



# SOUTH DAKOTA REGISTER

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## FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

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### Notice of Change in Hearing Date

**South Dakota Board of Massage Therapy (Department of Health):** A public hearing scheduled for July 15, 2020, on proposed rules to update provisions related to inactive licenses and CEU credits and establish a fee for late renewals has been rescheduled to August 13, 2020.

The hearing will be held at 4:00 p.m. MT at the South Dakota Department of Labor, 2330 North Maple, #1, Rapid City, South Dakota. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Massage Therapy, 1103 Park Hill Drive, Rapid City, South Dakota 57701. Material sent by mail must reach the board by August 11, 2020, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the board can make arrangements may call (605) 858-1708 at least 48 hours before the public hearing.

### 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.

**South Dakota Board of Examiners of Psychologists (Department of Social Services):** (July 22, 2020) intends to update certain rules to update the code of ethics to the most recent version; and add a new chapter that sets a minimum continuing education requirement, defines a continuing education unit, provides guidance on courses eligible for continuing education credit and documentation needed for continuing education, and provides for an exception to the requirements where applicable. The general authority for these rules, as cited by the board, is SDCL 36-27A-25 and 36-27A-26.

A public hearing will be held telephonically on August 21, 2020, at 8:30 a.m. CT/7:30 a.m. MT. Interested parties may attend by calling (605) 224-1125 and using conference code 0357302#. Copies of the proposed rules may be obtained without charge from Teresa Schulte, Department of Social Services, 811 East 10<sup>th</sup> Street, Sioux Falls, South Dakota 57103 or online at <http://rules.sd.gov>. Written comments may be sent to South Dakota Board of Examiners of Psychologists, 810 N. Main Street, #298, Spearfish, South Dakota 57783 or by email to [proflic@rushmore.com](mailto:proflic@rushmore.com). Material sent by mail must reach the board by August 17, 2020, 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) 642-1600 at least 48 hours before the public hearing.

**South Dakota Real Estate Commission (Department of Labor and Regulation):** (July 22, 2020) intends to amend rules to repeal the replacement of license and the displaying of license; repeal qualifications for an auctioneer's license; and update the definitions regarding campground space. The general authority for this rule, as cited by the commission, is SDCL 36-21A-60, 36-21A-89, and 43-15B-6.

A public hearing will be held at the South Dakota Real Estate Commission Office, 221 West Capitol Avenue, Pierre, South Dakota, on August 19, 2020, at 10:00 a.m. CT. Copies of the proposed rule may be obtained without charge from and written comments sent to the South Dakota Real Estate Commission, 221 West Capitol Avenue, Pierre, South Dakota 57501. The comment period will close on August 18, 2020. This hearing is being held in a physically accessible location. Persons with special needs for which the commission can make arrangements may call (605) 773-3600 at least 48 hours before the public hearing.

**Department of Game, Fish and Parks:** (July 23, 2019) intends to adopt an emergency rule to allow the department to designate Pickerel, Waubay, North Rush, South Rush, and Minnewasta Lakes as containment waters thus requiring boaters to follow decontamination rules as laid out in ARSD 41:10:04:08. The general authority for these rules, as cited by the department, is SDCL 41-2-18 (1)(2).

A copy of the proposed rule may be obtained without charge from the South Dakota Department of Game, Fish and Parks, 523 East Capitol Avenue, Pierre, South Dakota 57501. Emergency rules must be filed with the Secretary of State within 30 days of the date of admission to the Legislative Research Council and are effective for 90 days from the date of filing.

**South Dakota Board of Chiropractic Examiners (Department of Health):** (July 23, 2020) intends to amend rules to clarify and update verbiage; remove unnecessary and redundant regulations; combine disciplinary action into one section for all chiropractic professions regulated; update Code of Ethics; clarify continuing education requirements; update eligibility requirements for chiropractic assistants and chiropractic radiographers; and reduce the renewal fee for active chiropractic licenses. The general authority for these rules, as cited by the board, is SDCL 36-1B-1, 36-5-4, 36-5-10, 36-5-11, 36-5-12, 36-5-13, 36-5-14.1, 36-5-14.2, 36-5-15.2, 36-5-15.3, 36-5-15.5, 36-5-16, 36-5-20, 36-5-21, 36-5-25, 36-5-27, and 36-5-28.

A public hearing will be via teleconference on August 19, 2020, at 2:00 p.m. CT. Telephonic access can be obtained upon request by emailing [sdbce@iw.net](mailto:sdbce@iw.net) or calling (605) 668-9017. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Chiropractic Examiners, 407 Belmont Avenue, Yankton, South Dakota 57078 or by email to [sdbce@iw.net](mailto:sdbce@iw.net). The comment period will close on August 17, 2020. This hearing is being held in a physically accessible location. Persons with special needs for which the board can make arrangements may call (605) 668-9017 or (800) 877-1113 (Telecommunication Relay Services for the Deaf) at least 48 hours before the public hearing.

**South Dakota Board of Technical Education (Department of Education):** (July 24, 2020) intends to amend rules to update and clarify language related to the South Dakota Board of Technical Education's set-aside funds, formula for funding, and "technical institute" to "technical college" name change. The general authority for these rules, as cited by the board, is SDCL 1-16A-94, 13-39A-12, 13-39A-18, and 13-39A-21.

A public hearing will be held by teleconference on August 18, 2020, at 9:30 a.m. CT. For information on participating in the teleconference, email Scott DesLauriers, Deputy Director, at [scott.deslauriers@state.sd.us](mailto:scott.deslauriers@state.sd.us). Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Technical Education, Attn: Scott DesLauriers, 800 Governors Drive, Pierre, South Dakota 57501 or by email to [scott.deslauriers@state.sd.us](mailto:scott.deslauriers@state.sd.us). The comment period will close on August 13, 2020. This hearing is being held in a physically accessible location. Persons with special needs for which the board can make arrangements may call (605) 295-7033 at least 48 hours before the public hearing.

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

### **Final Administrative Rules**

**SOUTH DAKOTA STATE BOARD OF DENTISTRY (DEPARTMENT OF HEALTH):** 20:43:03:01, 20:43:03:02, 20:43:03:04, 20:43:03:08, 20:43:03:09, 20:43:03:10; 20:43:07:01, 20:43:07:02, 20:43:07:03, 20:43:07:05, 20:43:07:06, 20:43:07:07, 20:43:07:08, 20:43:07:09, 20:43:07:10, 20:43:07:11, 20:43:07:12, 20:43:07:13, 20:43:07:14.

**History/Notice:** 46 SDR 137, May 26, 2020  
**Hearing:** June 26, 2020

**Filed:** July 23, 2020  
**Effective:** August 12, 2020

Executive Appointments

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeding</u>	<u>Effective/End Date</u>
<b>Housing Development Authority</b> Preston Steele Huron	Governor	Brent Dykstra	7/14/2020 – 6/30/2025

**SCHEDULED PUBLIC HEARINGS**

<b>7-27-2020</b>	<b><u>Department of Social Services:</u></b> Amend rules to align with federal subsidy language and federal requirements stemming from the Model Licensing Standards for Foster Care; clean up outdated or incorrect language; and add a new rule detailing the grievance procedures for group care facilities; 47 SDR 1, July 6, 2020.
<b>7-28-2020</b>	<b><u>Department of Human Services:</u></b> Amend rules to transfer the chapter concerning Adult Protective Services from the Department of Social Services to the Department of Human Services; 47 SDR 4, July 13, 2020.
<b>8-13-2020</b>	<b><u>South Dakota Board of Massage Therapy (Department of Health):</u></b> Amend rules to update provisions related to inactive licenses and CEU credits and establish a fee for late renewals; 47 SDR 1, July 6, 2020.
<b>8-18-2020</b>	<b><u>South Dakota Board of Technical Education (Department of Education):</u></b> Amend rules to update and clarify language related to the South Dakota Board of Technical Education's set-aside funds, formula for funding, and "technical institute" to "technical college" name change; 47 SDR 11, July 27, 2020.
<b>8-19-2020</b>	<b><u>Division of Labor and Management (Department of Labor and Regulation):</u></b> Amend rules to update references on relative values and allow a party to have a case dismissed for lack of prosecution without prejudice; 46 SDR 149, June 22, 2020.
<b>8-19-2020</b>	<b><u>Law Enforcement Officers Standards and Training Commission (Office of the Attorney General):</u></b> Amend rules to amend the requirements for certification or employment as a law enforcement officer; require certain training requirements for reciprocity applicants seeking a waiver of the training program and require a written examination to determine the applicant's state of competence; establish the time period in which an individual may request reinstatement as a law enforcement officer; establish the time period in which a canine team may apply for reinstatement; establish when a school sentinel's certification becomes inactive and when it expires; amend the requirements for certification or employment as a 911 telecommunicator; and provide that an individual failing to successfully complete the training program may be reinstated in a future basic training program; 47 SDR 7, July 20, 2020.
<b>8-19-2020</b>	<b><u>Board of Elections (Office of the Secretary of State):</u></b> Amend rules to update certain nominating petitions to provide consistency to address and date formats; revise petition forms for statewide initiated measure, constitutional amendment, and referendum petitions to include a circulator identification number for paid circulators; repeal rule and references to direct recording electronic voting machines; revise requirements for voter registration affidavits; clarify the allowable format for recapitulation sheets; update the standards used for approval of automatic tabulating systems; revise the process for acceptance of petitions for municipal elections; and update the absentee ballot application form, absentee ballot instructions, and absentee ballot return envelope with a delayed implementation date of December 1, 2020; 47 SDR 7, July 20, 2020.
<b>8-19-2020</b>	<b><u>South Dakota Real Estate Commission (Department of Labor and Regulation):</u></b> Amend rules to repeal the replacement of license and the displaying of license; repeal qualifications for an auctioneer's license; and update the definitions regarding campground space; 47 SDR 10, July 27, 2020.
<b>8-19-2020</b>	<b><u>South Dakota Board of Chiropractic Examiners (Department of Health):</u></b> Amend rules to clarify and update verbiage; remove unnecessary and redundant regulations; combine disciplinary action into one section for all chiropractic professions regulated; update Code of Ethics; clarify continuing education requirements; update eligibility requirements for chiropractic assistants and chiropractic radiographers; and reduce the renewal fee for active chiropractic licenses; 47 SDR 11, July 27, 2020.

8-20-2020	<b><u>Department of Transportation:</u></b> Amend rules to eliminate outdated references; clarify language; and repeal rules regarding aerial applicators, structures affecting aviation, registration of aircraft, and pilot and airport employee identification; 47 SDR 8, July 20, 2020.
8-21-2020	<b><u>South Dakota Board of Examiners of Psychologists (Department of Social Services):</u></b> Update certain rules to update the code of ethics to the most recent version; and add a new chapter that sets a minimum continuing education requirement, defines a continuing education unit, provides guidance on courses eligible for continuing education credit and documentation needed for continuing education, and provides for an exception to the requirements where applicable; 47 SDR 10, July 27, 2020.

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## RULES REVIEW COMMITTEE MEETINGS

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The next meeting of the Interim Rules Review Committee for the 2020 Interim is Tuesday, August 18, 2020, at 10:00 a.m. via electronic conference with limited public access in Room 414 of the Capitol. Future meetings for the 2020 Interim are scheduled for September 15 and November 10.

Watch for notices of 2020 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 will be updated regularly to reflect changes in drafting styles and procedures.