6/30/2026
Hagen-Harvey Memorial Scholarship Board			
Brian D. Wagner Redfield	Governor	Daryl Russell	7/1/2023 – 6/30/2028
State Board of Physical Therapy			
Linda J. Ahrendt Sioux Falls	Governor	New Appointment	7/1/2023 – 6/30/2025

Matthew S. Weigel
Spearfish

Governor

New Appointment

7/1/2023 – 6/30/2026

SCHEDULED PUBLIC HEARINGS

7-11-2023	<u>South Dakota Animal Industry Board (Department of Agriculture and Natural Resources):</u> Adopt and amend rules to comply with and expand upon statutory authority pertaining to confidential records held by a state agency. The board also intends to adopt a rule to specify that sales of retail meat products only occur when the producing retail store has full control of the sanitation, storage, and transportation of the meat product until purchased by the consumer. Additionally, the board seeks to amend rules regarding meat inspection; 49 SDR 117, June 12, 2023.
7-12-2023	<u>Department of Health:</u> Amend rules to define the minimum regulations necessary to maintain the health and safety of residents living in assisted living centers; revise language; correct spelling; update references; add the definition of communicable disease; and add the ability for assisted living centers to stock naloxone for emergency use; 49 SDR 122, June 19, 2023.
7-18-2023	<u>State Board of Finance (Office of the Secretary of State):</u> Amend rules to define terms; repeal reimbursement limits for for-hire and private carriers; repeal allowable household moving expenses; repeal the mobile home moving expense allowance; repeal allowable travel pay in addition to moving expenses; repeal allowable storage expenses; repeal the moving allowance for professionals; repeal the authorization required for reimbursement of moving expenses for professionals; repeal requirements for application for moving expenses for professionals; amend return of transit pay allowance; and repeal allowable travel expenses for professionals; 49 SDR 122, June 19, 2023.
7-18-2023	<u>Office of the State Auditor:</u> Repeal rules regarding receipts for mobile home moving and household moving claims; 49 SDR 129, June 26, 2023.
7-20-2023	<u>Department of Agriculture:</u> Amend and adopt rules to update the state's existing hazardous waste rules by incorporating updated codified federal regulations adopted from July 1, 2018 through June 30, 2022, by reference; 49 SDR 109, May 30, 2023.
7-21-2023	<u>South Dakota Speech-Language Pathology Board of Examiners (Department of Health):</u> Amend and adopt rules to remove unnecessary barriers to licensure; update language to reflect current technology and practice; and correct references to authority and legal references; 49 SDR 110, May 30, 2023.
7-27-2023	<u>Department of Social Services:</u> Amend rules to update to current child care licensing rule citations; update the department response time for an application for license or registration certification to align with the child care licensing rule; update the in-home or informal provider training requirements to align with the new child care licensing training language; and make style and form edits; 50 SDR 1, July 5, 2023.
7-27-2023	<u>Department of Transportation:</u> Amend rules to change the speed limit on Interstate Highway 90 in and around Sioux Falls and on U.S. Highway 385 in Hot Springs; 50 SDR 5, July 10, 2023.
7-31-2023	<u>South Dakota Real Estate Commission (Department of Labor and Regulation):</u> Amend rules to reestablish qualifications for the reinstated restricted broker's license for auctioneers and reinstate a prohibition against unlicensed callers and bid takers in an auction sale; 49 SDR 117, June 12, 2023.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2023 Interim is Tuesday, July 18, 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 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.