



SOUTH DAKOTA REGISTER

Published weekly by the Legislative Research Council

Volume 47

Monday, 8:00 a.m., April 26, 2021

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.

South Dakota Commission on Gaming (Department of Revenue): (April 19, 2021) intends to amend rules to provide for an application fee for a sports wagering services provider; add associated equipment licensees and sports wagering services providers to the list of entities that must provide access to their premises and production of records; prohibit associated equipment licensees and sports wagering services providers or licensees employed by sports wagering services providers from wagering on sporting events; add wagering on sporting events to the authorized games in Deadwood; implement cleanup to irregularities in blackjack; clarify the posting of rules of blackjack and house banked poker games; clarify that bad beat pots must be maintained in segregated bank accounts; clarify that rules must be posted at each poker table; add electronic bonusing systems to the list of associated equipment of slot machines; include sports wagering in adjusted gross revenue computations; clarify closed-circuit surveillance system requirements; add sports wagering to areas that are required to be monitored by surveillance; repeal § 20:18:29:09 regarding the labeling of video tapes; and clarify one-on-one recordings for all surveillance camera recorders. The general authority for these rules, as cited by the commission, is SDCL 42-7B-7 and 42-7B-11.

A public hearing will be held May 18, 2021, at 10:00 a.m. MT. Interested parties may attend through the [Zoom link](#) or by calling (669) 900-9128. The meeting ID is 958 6212 4110 and the passcode is 166194. Written comments may be sent to and copies of the proposed rules obtained without charge from the South Dakota Commission on Gaming, 87 Sherman Street, Deadwood, South Dakota, 57732. Comments may be sent by email to susan.christian@state.sd.us. Copies of the proposed rules are also available online at <https://rules.sd.gov>. Material sent by mail must reach the Commission by May 17, 2021, to be considered. All written comments are requested to be received by May 14, 2021, 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 Commission can make arrangements may call (605) 578-3074 or (605) 773-6050 at least 48 hours before the public hearing.

Department of Social Services: (April 21, 2021) intends to amend rules to update the Temporary Assistance to Needy Families (TANF) payment standard amounts and update federal medical services eligibility standards that are reflected in rule. The general authority for these rules, as cited by the department, is SDCL 28-6-1, 28-6-18, and 28-7A-3.

A public hearing will be held telephonically on May 14, 2021, at 10:00 a.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. Material sent by mail must reach the department by May 24, 2021, 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.

Notice

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan concerning qualifying criteria for traumatic brain or spinal cord injury add-on payments for individuals residing in a nursing facility. The proposed amendment allows flexibility for individuals to qualify for this add-on payment in circumstances where completing an actual rehabilitation program is not appropriate, and amends page 15 of Attachment 4.19-D. The department intends to make this SPA effective June 1, 2021 and estimates no fiscal impact in Federal Fiscal Years 2021 and 2022 due to the reduction in acute care costs being comparable to the additional nursing facility add-on payment expenditures.

The Amendment can be viewed on the department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Written requests for a copy of these changes and corresponding comments may be sent to Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Executive Orders

Governor Noem has signed [Executive Order 2021-08](#), dated April 20, 2021, banning government-instituted vaccine passports in South Dakota. Governor Noem cites the Governor's authority under the [South Dakota Constitution](#) and [SDCL 34-48A](#) as the legal basis for the Order. The Order will stay in effect for the duration of the state of emergency declared by previous Executive Orders in response to the COVID-19 pandemic.

SCHEDULED PUBLIC HEARINGS

Originally scheduled for 4-27-2021 – new date pending	Civil Service Commission (Bureau of Human Resources) : Amend rules to remove the requirement that an employee's rate of pay must be adjusted to at least five percent above the minimum after six months of service in a pay grade; 47 SDR 109, April 12, 2021.
4-30-2021	Department of Human Services : Amend rules to clarify and administer ombudsman services; 47 SDR 106, April 6, 2021.
5-6-2021	Department of Game, Fish and Parks : Amend rules to remove the age eligibility requirement for a combination license; update youth licenses to include anyone who is under the age of 18 and reflect that anyone over the age of 18 will have to purchase an adult license; update an erroneous cross reference in rules regarding nonresident waterfowl licenses; remove the requirement for a youth hunter under the age of 16 to be accompanied by an adult; remove the nonresident family fishing license fee and the nonresident youth fishing license fee; remove the daily and possession limits for nonresident family fishing licenses; increase the age from 16 to 18 for youth residents participating in a youth paddlefish season; expand the dates that are available for a special pheasant hunt for disabled veterans and Purple Heart recipients; restore three subsections regarding public water safety zones in Charles Mix County that were erroneously deleted from rule; modify the number of tags available for the Custer State Park deer hunting season, the Black Hills deer hunting season, the West River deer hunting season, and the East River deer hunting season; modify the open units available for the West River deer season and the East River deer season; modify the number of licenses available during the Sand Lake deer hunting season, the Lacreek deer hunting season, and the Waubay deer hunting season; modify the number of licenses available and units open during the archery deer hunting season; adjust where and when a nonresident archery license is valid; modify the number of licenses available for the general muzzleloading deer hunting season; modify open areas available for hunting; remove the requirement for an apprentice hunter to be accompanied by an adult and remove the eligibility for hunters less than 18 years of age; establish, in a new chapter,

	a deer hunting season for youth; specify the number and types of licenses available for the youth deer hunting season; specify the areas that are open and closed to youth deer hunting; create the age eligibility requirements and specify other license eligibility requirements; clarify when certain areas are open to aerial hunting; allow nonresident parents or guardians to obtain a mentor license and specify that youth under 16 years of age cannot obtain a license if they already hold a youth license; modify the rule that defines during which seasons free antlerless deer licenses can be used; include youth hunting licenses in the rule regarding access permits for specific deer hunting units and public lands; specify the license types that are available to landowners in South Dakota; create a new rule for resident disabled veterans to deer hunt and specify eligibility requirements and processes to obtain a license; specify the number and types of licenses available and define the areas open to the disabled veteran deer hunting season; modify the pheasant hunting season dates in certain areas; modify the dates that the grouse hunting season is open; repeal existing rule regarding the Chronic Wasting Disease endemic area; modify the disposition requirements of hunter-harvested cervid carcasses; repeal existing rule regarding intrastate cervid carcass transportation restrictions; modify the disposition requirements of hunter harvested cervid carcasses and parts that are processed by wildlife processing facilities and taxidermists; and modify the license types available for the apprentice deer hunting season; 47 SDR 112, April 19, 2021.
5-13-2021	<u>Department of Health:</u> Amend rules to add Spinal Muscular Atrophy to South Dakota's newborn screening panel; 47 SDR 113, April 19, 2021.
5-14-2021	<u>Department of Social Services:</u> Amend rules to update the Temporary Assistance to Needy Families (TANF) payment standard amounts and update federal medical services eligibility standards that are reflected in rule; 47 SDR 116, April 26, 2021.
5-18-2021	<u>South Dakota Commission on Gaming (Department of Revenue):</u> Amend rules to provide for an application fee for a sports wagering services provider; add associated equipment licensees and sports wagering services providers to the list of entities that must provide access to their premises and production of records; prohibit associated equipment licensees and sports wagering services providers or licensees employed by sports wagering services providers from wagering on sporting events; add wagering on sporting events to the authorized games in Deadwood; implement cleanup to irregularities in blackjack; clarify the posting of rules of blackjack and house banked poker games; clarify that bad beat pots must be maintained in segregated bank accounts; clarify that rules must be posted at each poker table; add electronic bonusing systems to the list of associated equipment of slot machines; include sports wagering in adjusted gross revenue computations; clarify closed-circuit surveillance system requirements; add sports wagering to areas that are required to be monitored by surveillance; repeal 20:18:29:09 regarding the labeling of video tapes; and clarify one-on-one recordings for all surveillance camera recorders; 47 SDR 116, April 26, 2021.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee is Monday, May 10, 2021, at 10:00 a.m. via electronic conference and in Room 414 of the Capitol. Future meetings for the 2021 Interim are scheduled for June 7, July 19, August 2, September 13, and November 1. Find notices of 2021 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.