

MINUTES

Interim Rules Review Committee

Representative Jon Hansen, Chair
Senator Taffy Howard, Vice Chair



Four hundred thirty-seventh meeting
Tuesday, October 7, 2025

Room 414 – State Capitol
Pierre, South Dakota

The four hundred thirty-seventh meeting of the Interim Rules Review Committee (IRRC) was called to order by Representative Jon Hansen, Chair, at 10:02 a.m. (CT) on October 7, 2025, 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 (remote), Liz Larson, 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 live stream available at sdlegislature.gov.

Approval of Minutes

Representative Muckey moved, seconded by Senator Larson, that the [September 9, 2025, meeting minutes](#) be approved. Motion prevailed on a roll call vote with 5 AYES and 1 EXCUSED. Voting AYE: Larson, Mehlhaff, Muckey, Howard, and Hansen. EXCUSED: DeGroot. [\(01:11.160\)](#)

Rules Reviewed

[South Dakota Plumbing Commission \(Department of Labor and Regulation\)](#): Amend rules to adopt the 2024 Uniform Plumbing Code and amendments.

Ms. Mandy Nielsen, South Dakota Plumbing Commission, reviewed the proposed rules which were prompted by the passage of [Senate Bill 25](#) by the 2025 South Dakota Legislature and have not been updated since 2016. [\(02:00.900\)](#)

Public Testimony

Mr. Mark Osmack, International Association of Plumbing and Mechanical Officials (IAPMO), spoke in favor of the rule changes and provided a letter of support from his organization ([Document 1](#)). [\(03:56.980\)](#)

Mr. Bradley Tunge, Self, stated that as a plumber himself, he understands the importance of adopting the 2024 Uniform Plumbing Code but is opposed to some of the proposed amendments to the 2024 Code being considered. [\(06:44.260\)](#)

Rebuttal

Ms. Nielsen stated that the Plumbing Commission had been made aware of Mr. Tunge's concerns but voted to approve the proposed changes to the rules. Mr. Osmack offered to respond to Mr. Tunge's objections personally if he wanted to contact IAPMO to discuss them. [\(11:54.640\)](#)

Senator Larson asked Mr. Tunge how he felt his comments were received by the members of the Commission. Mr. Tunge said their responses were based on opinion not on the need for the plumbing code to be scientific. [\(13:18.400\)](#)

Representative Muckey wondered how Ms. Nielsen perceived the response of the Commission to Mr. Tunge's concerns. At the request of Ms. Nielsen, **Mr. Jon Kist**, a plumber and the Chair of the **South Dakota Plumbing Commission**, offered a technical response. [\(15:16.100\)](#)

Representative Muckey moved, seconded by Senator Howard, that subdivisions (51) (52) (53) of rule 20:54:02:01, as proposed by the South Dakota Plumbing Commission (Department of Labor and Regulation), be reverted to a step prior under SDCL 1-26-4.7 while the rulemaking process for the remainder of that rule and all other rules as presented be deemed complete. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (18:03.960)

Department of Game, Fish and Parks: Adopt a rule to establish day pass, annual pass, and event permit fees for the Pete Lien and Sons Shooting Sports Complex.

Mr. Tom Kirschenmann, Department of Game, Fish and Parks, reviewed the proposed rule relating to the new 400-acre shooting range that will officially open in November. Mr. Kirschenmann noted that the range contains both areas that are free and open to the public and areas that are accessible only to those who have purchased passes and permits; a map was provided to committee members for their reference ([Document 2](#)). [\(23:43.000\)](#)

Representative Muckey moved, seconded by Senator Mehlhaff, that the review of the rule proposed by the Department of Game, Fish and Parks is complete. Motion prevailed on a roll call vote with 5 AYES and 1 NAY. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, and Howard. Voting NAY: Hansen. (35:05.360)

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

- Modify mountain lion hunting season dates and increase the season unit size where the use of dogs is permitted in the Black Hills Fire Protection District;
- Modify the hunting area where the harvesting of mountain lions is allowed;
- Update the list of aquatic invasive species to include Prussian carp;
- Modify the aquatic invasive species listings for European rudd and Snakehead species; and
- Create an invasive species exemption for Red swamp crayfish.

Mr. Tom Kirschenmann, Department of Game, Fish and Parks, reviewed the proposed rules. Members were given documentation outlining the mountain lion units in the Black Hills in which dogs can be used as well as statistical information on mountain lion populations and harvest intensity ([Document 3](#)). [\(36:48.480\)](#)

Representative Muckey asked why the dog hunting range was being expanded. Mr. Kirschenmann explained that there is a higher success of harvesting rate when dogs are used, and that decreasing mountain lion numbers can bolster deer numbers. [\(48:42.800\)](#)

Senator Mehlhaff moved, seconded by Representative Hansen, 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 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (51:02.840)

South Dakota Transportation Commission (Department of Transportation): Amend rules to:

- In Beadle County, extend the current forty-five mile per hour speed limit on U.S. Highway 14 on the south edge of Wolsey and the current forty-five mile per hour speed limit on Highway 37 in Huron;

- In Lawrence County, add a forty-five mile per hour transition speed zone on U.S. Highway 14A and U.S. Highway 85 at and around Cheyenne Crossing and eliminate a truck speed limit on U.S. Highway 14A east of Cheyenne Crossing;
- In Fall River County, extend a fifty-five mile per hour speed zone on State Trunk Highway 79 and correct minor deviations in speed zone distances;
- For Hamlin County, extend the current twenty-five mile per hour speed zone on State Trunk Highway 21 on the east edge of Hayti;
- For Hanson County, lengthen the existing forty-five mile per hour speed zone at the I-90 interchange on State Trunk Highway 262 and correct naming conventions;
- For Jones County, add a forty-five mile per hour transition speed zone on U.S. Highway 83 in and around Murdo; and
- For rules throughout, eliminate redundancy by clarifying the starting and ending points for speed zones and revising speed zone measurements to the nearest one-tenth of a mile.

Ms. Karla Engle, Department of Transportation, reviewed the proposed rules, some of which were prompted by citizen concerns in the impacted areas. [\(54:46.280\)](#)

Representative DeGroot inquired as to how proposed speed limit changes are brought to the department. Ms. Engle replied that the concerns come from a variety of sources. [\(01:00:03.800\)](#)

Representative Muckey moved, seconded by Representative Hansen, that the review of the rules proposed by the South Dakota Transportation Commission (Department of Transportation) is complete. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (01:01:25.260)

Reemployment Assistance Division (Department of Labor and Regulation): Amend a rule to revise the industry number for retail nurseries in seasonal employer designations and repeal a rule regarding the ten-day administrative decision timeline for reemployment assistance appeals.

Mr. Jerry McCabe, Department of Labor and Regulation, reviewed the proposed rule. [\(01:03:48.560\)](#)

Representative DeGroot moved, seconded by Representative Muckey, that the review of the rule proposed by the Reemployment Assistance Division (Department of Labor and Regulation) is complete. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (01:05:25.660)

Labor and Management Division (Department of Labor and Regulation): Amend rules to revise the workers' compensation medical fee schedule by adopting the 2025 version of the Relative Values for Physicians and updating selected billing code multipliers.

Mr. Jerry McCabe, Department of Labor and Regulation, reviewed the proposed rules, which update fee schedules that have not been changed since 2020. [\(01:06:33.720\)](#)

Senator Mehlhaff moved, seconded by Representative Hansen, that the review of the rules proposed by the Labor and Management Division (Department of Labor and Regulation) 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. (01:08:04.920)

South Dakota Board of Elections (Office of the Secretary of State): Reconsider a rule pursuant to SDCL 1-26-4.10, which was reverted by the Interim Rules Review Committee at its September 9, 2025, meeting regarding the requirements for counting signatures on petitions.

Mr. Tom Deadrick, Office of the Secretary of State, reviewed the proposed rule, saying it had been revised since the September IRRC meeting to address Chair Hansen's concerns. [\(01:09:11.900\)](#)

Representative Hansen moved, seconded by Senator Mehlhaff, that the review of the rule proposed by the South Dakota Board of Elections (Office of the Secretary of State) is complete. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (01:10:38.040)

South Dakota Lottery Commission (Department of Revenue): Adopt rules for the introduction and operation of the Millionaire for Life lotto game, as it replaces the Lucky for Life lotto game.

Mr. Clark Hepper, South Dakota Lottery, reviewed the proposed rules which allow for the operation of the Millionaire for Life lotto game in South Dakota. If the rules are approved, the game's first drawing will be February 22, 2026. [\(01:11:51.700\)](#)

Representative Muckey moved, seconded by Senator Larson, that the review of the rules proposed by the South Dakota Lottery (Department of Revenue) is complete. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (01:17:14.400)

Department of Human Services: Repeal the department's existing rules on preadmission screening and resident reviews (PASRR).

Ms. Jenna Howell, Department of Human Services, reviewed the proposed changes which correlate to rule changes brought by the Department of Social Services (DSS) at the September IRRC meeting. Members approved the DSS rules at that time and Ms. Howell advised that if the rules presented today are also approved, the packets will be filed with the Secretary of State simultaneously so as to avoid confusion among PASRR recipients. [\(01:18:18.760\)](#)

Senator Mehlhaff moved, seconded by Representative DeGroot, that the review of the rule proposed by the Department of Human Services is complete. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (01:20:06.360)

Department of Health: Repeal rules related to emergency supplies of controlled drugs in longer term care facilities that are duplicative of Board of Pharmacy regulations, unnecessary definitions, and unnecessary or duplicative language as it relates to hospital charge reporting. The proposed changes would also update statutory references and timelines for reporting of data, and correct technical errors made in 2023 and 2024 to require the reporting of attempted suicides in health care facilities to the Department of Health.

Ms. Jennifer Maeschen, Department of Health, reviewed the proposed rules, some of which resulted from the passage of [House Bill 1225](#) by the 2025 South Dakota Legislature. [\(01:21:11.080\)](#)

Senator Larson moved, seconded by Representative 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. (01:24:25.440)

Governor's Office of Economic Development: Amend and adopt rules to implement the ethanol E15 fuel tax refund program established by the passage of [Senate Bill 78](#) by the 2024 Legislature.

Mr. Jack Valentine and Mr. Aaron Scheibe, Governor's Office of Economic Development, reviewed the proposed rules. [\(01:25:19.540\)](#)

Senator Mehlhaff moved, seconded by Representative DeGroot, that the review of the rules proposed by the Governor's Office of Economic Development is complete. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (01:27:58.400)

Economic Development Finance Authority (Governor's Office of Economic Development): Amend and adopt rules to:

- Make technical corrections to certain statutory cross references and to the agribusiness bonding program;
- Repeal unnecessary provisions relating to loans made by the Economic Development Finance Authority;
- Repeal rules for the value-added agribusiness relending program and the value-added agriculture subfund;
- Remove an unnecessary provision relating to informal dispute resolution in the Economic Development Finance Authority's agribusiness bonding program;
- Change the requirement for a local in-person hearing for bonds issued for projects under the program;
- Provide an option to participate telephonically or by video conference in hearings;
- Adjust certain eligibility provisions, the application process, and lending procedures for the Beginning Farmer Loan Program;
- Update statutory references following the Legislature's transfer of responsibility for the Beginning Farmer Loan Program to the Economic Development Finance Authority; and
- Repeal rules due to the sunset of the APEX loan program following the transfer of program funds to the Revolving Economic Development and Initiative Fund under the Board of Economic Development.

Mr. Jack Valentine and Mr. Aaron Scheibe, Governor's Office of Economic Development, reviewed the proposed rules. (01:29:48.280)

Senator Mehlhaff moved, seconded by Senator Larson, that the review of the rules proposed by the Economic Development Finance Authority (Governor's Office of Economic Development) is complete. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (01:34:21.160)

Board of Economic Development (Governor's Office of Economic Development): Amend rules to streamline the administration of, and to clarify the Governor's Office of Economic Development staff's authority with respect to, loans from the Revolving Economic Development and Initiative fund.

Mr. Jack Valentine and Mr. Aaron Scheibe, Governor's Office of Economic Development, reviewed the proposed rules. Mr. Valentine noted that the Board would not be proceeding with the rules appearing on pages 14-33 of the packet, as received by the members, as those rules were not approved at the Board's public hearing. (01:35:13.600)

Senator Howard asked Mr. Valentine to explain what the changes will be regarding how loans are processed if the rules are approved today. (01:38:21.320)

Senator Howard requested an explanation of what constitutes an immaterial variance. Mr. Valentine provided examples of immaterial variances and explained that the rule changes would allow staff to be more responsive to business decisions. (01:42:23.400)

Responding to Senator Howard as to why the maximum loan amount is being increased in ARSD 68:02:01:36, Mr. Valentine said the proposed amount is in alignment with increasing project costs. (01:43:27.900)

Senator Mehlhaff moved, seconded by Senator Larson, that the review of the rules proposed by the Board of Economic Development (Governor's Office of Economic Development) be deemed complete for all rule sections properly brought before the committee, as shown on pages 1-13 of the rule packet. 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. (01:45:02.780)

South Dakota Board of Medical and Osteopathic Examiners (Department of Health): Amend rules to update the supervision requirements for Physician Assistants to match statute.

Ms. Whitney Burrows, Board of Medical and Osteopathic Examiners, reviewed the proposed rules. [\(01:47:27.960\)](#)

Senator Mehlhaff commented that the proposed changes are important to rural hospitals in South Dakota.

Senator Mehlhaff moved, seconded by Representative DeGroot, that the review of the rules proposed by the South Dakota Board of Medical and Osteopathic Examiners (Department of Health) is complete. Motion prevailed on a roll call vote with 6 AYES. Voting AYE: DeGroot, Larson, Mehlhaff, Muckey, Howard, and Hansen. (01:50:29.780)

Draft Legislation for Committee Discussion and Action

Representative Hanson asked members for their comments and proposed action on three bill drafts that were originally presented to the committee at its September 9, 2025, meeting. Representative Muckey stated that he has additional drafts he would like to offer for consideration. It was decided that all proposed legislation would be discussed at the next IRRC meeting. [\(01:52:00.720\)](#)

Public Comments: General Purposes

No additional public comments were received.

Proposed Ad Hoc Meeting

As today's meeting is the last scheduled meeting of the Interim Rules Review Committee for the 2025 Interim, Representative Hansen proposed that an ad hoc meeting be scheduled for November at which time members would consider two rule packets submitted by the Department of Social Services which were pulled from today's agenda at the request of the agency, as well as the proposed bill drafts. The ad hoc meeting will be held Wednesday, November 12, 2025, at 11:00 a.m. (CT).

Adjournment

Representative Muckey moved, seconded by Senator Larson, that the meeting be adjourned. Motion prevailed on a unanimous voice vote of all members present. (01:54:52.900)

Chair Hansen adjourned the meeting at 11:56 a.m. (CT).