STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2020-30

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, response, and mitigation to prevent community 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 was declared by Executive Order 2020-04 to exist in all counties in the State of South Dakota on March 13, 2020 and was extended by Executive Orders 2020-15 and 2020-26; 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, The CARES Act and federal law require a State of Emergency to be in place to establish the Coronavirus Relief Fund and to make payments for specific purposes and expenditures related to COVID-19 for states and local governments; and,

Whereas, From the beginning of the COVID-19 State of Emergency on March 13, 2020, statutes and administrative rules have required suspension because strict compliance with such statutes or rules would have prevented, hindered, or delayed necessary actions to cope with the emergency, and as the conduct of state business or the business of local subdivisions resumes to normal activity where possible under the Back to Normal Plan as ordered by Executive Order 2020-20, circumstances exist to terminate the suspension and give effect again to certain statutes and regulations; and,

Whereas, Certain regulatory statutes governing the titling and registration of motor vehicles and manufactured homes were suspended until 60 days after the termination of the emergency due to the closure of or limited public access to county courthouses; and,

Whereas, County courthouses are now open to the public, allowing for the performance of titling and registration requirements; and,

Whereas, Deploying resources to respond to the needs of the medical community or other critical infrastructure sectors may occur under ordinary circumstances without exception for allowing overweight vehicles; and,

Whereas, The ordinary holding of a siting public input meeting as close as practical to the proposed facility may resume; and,

Whereas, Current supplies of ASTM Class D-4/E-5 fuels (winter season) have been depleted and no longer warrant the suspension of the regulatory provision governing the distribution of petroleum products meeting winter season volatility standards; and,

Whereas, Due to COVID-19 State of Emergency, South Dakota Driver License Exam Stations statewide were closed for a period, and the Legislature passed 2020 Senate Bill 190 which granted authority to the secretary of the department of public safety to extend the expiration date for an operator's license, motorcycle operator's license, restricted minor's permit, motorcycle restricted minor's permit, nondriver identification card, commercial driver license, or commercial learner's permit for the duration of the state of emergency plus an additional 90 days; and,

Whereas, Driver License Exam Stations have reopened operations to the public by appointment only allowing the renewal of their respective licenses, permits, or identification cards; however, there exists a significant backlog and limited appointments warranting an extension of those licenses, permits, or identification cards that expire during the state of emergency:

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 Executive Order 2020-26. I hereby rescind Executive Order 2020-26.

Section 2 Declaration. I do hereby declare that a State of Emergency exists 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 do everything reasonably possible to assist efforts to respond to and recover from this emergency.

Section 3 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 4 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 5 Termination of Suspension of Statutes and Administrative Rules. I hereby terminate the following sections of previous Executive Orders that suspended the enforcement of certain statutes or administrative rules:

A. Sections 1 through 9 in Executive Order 2020-21 related to the suspension of statutory and regulatory provisions of titling and registration of motor vehicles and manufactured homes are terminated effective August 1, 2020. Statutory and regulatory requirements currently suspended pursuant to Sections 1 through 9 of Executive Order 2020-21 shall be performed on or before July 31, 2020.

B. Section 5 in Executive Order 2020-07 related to the suspension of regulatory provisions of overweight vehicles carrying COVID-19 relief supplies is terminated effective July 7, 2020, and weight requirements shall be complied with immediately.

C. Section 37 in Executive Order 2020-16 related to the suspension of statutory provision requiring a physical location for a siting public input meeting is terminated effective July 7, 2020, and the meeting requirements shall be complied with immediately.

D. Section 5 in Executive Order 2020-19 and Section 5 in Executive Order 2020-10 related to the suspension of the regulatory provision for the distribution of petroleum products is terminated effective July 7, 2020, and the regulation shall be complied with immediately.

Section 6 Extension of Expiration Date of Licenses, Permits, or Cards. I temporarily suspend Sections 1 and 2 of 2020 Session Laws ch. 229, 2020 Senate Bill 190, granting authority to the secretary of public safety to extend the expiration date of an operator's license, motorcycle operator's license, restricted minor's permit, motorcycle restricted minor's permit, nondriver identification card, commercial driver license, or commercial learner's permit. Further, I order the suspension of the expiration requirements of SDCL 32-12-17.2, 32-12-42, 32-12-42.1, 32-12-42.2, 32-12A-12, 32-12A-13, and 32-12A-30 for six months for an otherwise valid operator's license, motorcycle operator's license, restricted minor's permit, motorcycle restricted minor's permit, nondriver identification card, commercial driver license, or commercial learner's permit. Licensees, permittees, and cardholders shall comply with these statutes and renew their respective license, permit, or card on or before December 30, 2020.

BE IT FURTHER ORDERED, This Executive Order shall be in effect immediately and shall continue until expiration on December 30, 2020, unless sooner terminated or extended.

Dated in Pierre, South Dakota this 7th day of July, 2020.

Kristi Noem
Governor of South Dakota

ATTEST:

Steve Barnett
Secretary of State