STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2020-10

Whereas, An outbreak of the severe respiratory disease, COVID-19, which is caused by the person-to-person spread of the novel coronavirus, started in late 2019 and has currently been detected in more than 100 countries, including the United States; and,

Whereas, The World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared the COVID-19 outbreak a public health emergency and pandemic; 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 prevent the spread and guard against the COVID-19 outbreak; and,

Whereas, South Dakota has confirmed cases of COVID-19, making this a public health emergency posing danger to public health and safety in all of South Dakota; and,

Whereas, A state of emergency has been declared by Executive Order 2020-04 on March 13, 2020 and currently exists within the State of South Dakota until its expiration on April 12, 2020, unless sooner terminated or extended; and,

Whereas, Strict compliance with the provision of South Dakota administrative rule that limits or restricts the ability of community support providers to accommodate participants in residential homes would prevent, hinder, or delay necessary action to cope with this emergency in all counties of our state; and,

Whereas, Student teaching experiences have been suspended for the remainder of the spring semester in academic year 2019-20 and test site closures will not allow educator candidates to take required tests for certification at the current time making it so that strict compliance with the provisions of South Dakota administrative rules that set the timelines and requirements for the educator preparation program would prevent, hinder, or delay necessary action to cope with this emergency in all counties of our state; and,

Whereas, There is an oversupply of fuel meeting winter season volatility standards because of travel restrictions and such an unusual oversupply prevents the distribution of season-appropriate fuel resulting in limited fuel supplies to South Dakota consumers making it so that strict compliance with the provision of South Dakota administrative rule governing distribution of petroleum products meeting winter season volatility standards would prevent, hinder, or delay necessary action to coping with this emergency in all counties of our state:

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-5(4), do hereby order and direct the following:

Section 1 Group Homes: I temporarily suspend the regulatory provisions of ARSD 46:11:06:04, which limit the number of participants in a group home.

Section 2 Bedroom Capacity: I temporarily suspend the regulatory provisions of ARSD 46:11:06:06, which limit the bedroom capacity for the residential homes constructed or leased by home and community-based providers.

Section 3 Educator Preparedness: I temporarily suspend the regulatory provisions of ARSD 24:53:04:02, 24:53:06:03, and 24:28:06:03 (4) governing educator preparation, field experiences, and applications for teaching certificates for the duration of this declared state of emergency.

Section 4 Conditional Teaching Certificate: I temporarily suspend the regulatory provision of ARSD 24:28:03:01 so that if a conditional sign-off is given by an educator preparation program related to this Order, a recipient of the conditional certificate will have one year to meet all preparation requirements. A recipient must receive sign-off from the educator preparation program to receive a five-year initial certificate for teacher certification. The one-year certificate will cost $25.

Section 5 Petroleum Products: I temporarily suspend the regulatory provision of ARSD 20:15:06:01 to allow ASTM Class D-4 / E-5 fuels (winter season) to be sold and distributed in South Dakota after March 30, 2020, until May 31, 2020.

BE IT FURTHER ORDERED, This Executive Order shall be in effect immediately and shall continue for the duration of the state of emergency declared by Executive Order 2020-04, unless sooner terminated or extended.

Dated in Pierre, South Dakota this 26th day of March, 2020.

Kristi Noem
Governor of South Dakota

ATTEST:

Deputy

Steve Barnett
Secretary of State