

MINUTES

Interim Rules Review Committee



Representative Jon Hansen, Chair
Senator Taffy Howard, Vice Chair

Four hundred fortieth meeting
Tuesday, April 21, 2026

Room 414 – State Capitol
Pierre, South Dakota

The four hundred fortieth meeting of the Interim Rules Review Committee (IRRC) was called to order by Representative Jon Hansen, Chair, at 10:03 a.m. (CT) on April 21, 2026, in Room 414 at the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members present: Representatives Jon Hansen, Chair, and Erik Muckey (remote); and Senators Taffy Howard, Vice Chair (remote), Liz Larson (remote), and Jim Mehlhaff. Representative Roger DeGroot was excused. Staff members present were Justin Goetz, Code Counsel; Kelly Thompson, Legislative Editor; and Dilyn Tramp, IT Support Specialist.

NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. All referenced documents distributed at the meeting are hyperlinked to the document on the Legislative Research Council website. This meeting was live streamed. The archived live stream is available at sdlegislature.gov.

Approval of Minutes

Senator Mehlhaff moved, seconded by Representative Muckey, that the [March 12, 2026, meeting minutes](#) be approved. Motion prevailed on a voice vote of all members present. [\(00:55.000\)](#)

Rules Reviewed

[Department of Game, Fish and Parks:](#) Amend rules to establish a resident allocation of sixty percent of first draw licenses for trophy bison bull licenses and non-trophy bison bull licenses.

Mr. Jeff Van Meeteren, Department of Game, Fish and Parks, reviewed the proposed rules. [\(01:46.700\)](#)

Senator Mehlhaff asked how much the licenses cost and how the proceeds are allocated. Mr. Van Meeteren explained the license fees which are used for bison management in Custer State Park. [\(04:40.140\)](#)

Senator Larson inquired about the total number of licenses available now compared to the number proposed in the rule changes. Mr. Van Meeteren outlined the current number of resident and nonresident licenses that can be purchased and explained that if the rules are approved, the allocation for resident licenses will be determined by percentage (sixty percent) instead of a hard number. [\(06:06.620\)](#)

Responding to Senator Larson on herd size numbers, Mr. Van Meeteren said the total number of bison right now is between one thousand four hundred and one thousand five hundred, depending on the conditions. If range conditions do not improve, more animals will be sold during the habitat auction to bring the herd numbers down. [\(10:12.460\)](#)

Senator Mehlhaff moved, seconded by Representative Muckey, that the review of the rules proposed by the Department of Game, Fish and Parks is complete. Motion prevailed on a roll call vote with 5 AYES and 1 EXCUSED. Voting AYE: Larson, Mehlhaff, Muckey, Howard, and Hansen. EXCUSED: DeGroot. [\(12:45.260\)](#)

Department of Game, Fish and Parks: Amend rules to:

- Restrict Iron Creek Lake in Lawrence County to a no-wake zone;
- Remove refuge status for the Lake Albert State Waterfowl Refuge; and
- Remove the specific number and types of licenses available for bison, deer, and elk with no more than the maximum number of licenses authorized by statute.

Mr. Tom Kirschenmann, Department of Game, Fish and Parks, reviewed the proposed rules. [\(14:08.400\)](#)

Senator Larson wondered how the status of a refuge gets rescinded. Mr. Kirschenmann said it is an uncommon practice, there being less than ten refuges existing outside of the Missouri River system. In the case of the Lake Albert State Waterfowl Refuge, the request to remove the status was made by the seven-to-eight landowners on whose property part of the refuge rests. [\(18:23.160\)](#)

Responding to further questions from Senator Larson, Mr. Kirschenmann explained that most refuges exist mainly on public lands and waters, and that there is no expiration date or timeframe for a refuge to be dissolved once the status has been put into place. The refuge being vacated today will be only the second one removed in over ten years. [\(20:51.440\)](#)

Representative Muckey asked whether there is an impact to state funding when the area is no longer a refuge. Mr. Kirschenmann replied no, as the refuge did not require any habitat management. [\(24:00.420\)](#)

Senator Larson inquired as to how opening the refuge to waterfowl hunting will impact the species who live there. Mr. Kirschenmann said the primary purpose of these refuges is to provide a resting area during the fall to retain ducks in that area; the refuge in question has been in place for forty years. [\(26:05.040\)](#)

Senator Mehlhaff moved, seconded by Senator Howard, that the review of the rules proposed by the Department of Game, Fish and Parks is complete. Motion prevailed on a roll call vote with 3 AYES, 2 NAYS, and 1 EXCUSED. Voting AYE: Mehlhaff, Howard, and Hansen. Voting NAY: Larson and Muckey. EXCUSED: DeGroot. (30:19.480)

South Dakota Commission on Gaming (Department of Revenue): Adopt a rule to offer a variation of play and corresponding pay table for a new poker game called Heads Up Hold 'Em.

Mr. Doug Abraham, South Dakota Commission on Gaming, reviewed the proposed rule which was prompted by an industry submission and will offer the twenty-fifth variation of poker in Deadwood and some tribal casinos. [\(32:01.480\)](#)

Representative Hansen moved, seconded by Representative Muckey, that the review of the rule proposed by the South Dakota Commission on Gaming (Department of Revenue) is complete. Motion prevailed on a roll call vote with 5 AYES and 1 EXCUSED. Voting AYE: Larson, Mehlhaff, Muckey, Howard, and Hansen. EXCUSED: DeGroot. (33:41.420)

South Dakota Commission on Gaming (Department of Revenue): Amend and adopt rules to:

- Develop and administer a self-exclusion plan for individuals who want to be excluded from participating in gaming;
- Update technical standards to reference the most recent version available;
- Update reporting requirements to be in line with the Internal Revenue Service;
- Clarify access to the cashier's cage in a gaming establishment;
- Correct pay table information for the Cover All Bonus game;
- Clarify what products constitute parts for the maintenance of slot machines;
- Clarify the amounts of abandoned credits and payouts for which licensees must conduct investigations to return abandoned tokens, cash, or chips;

- Update W-2G references in the Gaming Internal Control and Revenue Reporting Manual to correspond with the amounts mandated by the Internal Revenue Service; and
- Repeal rules relating to drop buckets on slot machines, and the duties and termination of qualifying licensees, managers, and agents.

Mr. Doug Abraham, South Dakota Commission on Gaming, reviewed the proposed rules, many of which clean up existing rules. Mr. Abraham also provided members with an explanation of the types of self-exclusion plans in place to assist problem gamblers and how those plans operate. [\(35:58.570\)](#)

Senator Mehlhaff asked if the self-exclusion lists utilized by Deadwood establishments are also shared with tribal gaming establishments. Mr. Abraham responded no, as the South Dakota Commission on Gaming does not oversee the operations of tribal casinos. [\(47:47.230\)](#)

Representative Hansen moved, seconded by Representative Muckey, that the review of the rules proposed by the South Dakota Commission on Gaming (Department of Revenue) is complete. Motion prevailed on a roll call vote with 5 AYES and 1 EXCUSED. Voting AYE: Larson, Mehlhaff, Muckey, Howard, and Hansen. EXCUSED: DeGroot. (49:07.350)

Staff Report

Mr. Justin Goetz, Code Counsel, advised committee members that it was necessary to review the date approved for the group's October meeting as the date selected at the organizational meeting - October 12 - is a federal holiday. Following discussion by the members, the date was changed to October 14 for the committee's meeting that month. [\(50:14.230\)](#)

The committee was updated on the rules pertaining to the State Library that were declared obsolete. Notice of the declaration was made in the March 30, 2026, edition of the South Dakota Register. [\(52:24.110\)](#)

Mr. Goetz presented a proposed revision to statute that would allow an agency to go through the rule promulgation process despite the underlying statutory rulemaking authority having a delayed effective date so that the rules supporting action taken in a bill approved during a legislative session would take effect on the same date that the bill itself becomes a law. Currently, statute only expressly authorizes this early promulgation for statutory rulemaking with no specified effective date. The revision was prompted by the passage of Senate Bill 221, with a delayed effective date of January 1, 2027, and for which a new licensing framework will need to be outlined in rule for the Department of Revenue. [\(53:53.390\)](#)

Representative Hansen asked if an agency can already put a delayed implementation date in their proposed rules when presenting them to the IRRC for consideration. Mr. Goetz confirmed that they can. Mr. Goetz further noted that even without a delayed implementation date on the face of the rule, the rule would not be enforceable in court until the statute that provides the rulemaking authority for the rule is effective. [\(01:01:01.250\)](#)

Senator Mehlhaff inquired as to whether with the bill in question, the rules could come before the committee this interim and be decided upon before the law takes effect January 1, 2027, if the process would then be out of step with the spirit of the law. Mr. Goetz responded that doing so would not be out of step with the spirit of the law and that constitutionally, the rule won't be effective until the law becomes effective. [\(01:02:12.750\)](#)

In response to Representative Muckey regarding whether an agency would be required to start the rule process after the bill is signed if this process was adopted, Mr. Goetz said the statute gives the agency permission to do this but doesn't require them to do it right after the bill is signed. [\(01:04:20.430\)](#)

Mr. Goetz was instructed to inform the Department of Revenue that they may bring forward for consideration this interim proposed rules with a delayed implementation date that will coincide with the date the bill they relate to becomes a law. [\(01:08:26.380\)](#)

Public Comments: General Purposes

No additional public comments were received.

Adjournment

Senator Mehlhaff moved, seconded by Representative Muckey, that the meeting be adjourned. Motion prevailed on a unanimous voice vote of all members present. [\(01:09:08.960\)](#)

Chair Hansen adjourned the meeting at 11:12 a.m. (CT).