



# 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 Technical Professions (Department of Labor and Regulation):** (August 24, 2020) intends to amend rules to allow applicants for architect and landscape architect licenses to apply for exams directly with the organization that administers those exams; reduce barriers for out-of-state licensees to become licensed in the state; and update the way professional development hours are logged and audited. The general authority for these rules, as cited by the board, is SDCL 36-18A-22, 36-18A-27, and 36-18A-30.

A public hearing will be held at the Board office, 2525 West Main Street, Suite 211, Rapid City, South Dakota, on September 28, 2020, at 8:30 a.m. MT. Conference call access is available by calling (866) 410-8397 and using code 879 804 0684. Copies of the proposed rules may be obtained without charge from and written comments sent to Board of Technical Professions, 2525 West Main Street, Suite 211, Rapid City, South Dakota 57702. Material sent by mail must be received by September 16, 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) 394-2510 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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### Final Administrative Rules

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**DEPARTMENT OF TRANSPORTATION:** 70:01:02:17, 70:01:02:21, 70:01:02:28, 70:01:02:38; 70:04:06:02, 70:04:06:03.01, 70:04:06:06, 70:04:06:07, 70:04:06:09, 70:04:06:11.

**History/Notice:** 47 SDR 1, July 6, 2020

**Hearing:** July 23, 2020

**Filed:** August 25, 2020

**Effective:** September 14, 2020

**DEPARTMENT OF GAME, FISH AND PARKS:** 41:03:03:03.01; 41:06:02:01.03, 41:06:02:03; 41:06:14:01, 41:06:14:02.01; 41:08:01:01, 41:08:01:02, 41:08:01:04.01, 41:08:01:07, 41:08:01:08, 41:08:01:08.01, 41:08:01:08.02, 41:08:01:08:03, 41:08:01:08.05, 41:08:01:09, 41:08:01:11, 41:08:01:12; 41:08:02:01, 41:08:02:02, 41:08:02:05, 41:08:02:07, 41:08:02:10, 41:08:02:11, 41:08:02:14; 41:08:05:01, 41:08:05:03, 41:08:05:04, 41:08:05:05, 41:08:05:07; 41:08:06:03, 41:08:06:04, 41:08:06:06, 41:08:06:06.01, 41:08:06:07, 41:08:06:08, 41:08:06:09; 41:09:01:01, 41:09:01:02, 41:09:01:02.01, 41:09:01:03, 41:09:01:03.01, 41:09:01:04.01, 41:09:01:05, 41:09:01:05.01, 41:09:01:06, 41:09:01:06.02, 41:09:01:07, 41:09:01:10, 41:09:01:11; 41:09:02:00, 41:09:02:01, 41:09:02:02, 41:09:02:02.01, 41:09:02:03, 41:09:02:06.01, 41:09:02:08, 41:09:02:08.01; 41:09:04:02.01, 41:09:04:02.05, 41:09:04:02.06, 41:09:04:03, 41:09:04:03.01,

41:09:04:03.02, 41:09:04:03.03, 41:09:04:05, 41:09:04:17; 41:09:06:17, 41:09:06:18, 41:09:06:20, 41:09:06:21, 41:09:06:22, 41:09:06:28, 41:09:06:29, 41:09:06:30, 41:09:06:31, 41:09:06:32; 41:09:07:03.02, 41:09:07:05, 41:09:07:06.01, 41:09:07:06.03, 41:09:07:06.04; 41:09:08:03.04; 41:09:10:02, 41:09:10:03, 41:09:10:04; 41:09:11:01, 41:09:11:02; 41:09:12:01, 41:09:12:02, 41:09:12:03.01, 41:09:12:03.02, 41:09:12:03.05, 41:09:12:04, 41:09:12:06, 41:09:12:06.01, 41:09:12:07, 41:09:12:07.01; 41:09:13:01, 41:09:13:02, 41:09:13:05, 41:09:13:06; 41:09:14:01, 41:09:14:02; 41:09:15:01, 41:09:15:03, 41:09:15:04, 41:09:15:07, 41:09:15:08, 41:09:15:09, 41:09:15:11; 41:09:16:03, 41:09:16:04, 41:09:16:05; 41:09:18:05, 41:09:18:07, 41:09:18:10, 41:09:18:11; 41:10:02:03, 41:10:02:05, 41:10:02:06, 41:10:02:07, 41:10:02:17, 41:10:02:18, 41:10:02:19.

**History/Notice:** 46 SDR 151, June 29, 2020  
**Hearing:** July 16, 2020  
**Filed:** August 26, 2020  
**Effective:** September 15, 2020

Executive Orders

Governor Noem has signed [Executive Order 2020-31](#) in response to the state's on-going COVID-19 efforts. The Order, dated August 21, 2020, suspends requirements for Opportunity Scholarship applicants who did not have the chance to take an ACT test this previous spring or summer due to the COVID-19 pandemic. Students will have the option to replace the ACT requirement with the equivalent or higher score from their SmarterBalanced test.

**UNIFIED JUDICIAL SYSTEM**

Supreme Court Special Rules Hearing

**Special Rules Hearing No. 142:** The South Dakota Supreme Court on August 25, 2020, considered petitions for amendments to existing South Dakota Codified Laws. The Court approved amendments as proposed to SDCL Ch. 25-4A creating a Commission on Parenting Time Guidelines and SDCL Ch. 16-2 relating to Canon 3 of the Code of Judicial Conduct.

**SCHEDULED PUBLIC HEARINGS**

<p><b>9-1-2020</b></p>	<p><a href="#">South Dakota Board of Pharmacy (Department of Health)</a>: Amend rules to update and clean up rules regulating pharmacists, interns, technicians, and pharmacies; 47 SDR 17, August 10, 2020.</p>
<p><b>9-2-2020</b></p>	<p><a href="#">Department of Game, Fish and Parks</a>: 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</p>

	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.
9-18-2020	<b><u>Board of Technical Professions (Department of Labor and Regulation):</u></b> Amend rules to allow applicants for architect and landscape architect licenses to apply for exams directly with the organization that administers those exams; reduce barriers for out-of-state licensees to become licensed in the state; and update the way professional development hours are logged and audited; 47 SDR 27, August 31, 2020.
9-21-2020	<b><u>South Dakota Board of Education Standards (Department of Education):</u></b> 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	<b><u>South Dakota Board of Nursing (Department of Health):</u></b> 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.
9-28-2020	<b><u>Board of Technical Professions (Department of Labor and Regulation):</u></b> Amend rules to allow applicants for architect and landscape architect licenses to apply for exams directly with the organization that administers those exams; reduce barriers for out-of-state licensees to become licensed in the state; and update the way professional development hours are logged and audited; 47 SDR 27, August 31, 2020.

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### RULES REVIEW COMMITTEE MEETINGS

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The next meeting of the Interim Rules Review Committee for the 2020 Interim is Tuesday, September 15, 2020, at 10:00 a.m. via electronic conference with limited public access in Room 414 of the Capitol. The final meeting for the 2020 Interim is scheduled for 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.