

Interim Committee Minutes

Interim Rules Review Committee

The four hundred forty-fourth meeting of the Interim Rules Review Committee was called to order by Representative Jon Hansen at 10:01 AM (CT) on August 18, 2026, in Room 414 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering roll call: Rep. DeGroot, Rep. Hansen, Rep. Muckey, Sen. Howard (remote), Sen. Larson (remote), and Sen. Mehlhaff.

Staff members present included Justin Goetz, Code Counsel; Kelly Thompson, Legislative Editor; and Dilyn Trapp, 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 live stream available at sdlegislature.gov.

Approval of Minutes

Representative Erik Muckey moved, seconded by Representative Roger DeGroot, to approve the minutes of the [July 14, 2026](#), Interim Rules Review Committee meeting. The motion prevailed on a voice vote. [\(0:29\)](#)

Rules Reviewed

South Dakota State Brand Board (Department of Agriculture and Natural Resources): Amend a rule to increase the Livestock Ownership Inspection Fee by \$0.45 per head, setting the fee at \$1.45 per head.

Ms. Debbie Trapp, South Dakota State Brand Board, reviewed the proposed rule. The proposed increase is expected to generate \$601,000 in Fiscal Year 2027. [\(1:44\)](#)

Public Testimony

Ms. Cheyenne Tant, Department of Agriculture and Natural Resources, thanked the board for its collaboration and commitment in arriving at the change, noting that the program is not sustainable without the increased fee. [\(3:25\)](#)

Mr. Rick Fox, Self, spoke in opposition to the proposed increase, saying the board currently has \$3.5 million in the three funds it manages and could transfer monies from one fund to another, if needed, as it has in the past. Mr. Fox stated that with the ongoing drought conditions in the state, ranchers such as himself are already having to ship their cattle out of inspection areas and would possibly have to borrow money in increasingly tight financial situations to pay the increased fee. [\(4:36\)](#)

Mr. Kory Bierle, South Dakota State Brand Board, said the funds administered by the board are designated for specific purposes and transferring revenues between funds could result in other funding shortages. [\(11:23\)](#)

Representative Muckey asked about recent transfers between the board's funds. Mr. Bierle confirmed that in the last few years about \$1.3 million has been transferred from one fund to another. [\(14:02\)](#)

Senator Howard inquired as to the reason for the board's increase in personnel expenses. Mr. Bierle explained that full-time brand inspectors are state employees and as such, are entitled to the same salary increases that the Legislature approves for other state employees. Ms. Trapp noted that eighty percent of the board's costs relate to personnel and that there is little turnover among employees. [\(15:58\)](#)

Responding to Senator Howard as to whether all of the services provided by the board are necessary, Ms. Trapp responded that the services provided are required by statute and that fees are not charged for a lot of those services. [\(18:34\)](#)

Senator Mehlhaff asked if the proposed increase is enough for the board to recover costs and build a reserve. Ms. Trapp noted that the Legislature approved a cap of \$1.65 for the Livestock Ownership Inspection Fee and as the proposed rule would set the fee at \$1.45, the board would likely seek to raise it closer to the cap in the next few years. [\(19:38\)](#)

Senator Mehlhaff asked Mr. Fox if he believed in the inspection program. Mr. Fox replied that he believes in brand inspection as it is the best theft deterrent ranchers have. [\(20:30\)](#)

Senator Howard wondered how the board arrived at the forty-five percent increase in the fee, as opposed to something lower like twenty percent. Mr. Bierle said the proposed amount was agreed upon through negotiations with state agencies and producer groups. [\(21:40\)](#)

Senator Howard commented that the fee increase may hit small producers the hardest and she asked whether costs will come down if more cattle are leaving the inspection areas. Mr. Bierle said the cattle that are present will still need to be inspected. [\(24:19\)](#)

Representative Muckey asked Mr. Fox how the cost basis for his operation would change if the fee increase is approved. Mr. Fox answered that he will have about six hundred head of cattle going out of brand inspection this year, with the fee increase costing him an additional four hundred dollars. [\(25:29\)](#)

Representative Roger DeGroot moved, seconded by Senator Jim Mehlhaff, that the review of the rules proposed by the South Dakota State Brand Board (Department of Agriculture and Natural Resources) is complete. Motion prevailed on a roll call vote with 5 AYES and 1 NAY. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, and Hansen. Voting NAY: Howard. [\(27:05\)](#)

South Dakota Board of Education Standards (Department of Education): Amend and repeal rules to:

- Eliminate unnecessary barriers to certification;
- Clarify the requirements to obtain certification;
- Ensure educators are adequately trained;
- Provide additional flexibility for certain renewals; and
- Clarify and update language.

Dr. Kathryn Blaha, South Dakota Board of Education Standards, reviewed the proposed rules. [\(31:52\)](#)

Public Testimony

Mr. Tom Culver, Self, expressed his support for the rules as presented. Mr. Culver told members that as a school superintendent for several districts in South Dakota, he has had difficulty replacing educators and with a shortage of teachers in the state, removing the certification barriers could help individuals with subject matter experience qualify for certification. [\(34:13\)](#)

Mr. Brock Rops, South Dakota HoSA, spoke in support of the proposed changes, stating that many smaller rural school districts face problems getting health educators and simplifying the certification requirements could increase the number of health and life science teachers in South Dakota. [\(36:15\)](#)

Representative Muckey asked if the proposed striking of Dakota/Lakota/Nakota language and cultural permits involving an organization approved by a tribal government in this state would impact tribal

government sovereignty. Dr. Blaha explained that the rule changes would clarify who would need to sign off on Lakota language permits - tribal governments or universities. [\(39:20\)](#)

Senator Jim Mehlhaff moved, seconded by Representative Roger DeGroot, that the review of the rules proposed by the South Dakota Board of Education Standards (Department of Education) is complete. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. [\(41:07\)](#)

Department of Public Safety: Amend rules to:

- Adopt the 2025 edition of the National School Transportation Specifications and Procedures manual;
- Amend school bus rules to reflect the correct referenced page numbers;
- Adopt the 2026 edition of the Commercial Vehicle Safety Alliance handbook;
- Adopt English proficiency requirements;
- Authorize permits and adopt requirements for the use of industrial incinerators; and
- Amend victim services rules.

Ms. Kristi Turman, Department of Public Safety, reviewed the proposed rules, which cover a variety of areas impacting school bus safety, motor carrier safety, driver licensing, wildland fire safety, and victim services. [\(43:39\)](#)

Regarding the English proficiency requirements, Senator Larson asked about the administration of the effective conversation test. **Ms. Jeannelle Yitagesu, Department of Public Safety,** explained that applicants engage in a regular, simple conversation in English with department staff. Individuals who cannot carry on such a conversation are flagged as not being able to take the licensing test. [\(1:00:15\)](#)

Senator Mehlhaff asked if the department has the statutory authority to make the school bus changes in administrative rule or if legislation was needed. **Mr. Justin Goetz, Code Counsel,** responded that the agency needs express statutory authority to promulgate rule, and there is a question whether the statutory language at issue here provides that express authority. Mr. Goetz described the potential for a legal challenge and clarified the committee's role in ascertaining legislative intent. [\(1:05:23\)](#)

Representative Muckey wondered if any schools were currently out of compliance with the school bus regulations. **Mr. Matt Koll, Department of Public Safety,** confirmed that no schools are currently out of compliance and that the rules are being changed to conform to updated reference documents. [\(1:10:32\)](#)

As to the authority question, Representative Muckey asked for a commitment from the department that legislation would be brought on the issue in 2027. Ms. Turman said a bill will be brought forward for that purpose. [\(1:12:44\)](#)

Senator Jim Mehlhaff moved, seconded by Representative Erik Muckey, that the review of the rules proposed by the Department of Public Safety is complete. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. [\(1:13:31\)](#)

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

- Implement online and mobile application parimutuel wagering through advance deposits with multi-jurisdictional totalizator hubs;
- Establish standards for the operation of hubs within the context of advance deposit wagering, online, and mobile applications;
- Implement security standards, account standards, and clarify the means and methods for applications to be submitted and examinations to occur of wagering systems; and
- Address the licensure of multi-jurisdictional totalizator hubs within the context of online and mobile wagering on horse and greyhound racing.

Mr. Doug Abraham, South Dakota Commission on Gaming, reviewed the proposed rules, some of which were prompted by the passage of House Bill 1058 by the 2026 South Dakota Legislature. [\(1:18:38\)](#)

Representative Erik Muckey moved, seconded by Representative Jon Hansen, 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 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (1:26:59)

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

- Modify existing provisions to the most recent version of the ARCA standard for medications;
- Offer a variation of play and corresponding pay table for a new poker game called Three Card Prime;
- Offer variations of play and corresponding pay tables for existing blackjack games 21 + 3 and Double Down Madness; and
- Offer a variation of play and corresponding pay table for a new blackjack game called TriLux Blackjack Progressive.

Mr. Doug Abraham, South Dakota Commission on Gaming, reviewed the proposed rules and advised members of the commission's desire to pull rule 20:18:15:30.03 from the packet. [\(1:28:02\)](#)

Representative Jon Hansen moved, seconded by Representative Erik Muckey, that rule 20:18:15:30.03, as proposed by the South Dakota Commission on Gaming (Department of Revenue), be reverted to a step prior under SDCL 1-26-4.7. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (1:34:17)

Representative Jon Hansen moved, seconded by Representative Roger DeGroot, that the review of the remaining rules proposed by the South Dakota Commission on Gaming (Department of Revenue) is complete. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (1:35:26)

Department of Health: Amend and adopt rules related to updates to the South Dakota Board of Nursing requirements for certified nurse aides (CNAs) and repeal duplicative rules relating to CNAs.

Ms. Jennifer Maeschen, Department of Health, reviewed the proposed rules. [\(1:36:45\)](#)

Senator Jim Mehlhaff moved, seconded by Representative Jon Hansen, that the review of the rules proposed by the Department of Health is complete. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (1:40:37)

Staff Report

Mr. Justin Goetz, Code Counsel, addressed a potential need to move IRRC's September 8 meeting to another day due to a scheduling conflict for Senator Howard. Representative Hansen polled the members to see if there were any objections to moving the next meeting to September 9, 2026. There were none. The schedule change was authorized and staff was instructed to move it and post the new schedule. [\(1:41:35\)](#)

Public Comments: General Purposes

No additional public comments were received.

Adjournment

Representative Erik Muckey moved, seconded by Senator Jim Mehlhaff, that the Interim Rules Review Committee be adjourned. The motion prevailed on a voice vote. [\(1:43:19\)](#)

The Interim Rules Review Committee adjourned at 11:44 AM.