

Draft Interim Committee Minutes

Interim Rules Review Committee

The four hundred forty-third meeting of the Interim Rules Review Committee (IRRC) was called to order by Representative Jon Hansen, Chair, at 10:00 a.m. (CT) on July 14, 2026, in Room 414 at the State Capitol, Pierre, South Dakota.

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

NOTE: *For the 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. Each section contains a hyperlink to the time stamp pertaining to that item in the archived livestream available at sdlegislature.gov.*

Approval of Minutes

MOTION: TO APPROVE THE MINUTES OF THE TUESDAY, JUNE 9, 2026 MEETING

Moved by: Muckey

Second by: Mehlhaff

Action: Prevailed by voice vote

Rules Reviewed

Department of Game, Fish and Parks: Amend rules to modify Apprentice Deer Hunting, Youth Deer Hunting, and Mentored Youth Deer Hunting units in southeastern South Dakota.

Mr. Tom Kirschenmann, Department of Game, Fish and Parks, reviewed the proposed rules which were prompted by low deer populations in the southeastern part of the state. Mr. Kirschenmann said the declining numbers are due to Epizootic Hemorrhagic Disease (EHD), a highly fatal viral disease in deer. ([7:00](#))

Senator Howard asked how long the nine hunting units impacted would be closed. Mr. Kirschenmann replied that while the department does not have a finite deadline to reopen the units, biologists will monitor deer numbers in those areas and if a steady increase in population is noted, the units could possibly reopen in a year or two. ([12:36](#))

Representative DeGroot inquired as to why those particular counties were chosen. Mr. Kirschenmann explained that biological information is collected and managers, biologists, and conservation officers are consulted in all counties in these situations; the nine counties covered by these proposed rules had lower numbers than the rest of the counties. ([14:15](#))

Representative Muckey 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 5 AYES and 1 EXCUSED. Voting AYE: DeGroot, Mehlhaff, Muckey, Howard, and Hansen. EXCUSED: Larson. ([15:04](#))

South Dakota Cosmetology Commission (Department of Labor and Regulation): Amend a rule to allow the Cosmetology Commission to apply relevant work experience toward education hours for out-of-state applicants who have cosmetology-related licenses that are not equivalent to licenses issued by the commission.

Ms. Adrian Ness, South Dakota Cosmetology Commission, reviewed the proposed rules which were prompted by the passage of House Bill 1194 by the 2026 Legislature. [\(16:44\)](#)

Senator Howard asked whether approval of the rules would allow individuals that hold lesser licenses in another state to obtain a full license in South Dakota. Ms. Ness responded that while that may be possible, the individual's experience and qualifications would be evaluated before making the determination to issue them a full license. [\(18:21\)](#)

Senator Mehlhaff moved, seconded by Representative DeGroot, that the review of the rules proposed by the South Dakota Cosmetology Commission (Department of Labor and Regulation) is complete. Motion prevailed on a roll call vote with 5 AYES and 1 EXCUSED. Voting AYE: DeGroot, Mehlhaff, Muckey, Howard, and Hansen. EXCUSED: Larson. (20:23)

South Dakota Lottery Commission (Department of Revenue): Adopt updated rules for the Millionaire for Life game and rules for the new Powerball Xs and Os game, and repeal obsolete rules.

Mr. Norm Lingle, South Dakota Lottery, reviewed the proposed rules which include the implementation of a new draw game, Powerball Xs and Os, created through a partnership between Powerball and the National Football League. [\(22:09\)](#)

Representative Muckey moved, seconded by Senator Howard, that the review of the rules proposed by the South Dakota Lottery Commission (Department of Revenue) is complete. Motion prevailed on a roll call vote with 5 AYES and 1 EXCUSED. Voting AYE: DeGroot, Mehlhaff, Muckey, Howard, and Hansen. EXCUSED: Larson. (28:23)

South Dakota Board of Nursing (Department of Health): Amend and adopt rules to:

- Remove the requirement for the board to notify a nursing education program of an applicant's licensure examination results;
- Remove the requirement for the board to issue renewal certificates and inactive status cards; and
- Allow registered nurses to delegate gastrostomy tube care to a nursing assistant.

Ms. Linda Young, South Dakota Board of Nursing, reviewed the proposed rules. [\(29:46\)](#)

Senator Howard wondered if, under SDCL 1-27-1.5, a license applicant's exam results would be a confidential record and how and to whom they could be disclosed. Ms. Young explained that the applicant receives notification of a pass or fail from the testing agency but information relating to the exam results is not disclosed to any other individuals. Nursing educators are advised of overall passing scores, information that is needed for educators to maintain their accreditation. [\(35:49\)](#)

Responding to Senator Howard as to how individuals other than the applicant know whether the person is eligible to practice as a nurse, Ms. Young said an applicant must have passed the exam and obtained a license or permit to practice. People who have done so will appear in the online listing of licensed nurses accessed through the Board of Nursing License Verification Portal. [\(38:06\)](#)

Senator Mehlhaff moved, seconded by Senator Howard, that the review of the rules proposed by the South Dakota Board of Nursing (Department of Health) is complete. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (39:11)

South Dakota Board of Pharmacy (Department of Health): Amend and adopt rules to provide a new rule set for remote drop sites and add an operational waiver process to rules for pharmacies, and repeal obsolete rules in Article 20:51.

Mr. Tyler Laetsch, South Dakota Board of Pharmacy, reviewed the proposed rules, some of which are the result of the passage of Senate Bill 14 by the 2026 Legislature. [\(40:28\)](#)

Senator Howard moved, seconded by Representative Hansen, that the review of the rules proposed by the South Dakota Board of Pharmacy (Department of Health) is complete. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (46:32)

South Dakota Housing Development Authority: Amend and adopt rules to establish a clear process for the application, evaluation criteria, and approval of loans for airport infrastructure.

Mr. Chas Olson, South Dakota Housing Development Authority, reviewed the proposed rules which were prompted by the passage of Senate Bill 76 by the 2026 Legislature. [\(47:27\)](#)

Public Testimony

Ms. Julie Johnson, Homes for South Dakota, testified that the nonprofit group had worked with the agency on the South Dakota Housing Infrastructure Financing Fund and agreed not to oppose the use of monies from the fund for airport infrastructure so long as funds continue to be made available for housing in the future. [\(52:21\)](#)

Senator Howard commented that Chapter 11-15, which governs the South Dakota Housing Infrastructure Fund, does not mention airports and she believes that Senate Bill 76 was not passed by a two-thirds majority, as it should have been. She stated she would not support the proposed rules as they violate statute and possibly the South Dakota Constitution. [\(54:00\)](#)

Representative Hansen agreed, saying he was opposed to the rules as well and he suggested the Legislature should step back and consider how the definition of "appropriation" should apply in determining when a two-thirds majority vote is needed. [\(56:01\)](#)

Representative DeGroot moved, seconded by Senator Mehlhaff, that the review of the rules proposed by the South Dakota Housing Development Authority is complete. (57:46)

Senator Mehlhaff said he believes the Legislature supported that a two-thirds majority was not necessary to pass Senate Bill 76, and it is not the role of the IRRC to thwart the action of the Legislature as a whole. Representative Muckey added that the IRRC's role is to make sure administrative rules follow the intent of the laws passed by the Legislature. [\(58:02\)](#)

Senator Howard countered that the committee's job is to pass rules that follow legislative intent but not when it violates the Constitution. [\(59:31\)](#)

Motion prevailed on a roll call vote with 4 AYES and 2 NAYS. Voting AYE: DeGroot, Larson, Mehlhaff, and Muckey. Voting NAY: Howard and Hansen. (59:59)

Staff Report

Mr. Justin Goetz, Code Counsel, expressed his thanks to the agencies and Mr. Jon Kotilnek in the Office of the Governor for ensuring that the rules.sd.gov website was updated and operational by July 1, as required by statute, and for assisting in the development and approval of the updated Form 14 - Regulatory Impact Analysis. [\(1:00:30\)](#)

Public Comments: General Purposes

No additional public comments were received.

Adjournment

Representative Muckey moved, seconded by Senator Howard, that the meeting be adjourned. Motion prevailed on a unanimous voice vote of all members present. [\(1:00:51\)](#)

Chair Hansen adjourned the meeting at 10:55 a.m. (CT).