



# SOUTH DAKOTA REGISTER

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## FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

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### Notice of Proposed Rules

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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.

**Board of Medical and Osteopathic Examiners (Department of Health):** (February 11, 2020) intends to amend rules for the general application requirements regarding an applicant's condition related to their ability to practice. The general authority for these rules, as cited by the board, is SDCL 36-4-35.

A public hearing will be held at the First Dakota National Bank building, Room 306, 101 North Main Avenue, Sioux Falls, South Dakota, on March 12, 2020, at 9:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the Board of Medical and Osteopathic Examiners, 101 North Main Avenue, Suite 301, Sioux Falls, South Dakota 57104. Comments may also be submitted by email to [SDBMOE@state.sd.us](mailto:SDBMOE@state.sd.us). Material sent by mail must reach the board by March 9, 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) 367-7781 at least 48 hours before the public hearing.

**Department of Game, Fish and Parks:** (February 13, 2020) intends to amend rules to eliminate unnecessary language; amend form and style; update authorities; amend language for the purposes of consistency; repeal 41:06:04:16, 41:06:11:02, 41:06:14:05, 41:06:15:04, 41:06:17:02, 41:06:34:02, 41:06:35:02, 41:06:39:02, 41:06:40:02, 41:06:41:05, 41:06:42:03, 41:06:47:05, 41:06:49:02, 41:06:60:03, and 41:07:02:05; consolidate rules; eliminate a public swimming area on Mina Lake; eliminate the no wake zone on Lake Norden; modify the endemic area by adding additional deer and elk hunting units; allow for the use of rifles to hunt turkeys in West River on private land; move the rifle restriction to ARSD 41:06:04:12; alter the start date for the low plains middle and north zones duck hunting season; decrease the daily bag limit of scaup ducks from three to one; create a nonresident East River special "any whitetail deer" license; increase the total "any elk" and "antlerless elk" licenses in the Black Hills hunting season; modify the total number of "any elk" licenses for the Custer State Park elk hunting season and early archery elk hunting season; modify the total number of "any elk" and "antlerless elk" licenses available for the archery elk hunting season; modify the start date for the youth waterfowl hunting season; create two additional bighorn sheep units; modify the number of "any elk" and "antlerless elk" licenses issued during the prairie elk hunting season; add a new prairie elk unit and establish hunting dates; and restrict the taking of one flathead catfish over 28 inches to one per day per person. The general authority for these rules, as cited by the department, is SDCL 32-3A-1, 41-2-18, 41-6-10, 41-6-18.2, 41-6-18.4, 41-6-19.6, 41-6-21, 41-6-22, 41-6-29.1, 41-6-37.1, 41-6-38, 41-6-81, 41-8-1, 41-8-40, 41-11-5, 41-11-5.5, 41-12-3, 41-12-6, 41-12-19, 41-14-4, 41-14-14, 41-15-8, 41-17-1.1, and 41-17-18.

A public hearing will be held at the Ramkota Hotel and Convention Center, 920 West Sioux Avenue, Pierre, South Dakota, on March 5, 2020, at 2:00 p.m. CT. Interested parties may also attend by teleconference at the GFP Regional Offices in Rapid City, Sioux Falls, and Watertown. Copies of the proposed rules may be obtained without charge from and written comments 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) at least 48 hours before the public hearing.

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## FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

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### Executive Appointments

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| <u>Appointee</u>   | <u>Appointed by</u> | <u>Succeeding</u>    | <u>Effective/End Date</u> |
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| <b>South Dakota Professional Teachers Practices and Standards Commission</b><br>David Christian<br>Sioux Falls | Governor            | Tammy Jo Schlechter  | 2/6/2020 – 12/31/2022     |
| <b>Board of Technical Professions</b><br>Catherine Dekkenga<br>Sioux Falls                                     | Governor            | Jeffrey Nelson       | 4/15/2020 – 4/14/2023     |
| <b>South Dakota Board of Nursing</b><br>Kristin Gabriel<br>Pierre  | Governor            | Doneen Hollingsworth | 2/6/2020 – 10/30/2022     |
| <b>Board of Military Affairs</b><br>Michael Herman<br>Aberdeen   | Governor            | Ronald Brownotter    | 2/4/2020                  |
| <b>Board of Military Affairs</b><br>Susan Irons<br>Canton  | Governor            | Lawrence Weiss       | 2/4/2020                  |
| <b>South Dakota Ellsworth Development Authority</b><br>Steven R. Kalkman<br>Rapid City                         | Governor            | Reappointed          | 2/6/2020 – 1/16/2023      |
| <b>South Dakota Ellsworth Development Authority</b><br>Galen Niederwerder<br>New Underwood                     | Governor            | Reappointed          | 2/6/2020 – 1/16/2023      |
| <b>South Dakota Ellsworth Development Authority</b><br>Quentin L. Riggins<br>Rapid City                        | Governor            | Reappointed          | 2/6/2020 – 1/16/2023      |
| <b>Reemployment Assistance Advisory Council</b><br>Mark Rogers<br>Dell Rapids                                  | Governor            | Timothy Fitzgerald   | 2/6/2020                  |

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## SCHEDULED PUBLIC HEARINGS

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| <b>3-5-2020</b>  | <b><u><a href="#">Department of Game, Fish and Parks</a></u></b> : Amend rules to eliminate unnecessary language; amend form and style; update authorities; amend language for the purposes of consistency; repeal 41:06:04:16, 41:06:11:02, 41:06:14:05, 41:06:15:04, 41:06:17:02, 41:06:34:02, 41:06:35:02, 41:06:39:02, 41:06:40:02, 41:06:41:05, 41:06:42:03, 41:06:47:05, 41:06:49:02, 41:06:60:03, and 41:07:02:05; consolidate rules; eliminate a public swimming area on Mina Lake; eliminate the no wake zone on Lake Norden; modify the endemic area by adding additional deer and elk hunting units; allow for the use of rifles to hunt turkeys in West River on private land; move the rifle restriction to ARSD 41:06:04:12; alter the start date for the low plains middle and north zones duck hunting season; decrease the daily bag limit of scaup ducks from three to one; create a nonresident East River special "any whitetail deer" license; increase the total "any elk" and "antlerless elk" in the Black Hills hunting season; modify the total number of "any elk" licenses for the Custer State Park elk hunting season and early archery elk hunting season; modify the total number of "any elk" and "antlerless elk" licenses available for the archery elk hunting season; modify the start date for the youth waterfowl hunting season; create two additional bighorn sheep units; modify the number of "any elk" and "antlerless elk" licenses issued during the prairie elk hunting season; add a new prairie elk unit and establish hunting dates; and restrict the taking one flathead catfish over 28 inches to one per day per person; 46 SDR 99, February 18, 2020. |
| <b>3-6-2020</b>  | <b><u><a href="#">South Dakota Board of Examiners in Optometry (Department of Health)</a></u></b> : Amend rules to clarify existing language for release of prescriptions; establish and clarify the process for license renewal and late renewal fees; update and clean up continuing education requirements and documentation; revise requirements of notification of change in professional corporation membership; and add one CPT code to clinical procedures approved for optometrists; 46 SDR 93, January 27, 2020.  |
| <b>3-12-2020</b> | <b><u><a href="#">Board of Medical and Osteopathic Examiners (Department of Health)</a></u></b> : Amend rules for the general application requirements regarding an applicant's condition related to their ability to practice; 46 SDR 99, February 18, 2020.   |
| <b>3-16-2020</b> | <b><u><a href="#">South Dakota Board of Education Standards (Department of Education)</a></u></b> : Amend rules to accurately reflect the federal Individuals with Disabilities Education Act (IDEA) rules amended by Every Student Succeeds Act (ESSA) and correct the definition of preschool age and preschool program to align with the IDEA preschool age; 46 SDR 97, February 6, 2020.  |
| <b>4-23-2020</b> | <b><u><a href="#">South Dakota State Historical Society (Department of Education)</a></u></b> : Amend rules to set standard fees for services provided by the State Historical Society; 46 SDR 93, January 27, 2020.  |

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## RULES REVIEW COMMITTEE MEETINGS

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The Interim Rules Review Committee has completed its meeting schedule for the 2019 Interim. 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.

