



SOUTH DAKOTA REGISTER

Published weekly by the Legislative Research Council

Volume 47

Monday, 8:00 a.m., September 21, 2020

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 Social Services: (September 16, 2020) intends to amend rules to update the age of a person being screened against the Central Registry from 10 to 18 years of age. The general authority for these rules, as cited by the department, is SDCL 26-6-16.

A public hearing will be held telephonically on October 16, 2020, at 2:00 p.m. CT. Interested parties may attend by calling (844) 833-2681 and using conference code 0094258#. Copies of the proposed rules may be obtained without charge from 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 to Teresa Schulte, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501 or by email to DSSAdminRules@state.sd.us. Material sent by mail must reach the department by October 27, 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.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

SOUTH DAKOTA REAL ESTATE COMMISSION (DEPARTMENT OF LABOR AND REGULATION): 20:69:03:20, 20:69:03:26; 20:69:06:03, 20:69:06:09; 20:69:12:01; 20:69:13:17.

History/Notice: 47 SDR 10, July 27, 2020
Hearing: August 19, 2020
Filed: September 15, 2020
Effective: October 5, 2020

BOARD OF ELECTIONS (OFFICE OF THE SECRETARY OF STATE): 05:02:03:21; 05:02:04:06; 05:02:08:00, 05:02:08:07, 05:02:08:08, 05:02:08:09, 05:02:08:11, 05:02:08:20, 05:02:08:24, 05:02:08:25, 05:02:08:26, 05:02:08:27, 05:02:08:28, 05:02:08:34, 05:02:08:35, 05:02:08:36, 05:02:08:42; 05:02:09:01.03, 05:02:09:02, 05:02:09:16; 05:02:10:01.

History/Notice: 47 SDR 7, July 20, 2020
Hearing: August 19, 2020
Filed: September 16, 2020
Effective: October 6, 2020

DEPARTMENT OF GAME, FISH AND PARKS: 41:03:01:16; 41:04:01:11; 41:04:02:16, 41:04:02:51; 41:06:02:03; 41:06:08:01; 41:06:13:01, 41:06:13:02, 41:06:13:04; 41:06:16:03; 41:06:27:02:06; 41:06:58:03; 41:07:03:02:01; 41:07:06:03; 41:08:01:08:01; 41:09:01:03:01.

History/Notice: 47 SDR 20, August 17, 2020
Hearing: September 2-3, 2020
Filed: September 16, 2020
Effective: October 6, 2020

DEPARTMENT OF SOCIAL SERVICES: 67:16:01:25, 67:16:01:26, 67:16:01:27; 67:16:03:14; 67:16:05:01, 67:16:05:05, 67:16:05:05.01, 67:16:05:05.02, 67:16:05:05.03, 67:16:05:05.06, 67:16:05:06.01, 67:16:05:07.01; 67:16:25:08; 67:16:26:07:02; 67:16:29:02, 67:16:29:04, 67:16:29:04.02, 67:16:29:09; 67:16:39:05.

History/Notice: 47 SDR 15, August 3, 2020
Hearing: August 25, 2020
Filed: September 16, 2020
Effective: October 6, 2020

DEPARTMENT OF TRANSPORTATION: 70:02:01:02, 70:02:01:03; 70:02:02:00, 70:02:02:01, 70:02:02:02, 70:02:02:03, 70:02:02:04, 70:02:02:05, 70:02:02:06, 70:02:02:07, 70:02:02:08, 70:02:02:09; 70:02:03:17, 70:02:03:19, 70:02:03:20; 70:02:05:01, 70:02:05:02; 70:02:06:01, 70:02:06:04, 70:02:06:05, 70:02:06:06, 70:02:06:07, 70:02:06:08.

History/Notice: 47 SDR 8, July 20, 2020
Hearing: August 20, 2020
Filed: September 16, 2020
Effective: October 6, 2020

DEPARTMENT OF TRANSPORTATION: 70:07:01:01; 70:07:02:01, 70:07:02:03, 70:07:02:04, 70:07:02:06, 70:07:02:07, 70:07:02:08, 70:07:02:09, 70:07:02:10, 70:07:02:11, 70:07:02:12, 70:07:02:13, 70:07:02:15, 70:07:02:16, 70:07:02:17, 70:07:02:18, 70:07:02:19, 70:07:02:20; 70:07:03:03, 70:07:03:05; 70:07:04:01, 70:07:04:02, 70:07:04:03, 70:07:04:04, 70:07:04:05, 70:07:04:06, 70:07:04:08, 70:07:04:09, 70:07:04:10, 70:07:04:10.1, 70:07:04:10.2, 70:07:04:10.3, 70:07:04:11, 70:07:04:12, 70:07:04:14, 70:07:04:18, 70:07:04:19, 70:07:04:20, 70:07:04:21, 70:07:04:22.

History/Notice: 47 SDR 14, August 3, 2020
Hearing: August 27, 2020
Filed: September 16, 2020
Effective: October 6, 2020

SCHEDULED PUBLIC HEARINGS

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.
9-22-2020	Department of Revenue: Amend rules to eliminate specific courses listed in current rule and replace the list with a general requirement that individuals complete courses as required; create an individual rule for temporary certification requirements; create an individual rule for permanent certification requirements; create a single rule for similarly situated individuals who currently face different options or criteria for certification, define both groups under a single term, and eliminate unnecessary definitions; update outdated or incorrect language; correct citations within the rules; eliminate redundant or obsolete rules; replace the existing workshop requirement with a continuing education hours requirement; establish uniform language for the statutorily required taxpayer relief information on each notice of assessment; establish the data required and deadline for submission of information to the department to be used to oversee, advise, and audit the work of county officials; eliminate certain provisions required for certificate of value forms; allow counties using a permitted

	CAMA system to prepare information for property cards; eliminate two redundant abstract classes; allow counties to provide certain notices in formats other than by mail; eliminate an unnecessary reporting requirement; and transfer existing rules for organizational purposes; 47 SDR 30, September 8, 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.
9-28-2020	Board of Technical Professions (Department of Labor and Regulation) : 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.
10-1-2020	Department of Game, Fish and Parks : Amend rules to establish a fee structure for newly acquired lodging facilities and allow for the Commission to adjust those fees according to demand within the range established; and include a new definition of lodging to coincide with the proposed fee structure; 47 SDR 33, September 14, 2020.
10-2-2020	South Dakota Athletic Commission (Department of Labor and Regulation) : Amend rules to reduce the percentage of gross revenue from an event used to determine the final contest fee for a boxing, kickboxing or mixed martial arts event; cap the event fee at \$300,000; and make the mixed martial arts rules of competition consistent with the unified rules of mixed martial arts regarding fouls; 47 SDR 30, September 8, 2020.
10-16-2020	South Dakota Appraiser Certification Program (Department of Labor and Regulation) : Amend rules to define evaluation in rule consistent with the statute; define guidelines utilized by federally regulated financial institutions for appraisals and evaluations; provide specific dates for timely submission of a renewal application and fee; identify when an application and fee is not considered to have been submitted in a timely manner; reference guidelines to identify when an appraisal or evaluation is required; remove language from rule that is found in the referenced guidelines; incorporate Federal Registers prescribing the federally regulated financial institutions' threshold levels; specify the transaction value of certain appraisals; modify language and correct errors; remove the requirement for an endorsed supervisory appraiser to complete an education program; add an exception to the limited number of state-registered appraisers a supervisor may supervise; allow certified general appraiser qualifying education for upgrade to state-licensed appraiser credential; specify requirements for disclosure of certain actions in an initial and renewal application; reformat the grounds for disciplinary action rules; add a requirement to report within a specified amount of time a criminal conviction; and add a chapter for evaluation exemptions and standards rules; 47 SDR 33, September 14, 2020.
10-16-2020	Department of Social Services : Amend rules to update the age of a person being screened against the Central Registry from 10 to 18 years of age; 47 SDR 37, September 21, 2020.

RULES REVIEW COMMITTEE MEETINGS

The final meeting of the Interim Rules Review Committee for the 2020 Interim is Tuesday, November 10, 2020, at 10:00 a.m. via electronic conference with limited public access in Room 414 of the Capitol. Watch for notices of 2020 meetings in this publication, on the [LRC website](#), and at the Capitol.