STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2020-34

Whereas, An outbreak of the severe acute respiratory disease, COVID-19, which is caused by the person-to-person spread of the novel coronavirus, has been declared a public health emergency and pandemic by the World Health Organization and the Centers for Disease Control and Prevention (CDC); and,

Whereas, The President of the United States of America declared that the COVID-19 outbreak constitutes a national emergency; and,

Whereas, The CDC has issued guidance to all state and local governments and all citizens recommending preparedness, nonessential travel, social distancing, and other mitigation strategies impacting many sectors of daily life to slow the spread and guard against the COVID-19 outbreak; and,

Whereas, The State Emergency Operations Center and the National Guard have been activated to support the State's response to COVID-19, along with the activation of local emergency operations centers in several South Dakota counties and in the City of Sioux Falls; and,

Whereas, The impending threat of COVID-19 is a public health emergency requiring the State to deploy substantial resources, to involve every state agency to help mitigate the impact of COVID-19 in our state, and to implement the emergency powers of the governor to protect the health and safety of South Dakotans; and,

Whereas, A state of emergency has been declared by Executive Order 2020-04 on March 13, 2020, which has been extended by Executive Orders 2020-15, 2020-26, and 2020-30, and continues to currently exist within the State of South Dakota; and,

Whereas, This emergency poses a danger to the public health and safety in all of South Dakota and impacts the daily lives of our citizens, health care systems, businesses, and the function of state and local governments; and,

Whereas, Strict compliance with the regulatory requirements for annual training of family daycare and child care program staff will prevent, hinder, or delay necessary actions to cope with this emergency in all counties of our state because staff members have been periodically absent from work due to quarantine or isolation requirements for close contacts or positive cases, and because state licensing staff verify completion of the current year's training requirements the following year during the annual monitoring process:

NOW, THEREFORE, I, KRISTI NOEM, Governor of the State of South Dakota, by the authority vested in me by the Constitution and the Laws of this State, including but not limited to SDCL 34-48A, do hereby declare that a state of emergency exists within the State of South Dakota and hereby order and direct the following:

Section 1 Declaration. I do hereby declare that a State of Emergency continues to exist in all counties in the State of South Dakota, and I direct the plans and procedures of the State Emergency Operations Plan continue to be implemented. State agencies and departments are directed to utilize state resources and to continue to do everything reasonably possible to assist efforts to respond to and recover from this emergency.

Section 2 Oversight. I direct and order that the South Dakota Department of Health, by and through the secretary, has continuing authority and oversight of measures to control and contain the spread of COVID-19, and other agencies to identify and utilize appropriate state personnel and resources for conducting necessary and ongoing incident related assessments.

Section 3 Resources. I direct and order the Department of Health and any other agency of the State of South Dakota to continue to seek and accept any funding or other resources from any entity, governmental or private, to treat, control, and slow the spread of COVID-19.

Section 4 Extension of Previously Suspended Statutes and Administrative Rules. I hereby extend these 10 Executive Orders related to the suspension of statutes and administrative rules due to the COVID-19 emergency for the duration of the emergency, and continue to temporarily suspend the enforcement of the statutory and regulatory requirements as previously suspended by the following sections of these Executive Orders:

a. 2020-07, Sections 1 to 4.
b. 2020-10, Sections 1 to 4.
c. 2020-14, Sections 1 to 3.
d. 2020-16, Sections 1 to 36, and 39.
e. 2020-19, Sections 1 to 4.
f. 2020-21, Sections 11 to 12.
g. 2020-24, Sections 1 to 2.
h. 2020-25, Sections 1 to 2.
i. 2020-28, Section 1.
j. 2020-33, Sections 1 to 8.

Section 5 Termination of Executive Orders. I hereby terminate Executive Orders 2020-17, 2020-23, and 2020-31 so that the statutory and regulatory requirements suspended by these Orders are in full force and effect as of the date of this Order, to wit:

a. 2020-17, Section 2 relating to the enforcement of overstocking pork operations.
b. 2020-23, Section 1 relating to the non-renewal of alcoholic beverage licenses for delinquent state and local taxes.
c. 2020-23, Section 2 relating to the submission to the Commission on Gaming of annually reviewed financial statements for licensed operators and route operators in Deadwood, SD.
d. 2020-31 relating to the use of a SmarterBalanced assessment score for South Dakota Opportunity Scholarship eligibility.

Section 6 Termination of Suspension of Statutes and Administrative Rules. I hereby terminate the following sections of these Executive Orders so that these statutory and regulatory requirements suspended by these sections of these Orders are in full force and effect as of the date of this Order, to wit:

a. 2020-16, Section 38 relating to the notarization of applications for public grain warehouse licenses and grain buyer licenses. A licensee who was granted a license without submission of a notarized application pursuant to the 2020-16 Executive Order suspension of that requirement shall submit a notarized application to the Public Utilities Commission as part of the first license renewal application following this termination of the suspension.
b. 2020-19, Section 3 relating to the timely payment of the report fee for the 2019 Tier II Hazardous Chemical Inventory Report.
c. 2020-30, Section 6 relating to the expiration of certain operator licenses, identification cards, or permits. Licensees, permittees, and cardholders shall comply with statutory requirements and renew their respective license, permit, or card.

Section 7 Staff Training. Further, I hereby temporarily suspend the regulatory provisions of ARSD 67:42:03:07.02, 67:42:10:06, and 67:42:14:13 governing annual child care program staff training requirements for 2020.

BE IT FURTHER ORDERED, This Executive Order shall be in effect at 12:01 a.m. on December 31, 2020 and shall continue until expiration on June 30, 2021, unless sooner terminated or extended.

Dated in Pierre, South Dakota this 18th day of December, 2020.

Kristi Noem
Governor of South Dakota

ATTEST:

Steve Barnett
Secretary of State