



# SOUTH DAKOTA REGISTER

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## FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

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### Notice of Proposed Rules

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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.

**Department of Human Services:** (August 26, 2024) intends to amend a rule to allow developmental disability support providers who do not provide services in South Dakota to satisfy the secretary of state certificate requirements to become a South Dakota provider by a showing of approval and good standing in the state where services are to be provided. The general authority for this rule, as cited by the department, is SDCL [27B-2-26](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rule will be held at the Hillview Building, Seasons Conference Room, 3800 East Highway 34, Pierre, South Dakota, on September 23, 2024, at 1:00 p.m. (CT). Interested persons may also participate by Microsoft Teams at <https://sd-dhs.org/DHS-Rules-Hearing>. Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rules may be sent to, the Department of Human Services, 3800 East Highway 34, c/o 500 East Capitol Avenue, Pierre, South Dakota 57501 or by email to [DHSInfo@state.sd.us](mailto:DHSInfo@state.sd.us). Copies of the rules are also available at <https://rules.sd.gov>. The deadline to submit any written comments for consideration by the department is ten days after the date of the public hearing. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-5990 at least 48 hours before the public hearing.

**Transportation Commission (Department of Transportation):** (August 26, 2024) intends to amend rules to reduce the speed limits on U.S. Highway 281 in and around Corsica in Douglas County and on State Trunk Highway 28 in and around Lake Norden in Hamlin County; change the speed limits on a segment of State Trunk Highway 47 extending south from its intersection with U.S. Highway 12 and then east from its west junction with State Trunk Highway 20 in Walworth County; and update references to manuals, policies, and other publications relating to signing, utility installations, traffic control, and access management. The general authority for these rules, as cited by the department, is SDCL [11-3-12.2](#), [31-26-22](#), [31-29-80.1](#), and [32-25-7](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held in the Commission Room of the South Dakota Highway Patrol Building, 2200 Elgin Street, Rapid City, South Dakota, on September 24, 2024, at 2:00 p.m. (MT). Interested parties may also participate by telephone by calling (866) 705-2554 and using conference code 153277. Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rules may be sent to, the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Copies of the rules are also available at <https://rules.sd.gov>. Comments may also be emailed to [Joel.Jundt@state.sd.us](mailto:Joel.Jundt@state.sd.us). Information submitted in writing must be received on or before September 20, 2024, 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 the department's ADA Coordinator at (605) 773-3540 or (800) 877-1113 (Telecommunications Relay Services for the Deaf) at least 48 hours before the public hearing.

**Department of Health:** (August 26, 2024) intends to amend and repeal rules to update and clarify the minimum regulations for nursing homes and birth centers, and correct reference citations for assisted living, hospital, specialized hospital, critical access hospital, and rural emergency hospital providers. The general authority for these rules, as cited by the department, is SDCL [34-1-17](#), [34-12-7](#), [34-12-13](#), [34-12-29](#), [34-12-62](#), and [34-22-9](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Robert Hayes Building, 600 East Capitol Avenue, Pierre, South Dakota, on October 2, 2024, at 9:00 a.m. (CT). Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, the Department of Health, Office of Licensure and Certification, 600 East Capitol Avenue, Pierre, South Dakota 57501. Copies of the rules are also available online at <http://rules.sd.gov>. The deadline to submit any written comments for consideration is October 12, 2024. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3356 at least 48 hours before the public hearing.

**Department of Social Services:** (August 27, 2024) intends to amend rules to remove the three-month waiting period for the nonmedicaid children's health insurance program (CHIP) eligibility for individuals who were disenrolled from other coverage, and to make style and form changes. The general authority for these rules, as cited by the department, is SDCL [28-6-1](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Department of Social Services Building, Prairie Conference Room, 811 East 10<sup>th</sup> Street, Sioux Falls, South Dakota, on September 27, 2024, at 11:00 a.m. (CT). Interested parties may also attend by calling (605) 679-7263 and using conference code 288 406 351#. Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rules may be sent to, Teresa Schulte, Administrative Rules, Department of Social Services, 811 East 10<sup>th</sup> Street, Sioux Falls, South Dakota 57103. The rules are also available online at <http://rules.sd.gov>. Comments and requests for copies of the proposed rules may also be emailed to [DSSAdminRules@state.sd.us](mailto:DSSAdminRules@state.sd.us). Written comments must reach the department by October 7, 2024, 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.

**Board of Water and Natural Resources (Department of Agriculture and Natural Resources):** (August 28, 2024) intends to amend rules to update director areas for the East Dakota and Vermillion Basin Water Development Districts. The general authority for these rules, as cited by the department, is SDCL [46A-3C-6](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Matthews Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on September 26, 2024, at 1:00 p.m. (CT). Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, the Board of Water and Natural Resources, Department of Agriculture and Natural Resources, 523 East Capitol Avenue, Pierre, South Dakota 57501, or online at <https://danr.sd.gov/public/default.aspx>. Material sent by mail or email must reach the department at least seventy-two hours before the date of the public hearing 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 contact Brian Walsh, Nondiscrimination Coordinator, by phone at (605) 773-5559 or by email at [brian.walsh@state.sd.us](mailto:brian.walsh@state.sd.us) at least two business days before the public hearing.

## Petition for Rules

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The **Department of Game, Fish and Parks** on August 29, 2024, served on the Interim Rules Review Committee and the director of the Legislative Research Council a petition received from an interested person, per [SDCL 1-26-13](#), to amend ARSD [41:06:13:04](#) to allow for multiple drawing opportunities for Prairie Spring Turkey licenses for South Dakota resident applicants. The [Game, Fish and Parks Commission](#) will review the petition at its September 5, 2024, meeting.

## SCHEDULED PUBLIC HEARINGS

9-5-2024	<b><u>Department of Game, Fish and Parks:</u></b> Amend rules to cap the number of nonresident turkey licenses in the Black Hills; modify the statewide Archery Spring turkey hunting units; modify the existing fish harvest regulations on Belle Fourche Reservoir; modify snagging on Lake Oahe; modify bobcat trapping and hunting; modify scientific names for certain species of crayfish to reflect updates in taxonomic classification; and modify the species of crayfish that can be taken; 51 SDR 21, August 19, 2024.
9-16-2024	<b><u>South Dakota Conservation Commission (Department of Agriculture and Natural Resources):</u></b> Repeal rules defining "urban area" and the purpose of the soil conservation award program; and in alignment with <a href="#">House Bill 1033</a> enacted in the 2024 legislative session, amend rules to clarify the definition of active agricultural producer; specify who is eligible to receive a natural resources conservation award; clarify the nomination process for the award; refine the criteria used to select award recipients; and modify information pertaining to the submittal of selections to the Conservation Commission; 51 SDR 21, August 19, 2024.
9-19-2024	<b><u>Department of Public Safety:</u></b> Amend rules to revise the T50 minimum distillation temperature for certain volatility classes and to adopt the 2024 edition of the Commercial Vehicle Safety Alliance handbook; 51 SDR 22, August 19, 2024.
9-20-2024 <b>NOTE: Hearing was originally scheduled for August 16, 2024</b>	<b><u>South Dakota Board of Podiatry Examiners (Department of Health):</u></b> Amend a rule to update the renewal fees to ensure financial viability of the board; 50 SDR 137, May 20, 2024.
9-23-2024	<b><u>Department of Human Services:</u></b> Amend a rule to allow developmental disability support providers who do not provide services in South Dakota to satisfy the secretary of state certificate requirements to become a South Dakota provider by a showing of approval and good standing in the state where services are to be provided; 51 SDR 27, September 3, 2024.
9-24-2024	<b><u>Transportation Commission (Department of Transportation):</u></b> Amend rules to reduce the speed limits on U.S. Highway 281 in and around Corsica in Douglas County and on State Trunk Highway 28 in and around Lake Norden in Hamlin County; change the speed limits on a segment of State Trunk Highway 47 extending south from its intersection with U.S. Highway 12 and then east from its west junction with State Trunk Highway 20 in Walworth County; and update references to manuals, policies, and other publications relating to signing, utility installations, traffic control, and access management; 51 SDR 27, September 3, 2024.
9-26-2024	<b><u>Board of Water and Natural Resources (Department of Agriculture and Natural Resources):</u></b> Amend rules to update director areas for the East Dakota and Vermillion Basin Water Development Districts; 51 SDR 28, September 3, 2024.
9-27-2024	<b><u>Department of Social Services:</u></b> Amend rules to remove the three-month waiting period for the nonmedicaid children's health insurance program (CHIP) eligibility for individuals who were disenrolled from other coverage, and to make style and form changes; 51 SDR 28, September 3, 2024.
10-2-2024	<b><u>Department of Health:</u></b> Amend and repeal rules to update and clarify the minimum regulations for nursing homes and birth centers, and correct reference citations for assisted living, hospital, specialized hospital, critical access hospital, and rural emergency hospital providers; 51 SDR 28, September 3, 2024.

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## **RULES REVIEW COMMITTEE MEETINGS**

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The next meeting of the Interim Rules Review Committee for the 2024 Interim is Tuesday, September 10, 2024, at 10:00 a.m. (CT) via electronic conference and in Room 414 of the Capitol. The final meeting for the 2024 Interim is scheduled for October 22. Find notices of committee 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 is updated regularly to reflect changes in drafting styles and procedures.