



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.

Law Enforcement Officers Standards and Training Commission (Office of the Attorney General): (July 13, 2020) intends to 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. The general authority for these rules, as cited by the commission, is SDCL 23-3-35, 23-3-42, 23-3-44, 34-45-26, and 34-45-29.

A public hearing will be held at the Law Enforcement Training Center, 1302 East Highway 14, Pierre, South Dakota, on August 19, 2020, at 9:30 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the Law Enforcement Officers Standards and Training Commission, 1302 East Highway 14, Pierre, South Dakota 57501. Materials sent by mail must be received by August 17, 2020, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the commission can make arrangements may call (605) 773-3584 at least 48 hours before the public hearing.

NOTE: These rules were initially filed March 13, 2020, with an April 22, 2020, hearing date. The hearing was postponed due to the COVID-19 pandemic and is now being rescheduled.

Board of Elections (Office of the Secretary of State): (July 17, 2020) intends to 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. The general authority for these rules, as cited by the board, is SDCL 12-1-9, 12-4-5.4, 12-17B-17, and 12-19-2.

A public hearing will be held in the South Dakota Association of County Officials building, 211 East Prospect Avenue, Pierre, South Dakota, on August 19, 2020, at 1:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of State, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota, 57501.

Material sent by mail must be received by August 19, 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) 773-3537 at least 48 hours before the public hearing.

Department of Transportation: (July 17, 2020) intends to 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. The general authority for these rules, as cited by the department, is SDCL 1-26-2, 1-26-15, 50-2-2.1, 50-9-2, 50-9-9, 50-11-10, and 50-11-36.

A public hearing will be held August 20, 2020, at 2:00 p.m. CT in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota. Interested parties may also attend by calling (866) 410-8397 and using conference code 1289182255. Copies of the proposed rules may be obtained without charge from, and written comments sent to, the Secretary of Transportation, Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501. Comments may also be emailed to Darin.Bergquist@state.sd.us. 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 department can make arrangements may call (605) 773-3540 or (800) 877-1113 (Telecommunications Relay Services for the Deaf) at least 48 hours before the public hearing.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

SOUTH DAKOTA BOARD OF BARBER EXAMINERS (DEPARTMENT OF LABOR AND REGULATION): 20:39:03:01, 20:39:03:01.01, 20:39:03:02, 20:39:02:03, 20:39:03:04, 20:39:03:05, 20:39:03:06, 20:39:03:07, 20:39:03:08, 20:39:03:09, 20:39:03:10, 20:39:03:11, 20:39:03:12, 20:39:03:13, 20:39:03:14.

History/Notice: 46 SDR 137, May 26, 2020
Hearing: June 22, 2020
Filed: July 14, 2020
Effective: August 3, 2020

SOUTH DAKOTA COSMETOLOGY COMMISSION (DEPARTMENT OF LABOR AND REGULATION): 20:42:03:03, 20:42:03:04, 20:42:03:06.01, 20:42:03:06.03, 20:42:03:14; 20:42:04:10.01; 20:42:06:32, 20:42:06:36.

History/Notice: 46 SDR 137, May 26, 2020
Hearing: June 19, 2020
Filed: July 14, 2020
Effective: August 3, 2020

DEPARTMENT OF TRANSPORTATION: 70:01:02:37, 70:01:02:68.

History/Notice: 46 SDR 143, June 8, 2020
Hearing: June 25, 2020
Filed: July 16, 2020
Effective: August 5, 2020

SCHEDULED PUBLIC HEARINGS

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.
8-19-2020	Law Enforcement Officers Standards and Training Commission (Office of the Attorney General): 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.
8-19-2020	Board of Elections (Office of the Secretary of State): 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.
8-20-2020	Department of Transportation: 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.

RULES REVIEW COMMITTEE MEETINGS

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.

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