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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.

South Dakota Board of Examiners for Counselors and Marriage and Family Therapists (Department of Social Services): (July 27, 2020) intends to amend rules to implement Senate Bills 18 and 19 passed by the 2020 Legislature to include: change the timeline for renewal of licensees to a biennial renewal; clarify the application process and qualifications for a professional counselor, professional counselor-mental health, and marriage and family therapist; clarify the requirements for licensure by endorsement for professional counselors, professional counselors-mental health, and marriage and family therapists licensed in another state; provide a temporary license option for professional counselors, professional counselors-mental health, and marriage and family therapists licensed in another state who do not immediately meet the examination requirements for licensure by endorsement; provide an option to inactivate a license or reinstate an expired license under certain circumstances; establish standards for the practice of counseling and marriage and family therapy by electronic means; update and clarify the requirements for post-graduate supervision; update and clarify the requirements for continuing education to renew a license; set the necessary fees for biennial renewal and the license options provided for in Senate Bills 18 and 19; and recognize the current chapters pertaining to professional counseling, professional counseling-mental health, and marriage and family therapy to be user friendly for licensees and prospective licensees and clearly articulate the requirements for licensure and the expectations of licensees. The general authority for these rules, as cited by the board, is SDCL 36-32-20, 36-32-23, 36-32-26, 36-32-43, 36-32-44, 36-32-47, 36-32-55, 36-32-56, 36-32-64, 36-32-65, 36-32-67, 36-32-68, 36-32-75, 36-32-92, 36-33-9, 36-33-14, 36-33-34, 36-33-43, 36-33-45, 36-33-50, 36-33-51, 36-33-61, 36-33-70, and 36-33-71.

A public hearing will be held electronically on August 21, 2020, at 10:00 a.m. CT. Interested parties may attend virtually via [Zoom](#) or by calling (312) 626-6799; the Meeting ID is 81285293265 and the passcode is 096998. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Examiners for Counselors and Marriage and Family Therapists, P.O. Box 340, Pierre, South Dakota 57501. The rules are also available online at <http://rules.sd.gov>. Written comments may be sent by email to sdbce@midwestsolutionsd.com. Material sent by mail must reach the board by August 20, 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) 224-1721 or (800) 877-1113 (Telecommunication Relay Services for the Deaf) at least 48 hours before the public hearing.

Department of Transportation: (July 28, 2020) intends to amend rules governing the qualification of prospective bidders on highway construction contracts, the rejection of bid proposals, the award of contracts, and the process for disqualifying bidders. The general authority for these rules, as cited by the department, is SDCL 31-5-10.

A public hearing will be held August 27, 2020, at 9:00 a.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 24, 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.

Department of Social Services: (July 30, 2020) intends to amend rules to update to the most recent version of coding manuals; update to reflect a change in federal regulations that allows other licensed practitioners to order home health services and medical equipment; clarify coverage for medically necessary services with no transportation provided by a ground ambulance; clarify third-party liability and align with the federal Bipartisan Budget Act of 2018; update primary care provider program requirements; and clarify language throughout. The general authority for these rules, as cited by the department, is SDCL 28-6-1.

A public hearing will be held telephonically on August 25, 2020, at 3:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to Teresa Schulte, Department of Social Services, 811 East 10th Street, Sioux Falls, South Dakota 57103. The rules are also available online at <http://rules.sd.gov>. Comments may be sent by email to DSSAdminRules@state.sd.us. Material sent by mail must reach the department by September 4, 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) 367-5444, extension 1000309 at least 48 hours before the public hearing.

SCHEDULED PUBLIC HEARINGS

8-13-2020	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.
8-18-2020	South Dakota Board of Technical Education (Department of Education): 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.
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.
8-19-2020	South Dakota Real Estate Commission (Department of Labor and Regulation): 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.
8-19-2020	South Dakota Board of Chiropractic Examiners (Department of Health): 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	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.
8-21-2020	South Dakota Board of Examiners of Psychologists (Department of Social Services): 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.
8-21-2020	South Dakota Board of Examiners for Counselors and Marriage and Family Therapists (Department of Social Services): Amend rules to implement Senate Bills 18 and 19 passed by the 2020 Legislature to include change the timeline for renewal of licensees to a biennial renewal; clarify the application process and qualifications for a professional counselor, professional counselor-mental health, and marriage and family therapist; clarify the requirements for licensure by endorsement for professional counselors, professional counselors-mental health, and marriage and family therapists licensed in another state; provide a temporary license option for professional counselors, professional counselors-mental health, and marriage and family therapists licensed in another state who do not immediately meet the examination requirements for licensure by endorsement; provide an option to inactivate a license or reinstate an expired license under certain circumstances; establish standards for the practice of counseling and marriage and family therapy by electronic means; update and clarify the requirements for post-graduate supervision; update and clarify the requirements for continuing education to renew a license; set the necessary fees for biennial renewal and the license options provided for in Senate Bills 18 and 19; and recognize the current chapters pertaining to professional counseling, professional counseling-mental health, and marriage and family therapy to be user friendly for licensees and prospective licensees and clearly articulate the requirements for licensure and the expectations of licensees; 47 SDR 14, August 3, 2020.
8-25-2020	Department of Social Services: Amend rules to update to the most recent version of coding manuals; update to reflect a change in federal regulations that allows other licensed practitioners to order home health services and medical equipment; clarify coverage for medically necessary services with no transportation provided by a ground ambulance; clarify third-party liability and align with the federal Bipartisan Budget Act of 2018, update primary care provider program requirements; and clarify language throughout; 47 SDR 15, August 3, 2020.
8-27-2020	Department of Transportation: Amend rules governing the qualification of prospective bidders on highway construction contracts, the rejection of bid proposals, the award of contracts, and the process for disqualifying bidders; 47 SDR 14, August 3, 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.