



SOUTH DAKOTA REGISTER

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FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

BOARD OF MINERALS AND ENVIRONMENT (DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES): 74:28:21:01, 74:28:21:01.01, 74:28:21:02; 74:28:22:01; 74:28:23:01; 74:28:24:01; 74:28:25:01, 74:28:25:03, 74:28:25:04, 74:28:25:05; 74:28:26:01; 74:28:27:01; 74:28:28:01, 74:28:28:03, 74:28:28:04, 74:28:28:05; 74:28:30:01; 74:28:33:01.

History/Notice: 49 SDR 109, May 30, 2023

Hearing: July 20, 2023

Filed: August 8, 2023

Effective: August 28, 2023

DEPARTMENT OF HEALTH: 44:70:01:01, 44:70:01:03, 44:70:01:05, 44:70:01:07, 44:70:01:07.01, 44:70:01:10; 44:70:02:06, 44:70:02:07, 44:70:02:08, 44:70:02:09, 44:70:02:11, 44:70:02:11.01, 44:70:02:17, 44:70:02:20; 44:70:03:01, 44:70:03:02, 44:70:03:02.01; 44:70:04:02, 44:70:04:03, 44:70:04:04, 44:70:04:05, 44:70:04:10, 44:70:04:10.01, 44:70:04:12, 44:70:04:13, 44:70:04:17, 44:70:04:18; 44:70:05:01, 44:70:05:02, 44:70:05:04, 44:70:05:05, 44:70:05:06; 44:70:06:03, 44:70:06:05, 44:70:06:06, 44:70:06:07, 44:70:06:08, 44:70:06:09, 44:70:06:11, 44:70:06:12, 44:70:06:16, 44:70:06:17, 44:70:06:18; 44:70:07:01, 44:70:07:04, 44:70:07:05, 44:70:07:08, 44:70:07:09, 44:70:07:10; 44:70:08:06; 44:70:09:02, 44:70:09:03, 44:70:09:08, 44:70:09:14; 44:70:10:01, 44:70:10:02.01, 44:70:10:04, 44:70:10:11, 44:70:10:20, 44:70:10:21, 44:70:10:22, 44:70:10:23, 44:70:10:38, 44:70:10:39.

History/Notice: 49 SDR 122, June 20, 2023

Hearing: July 12, 2023

Filed: August 10, 2023

Effective: August 30, 2023

SOUTH DAKOTA REAL ESTATE COMMISSION (DEPARTMENT OF LABOR AND REGULATION): 20:69:06:03, 20:69:06:09.

History/Notice: 49 SDR 117, June 12, 2023

Hearing: July 31, 2023

Filed: August 10, 2023

Effective: August 30, 2023

Executive Appointments

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeding</u>	<u>Effective/End Date</u>
Family Support Council			
Ruth E. Conway	Governor	Diane Baumiller	7/1/2023 – 6/30/2026
Rapid City			

Executive Orders

Governor Noem has signed [Executive Order 2023-12](#), dated August 8, 2023, declaring a disaster to exist in Edmunds and Spink counties under provisions of [SDCL chapter 34-48A](#) due to moderate to major flooding caused by rapid snow melt in South Dakota. It states that federal resources are needed to help alleviate the impacts of the flooding for local governments. A similar Order, [Executive Order 2023-08](#), was signed June 2, 2023, declaring a disaster to exist in the counties of Brown, Clark, Codington, Day, Faulk, Grant, Hand, Marshall, Potter, Roberts, and for the Sisseton Wahpeton Oyate of the Lake Traverse Reservation. Neither Order contains an expiration date.

Governor Noem has signed [Executive Order 2023-13](#), dated August 11, 2023, requiring each state agency, authority, bureau, board, commission, department, or institution of the State of South Dakota that is controlled by the Governor to incorporate an acknowledgement and certification into any contract for the signor to state that the contract does not violate [Article 3, Section 12](#) of the South Dakota Constitution. It states that the purpose of the Order is to guard against conflicts of interest in state government, specifically involving state legislators. The Order also encourages entities outside of the Governor's oversight such as the judicial and legislative branches, other constitutional offices, boards and authorities who operate independently of executive oversight, and county governments, to review their processes to ensure their contracts are executed in accordance with Article 3, Section 12. It does not contain an expiration date.

SCHEDULED PUBLIC HEARINGS

8-14-2023	Department of Public Safety: Amend rules to adopt the 2021 editions of the National Board Inspection Code handbook and American Society of Mechanical Engineers Boiler and Pressure Vessel Code handbook, and the 2023 edition of the Commercial Vehicle Safety Alliance handbook; revise rules pertaining to motorcycle safety education courses; and adopt current policy and procedure for the issuance of burn permits; 50 SDR 8, July 17, 2023.
8-22-2023	Professional Administrators Practices and Standards Commission (Department of Education): Amend a rule to add a requirement to the code of ethics for the reporting of violations to the code; 50 SDR 11, July 24, 2023.
8-22-2023	Department of Health: Adopt and amend rules to revise language and update references relating to radiation imaging; adopt CFR 1020.30-1020.33, which all manufacturers of radiation equipment are required by the FDA to meet; include technological advances in radiation imaging equipment; more accurately define which personnel are required to use radiation monitoring devices; provide requirements for monitoring of pregnant radiation equipment operators; require a fixed control booth area for all fixed radiation equipment; and improve radiation equipment operator training, competency, and knowledge of radiation imaging acquisition and radiation safety; 50 SDR 14, July 31, 2023.
8-23-2023	Department of Agriculture and Natural Resources: Amend rules to adopt the model bill and regulations regarding labeling recommendations from the most current Official Publication of the Association of American Feed Control Officials; 50 SDR 8, July 17, 2023.
8-24-2023	Department of Transportation: Amend rules to change the speed limit on State Trunk Highway 79 in Meade County in connection with the Sturgis Motorcycle Rally; eliminate a reduced speed zone on State Trunk Highway 48 in and around Spink County; and eliminate an outdated state law reference regarding transit grant audits; 50 SDR 17, August 7, 2023.
10-10-2023	South Dakota Board of Nursing (Department of Health): Adopt and amend rules to revise and modernize the RN and LPN scope and standards of practice to be consistent with practice statutes in SDCL 36-9-3 and 36-9-4 and national standards of practice; update definitions and terms used; clarify supervision requirements of the LPN, update and modernize the IV therapy tasks an LPN may perform, including the administration of blood components, after obtaining additional education and training; and update tasks and IV medications an LPN may not perform or administer; 50 SDR 14, July 31, 2023.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2023 Interim is Thursday, September 21, 2023, at 10:00 a.m. (CT) via electronic conference and in Room 414 of the Capitol. Please note the date change from the original schedule of September 12, 2023. The final meeting for the 2023 Interim is scheduled for 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.