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 Human Services: (July 6, 2020) intends to amend rules to transfer the chapter concerning Adult Protective Services from the Department of Social Services to the Department of Human Services. The general authority for these rules, as cited by the department, is SDCL 1-36A-26 and 28-1-45.

A public hearing will be held telephonically on July 28, 2020, at 9:00 a.m. CT. Interested parties may attend by calling 1-866-410-8397 and using conference code 5969258425#. Copies of the proposed rules may be obtained without charge from and written comments sent to Beverly Katz, Department of Human Services, c/o 500 E. Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rules are also available online at http://rules.sd.gov. The comment period will close on August 7, 2020. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-5990 at least 48 hours before the public hearing.

Notices

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan to allow continued flexibility in the event the federal government does not extend the declared COVID-19 public health emergency. The proposed State Plan Amendment (SPA) removes the face-to-face requirement for Community Mental Health Center providers and amends pages 27-30 of the Supplement 1 to Attachment 3.1-A. The face-to-face requirements are currently suspended by Section 7.4 of the state plan. However, Section 7.4 of the state plan will be invalid at the end of the declared public health emergency, which is currently set to end on July 25, 2020. The department intends to make this SPA effective July 21, 2020 and estimates it will have no fiscal impact in Federal Fiscal Years 2020 and 2021.

The Amendment can be viewed on the department's website at http://dss.sd.gov/medicaid/medicaidstateplan.aspx. Written requests for a copy of these changes, and corresponding comments may be sent to Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

SOUTH DAKOTA WEED AND PEST CONTROL COMMISSION (DEPARTMENT OF AGRICULTURE): 12:62:03:01.06, 12:62:03:01.07.

History/Notice: 46 SDR 114, April 6, 2020
Hearing: April 30, 2020
Filed: July 7, 2020
Effective: July 27, 2020

Executive Orders

Governor Noem has signed **Executive Order 2020-30** in response to the state's on-going COVID-19 efforts. The Order, dated July 7, 2020, restates the COVID-19 emergency period to be from July 1 to December 30 for purposes of federal law related to coronavirus funding. Some previously suspended regulations will again become enforceable including those pertaining to the titling and registration of motor vehicles and manufactured homes, and driver's license renewal.

Executive Appointments

Appointee	Appointed by	Succeeding	Effective/End Date
South Dakota Economic Development Finance Authority Board of Directors			
Jeffory Erickson Sioux Falls	Governor	Reappointed	7/1/2020 – 6/30/2024
Commission on Equal Access to Our Courts			
Lynn Hammerstrom Belle Fourche	Governor	Reappointed	7/1/2020 – 6/30/2023
Second Century Habitat Fund			
Tami Nelson Gettysburg	Governor	Steve Halverson	7/1/2020 – 6/30/2023

SCHEDULED PUBLIC HEARINGS

7-15-2020	**South Dakota Board of Massage Therapy (Department of Health):** 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.
7-16-2020	**Department of Game, Fish and Parks:** Amend rules to not require a park entrance license to be purchased for any enrolled Yankton Sioux tribal member and their family member to enter North Point Recreation Area, Fort Randall South Shore Recreation Area, Randall Creek Recreation Area, and Fort Randall Spillway Lakeside Use Area; eliminate the administrative fee required for lost or destroyed licenses, permits or game tags; establish a fee for nonresident landowner-on-own-land licenses; reduce the number of resident single tag fall turkey license while increasing the number of resident double tag licenses for Prairie Units; adjust the number of turkey licenses available in the Black Hills; close certain Prairie Units; establish a resident river otter trapping season from November 1 through December 31; and eliminate unnecessary language, amend form and style, update authorities, and arrange rules to be consistent and concise; 46 SDR 151, June 29, 2020.
7-20-2020	**Department of Health:** Amend rules to update the form used by a physician to comply with the requirements of SDCL 34-23A-10.1 (1); 46 SDR 146, June 15, 2020.
7-23-2020	**Department of Transportation:** Amend rules to eliminate a limited speed zone on State Trunk Highway 50 west of Wagner; redefine the starting point of the speed zones on State Trunk Highway 46 in and around Wagner; shorten the current 35 miles per hour speed zone and introduce a 45 miles per hour speed zone on each end of the 35 miles per hour speed zone on U.S. Highway 16 adjacent to Jewel Cave National Monument; correct the starting point references for the 50 miles per hour speed zone on U.S. Highway 212 in Faulkton; extend the 45 miles per hour speed limit on U.S. Highway 14 in Highmore; extend the 45 miles per hour speed zone on South Dakota Highway 11 west of Canton; and amend rules governing the mowing of state trunk highway rights-of-way; 47 SDR 1, July 6, 2020.

7-27-2020	**Department of Social Services:** 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.
7-28-2020	**Department of Human Services:** 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.
8-19-2020	**Division of Labor and Management (Department of Labor and Regulation):** 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.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2020 Interim is Tuesday, July 14, 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 August 18, 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.

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