



SOUTH DAKOTA REGISTER

Published weekly by the Legislative Research Council

Volume 50

Monday, 8:00 a.m., September 11, 2023

FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Petition for Rules

The **Department of Game, Fish and Parks** on September 6, 2023, served on the Interim Rules Review Committee and director of the Legislative Research Council petitions received from interested persons, per [SDCL 1-26-13](#), to amend administrative rule to require hound hunters to use GPS collars for their hounds, require hunters using hounds to report any injuries to the department, modify restrictions on the use of hounds on the prairie, modify the allowance of taking female mountain lions on the prairie, and require guides to register with the department ([ARSD 41:06:61:06](#)); and to increase mountain lion license fees ([ARSD 41:06:02:03](#)). The [Game, Fish and Parks Commission](#) reviewed the petitions at its September 7, 2023, meeting.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Executive Order

Governor Noem has signed [Executive Order 2023-14](#), dated September 6, 2023, requiring certain practices when constructing state buildings in a Federal Emergency Management Agency (FEMA) designated flood prone area in a non-NFIP participating community. It states that when proposed construction of a state-owned development is to occur in such areas, the South Dakota Office of the State Engineer shall require review of the proposed development to assure that all necessary government permits have been received; new construction and substantial improvements are designed or modified to prevent or minimize flood damages; new and replacement water supply systems are designed to minimize or eliminate infiltration of flood water into the systems; new and replacement sanitary sewage systems are designed to minimize or eliminate infiltration of flood water into the systems and discharges from the systems into flood waters; onsite waste disposal systems are located to avoid impairment to them or contamination from them during flooding; and all other applicable requirements of [44 C.F.R. 60.3\(a\) through \(d\)](#), and other relevant federal or state laws are met. The Order does not contain an expiration date.

Executive Appointments

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeding</u>	<u>Effective/End Date</u>
South Dakota Lottery Commission			
Timothy J. Donohue Sioux Falls	Governor	William Shorma	9/6/2023 – 1/1/2025

SCHEDULED PUBLIC HEARINGS

9-20-2023	<u>South Dakota Board of Nursing Facility Administrators (Department of Health):</u> Adopt and amend rules to complete a fee update that was originally scheduled in 2020 and delayed due to the pandemic and update statutory references; 50 SDR 22, August 21, 2023.
9-26-2023	<u>Department of Transportation:</u> Amend a rule to change the speed limit on State Trunk Highway 50 in and around Yankton; 50 SDR 28, September 1, 2023.
9-27-2023	<u>State Board of Elections (Office of the Secretary of State):</u> Adopt rules to define terms related to post-election audits; prescribe the form to be used for the notice of appointment of post-election auditing boards; require members of such boards to sign an oath of office; require the county auditor to provide administrative support and staff for post-election auditing boards; prescribe the form to be used for the board's receipt for the official ballots; specify the process for a public vote count including the opening of ballot receptacles and containers, hand-counting ballots, and tallying the audit vote count; prescribe the form to be used to certify the results of a post-election audit; define the procedure for placing post-election audit voted ballots in a ballot receptacle or container; prescribe the form to be used for the seal to be placed on a ballot receptacle or container; and define the process for reimbursement of post-election audit costs; 50 SDR 27, September 5, 2023.
9-27-2023	<u>State Board of Elections (Office of the Secretary of State):</u> Amend and adopt rules to prescribe the form to be used for the acknowledgement notice for invalid or incomplete voter registration applications; provide instructions for voters using optical scan ballots and those voting absentee; define the process for absentee voting at a nursing facility, assisted living center, or hospital; and clarify the procedure for securing ballot boxes; 50 SDR 28, September 6, 2023.
9-28-2023	<u>Department of Health:</u> Adopt and amend rules to update and clarify definitions related to medical cannabis; review allowable amounts of cannabis product and scale certification for scales used to weigh and measure cannabis product; define additives and terpenes in the manufacturing process; clarify that all sales of cannabis and cannabis products must be in a certified medical cannabis dispensary; clarify the definition of final form of cannabis prior to retail sale; remove the exemption of pre-roll cannabis from testing requirements; add expiration dates and use by dates to packaged cannabis product; clarify use of inventory tracking system plant tags; increase the establishment certification fee to reflect the inflationary increase allowed by statute; and repeal the petition process for debilitating conditions; 50 SDR 27, September 5, 2023.
9-28-2023	<u>South Dakota Board of Accountancy (Department of Labor and Regulation):</u> Adopt and amend rules to update education measurements and accrediting agency names and expand the qualifying period to pass the Uniform CPA exam; 50 SDR 28, September 5, 2023.
10-3-2023	<u>Department of Health:</u> Adopt and amend rules to allow the ground component of an air ambulance service to transfer patients from one healthcare facility to another healthcare facility, unless a local government agreement or ordinance provides otherwise, and to allow the ground ambulance component for healthcare facility-operated air ambulance services to provide interfacility transfers under certain conditions; 50 SDR 28, September 5, 2023.
10-10-2023	<u>South Dakota Board of Nursing (Department of Health):</u> 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.