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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 Nursing (Department of Health): (August 10, 2020) intends to implement rules to clarify the practice of a certified registered nurse anesthetist (CRNA); describe the act of prescribing by a CRNA; identify the action that may be taken for inappropriate prescribing practices; specify the guidelines for prescribing controlled substances for the treatment of chronic, non-cancer pain; list the documentation standards to be maintained; clarify that CRNAs may order, interpret, and supervise radiographic procedures, including fluoroscopy; and specify pain management procedures that may be performed by CRNAs and require education. The general authority for these rules, as cited by the board, is SDCL 36-9-3.1.

A public hearing will be held at the Dakota Meeting Room, Holiday Inn Express, 3821 West Avera Drive, Sioux Falls, South Dakota, on September 24, 2020, at 9:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Board of Nursing, 4305 South Louise Avenue, Suite 201, Sioux Falls, South Dakota 57106. Comments may also be emailed to linda.young@state.sd.us. All material sent by mail or email must be received by September 14, 2020, to allow for adequate consideration prior to the hearing. This hearing is being held in a physically accessible location. Persons with special needs for which the board can make arrangements may call (605) 362-2760 at least 48 hours before the public hearing.

Department of Game, Fish and Parks: (August 12, 2020) intends to amend rules to create a new subcategory of bag limit known as the "three splash rule"; establish a fee for the newly created "three splash licenses"; lower the special nonresident hunting license fee and remove the inclusion of the migratory board certification permit; create new permit types and establish fees for unrestricted hunting on private shooting preserves; increase resident one-tag "male turkey" licenses in the Prairie Unit; add Clark County to Unit PST-32A; remove Douglas County from Unit PST-17A; create a Unit and add Aurora and Douglas Counties; add Buffalo County to Unit PST-13A; add Beadle and Hand Counties to Unit PST-40A; increase the number of permits available for spring turkey hunting on Adams Homestead and Nature Preserve; create a number of permits for mentored turkey access on Adams Homestead and Nature Preserve; move the starting time for the first week of the pheasant hunting season from 12:00 p.m. to 10:00 a.m. and extend the hunting season to January 31; increase the bag limit from three male pheasants to four beginning December 1; extend the grouse, quail, and partridge hunting seasons to January 31; allow for an unrestricted take of pheasants on a private shooting preserve if the correct license is obtained; move the drawing of the raffle elk license from 120 days prior to the Custer State Park rifle elk season to no later than July 15; create a unified bobcat trapping and hunting season across the state from December 15 through February 15 and expand it to include all counties in the state; expand the location on the Missouri River where gamefish may be speared to include from the Nebraska - South Dakota border up to Fort Randall Dam, May 1 through March 31; require safety signage in association with the operation of aeration systems during periods of ice cover with open public access; implement the statutory changes approved by the passage of House Bill 1033 by the 2020 Legislature; repeal the rule that establishes boat registries for AIS; remove the exception for decontamination for boats that are part of a local boat registry; make any water body that has been found to contain zebra mussel a containment water and require decontamination requirements; create an exemption for the possession of AIS for owners of a conveyance if they are transporting it for purpose of decontamination; create an "electric motors only zone" on Bismarck and Canyon Lakes; change

the daily possession limit for trout on the South Dakota - Nebraska boundary waters from seven to five; and allow youth who possess a mentored archery spring turkey permit for Adams Homestead and Nature Preserve to have an uncased bow. The general authority for these rules, as cited by the department, is SDCL 32-3A-1, 41-2-18, 41-6-10, 41-6-18.4, 41-6-19.6, 41-6-84, 41-8-20, 41-10-16, 41-11-5, 41-13A-2, 41-13A-4, 41-17-1.1.

A public hearing will be held virtually on September 2, 2020, at 2:00 p.m. CT. Interested parties may attend through the Zoom link or by calling (699) 900-9128. The meeting ID is 934 3043 9993 and the password is 210372. 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.

SCHEDULED PUBLIC HEARINGS

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.
9-1-2020	**South Dakota Board of Pharmacy (Department of Health):** Amend rules to update and clean up rules regulating pharmacists, interns, technicians, and pharmacies; 47 SDR 17, August 10, 2020.
9-2-2020	**Department of Game, Fish and Parks:** Amend rules to create a new subcategory of bag limit known as the "three splash rule"; establish a fee for the newly created "three splash licenses"; lower the special nonresident hunting license fee and remove the inclusion of the migratory board certification permit; create new permit types and establish fees for unrestricted hunting on private shooting preserves; increase resident one-tag "male turkey" licenses in the Prairie Unit; add Clark County to Unit PST-32A; remove Douglas County from Unit PST-17A; create a Unit and add Aurora and Douglas Counties; add Buffalo County to Unit PST-13A; add Beadle and Hand Counties to Unit PST-40A; increase the number of permits available for spring turkey hunting on Adams Homestead and Nature Preserve; create a number of permits for mentored turkey access on Adams Homestead and Nature Preserve; move the starting time for the first week of the pheasant hunting season from 12:00 p.m. to 10:00 a.m. and extend the hunting season to January 31; increase the bag limit from three male pheasants to four beginning December 1; extend the grouse, quail, and partridge hunting seasons to January 31; allow for an unrestricted take of pheasants on a private shooting preserve if the correct license is obtained; move the drawing of the raffle elk license from 120 days prior to the Custer State Park rifle elk season to no later than July 15; create a unified bobcat trapping and hunting season across the state from December 15 through February 15 and expand it to include all counties in the state; expand the location on the Missouri River where gamefish may be speared to include from the Nebraska - South Dakota border up to Fort Randall Dam, May 1 through March 31; require safety signage in association with the operation of aeration systems during periods of ice cover with open public access; implement the statutory changes approved by the passage of House Bill 1033 by

	the 2020 Legislature; repeal the rule that establishes boat registries for AIS; remove the exception for decontamination for boats that are part of a local boat registry; make any water body that has been found to contain zebra mussel a containment water and require decontamination requirements; create an exemption for the possession of AIS for owners of a conveyance if they are transporting it for purpose of decontamination; create an "electric motors only zone" on Bismarck and Canyon Lakes; change the daily possession limit for trout on the South Dakota - Nebraska boundary waters from seven to five; and allow youth who possess a mentored archery spring turkey permit for Adams Homestead and Nature Preserve to have an uncased bow; 47 SDR 20, August 17, 2020.
9-21-2020	**South Dakota Board of Education Standards (Department of Education):** Update certification rules to accurately reflect recent changes to state statute; create a new educator permit; and update existing rules to address identified barriers; 47 SDR 17, August 10, 2020.
9-24-2020	**South Dakota Board of Nursing (Department of Health):** Implement rules to clarify the practice of a certified registered nurse anesthetist (CRNA); describe the act of prescribing by a CRNA; identify the action that may be taken for inappropriate prescribing practices; specify the guidelines for prescribing controlled substances for the treatment of chronic, non-cancer pain; list the documentation standards to be maintained; clarify that CRNAs may order, interpret, and supervise radiographic procedures, including fluoroscopy; and specify pain management procedures that may be performed by CRNAs and require education; 47 SDR 20, August 17, 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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