



SOUTH DAKOTA REGISTER

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Monday, 8:00 a.m., September 16, 2024

FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notice of Proposed Rules

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.

South Dakota Lottery Commission (Department of Revenue): (September 9, 2024) intends to amend rules to allow for mobile claims, a process by which players may use a mobile device to determine if they have a winning ticket, and to claim the prize thereof between \$101 and \$5,000; clarify existing duties of the Executive Director of the South Dakota Lottery; and reflect changes to the Mega Millions product group rules adopted by the Multi State Lottery Association. The general authority for these rules, as cited by the commission, is SDCL [42-7A-4](#), [42-7A-11](#), and [42-7A-21](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held in Room 412 of the State Capitol, 500 East Capitol Avenue, Pierre, South Dakota, on September 26, 2024, at 9:30 a.m. (CT). 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 Revenue, 445 East Capitol Avenue, Pierre, South Dakota 57501. Comments may also be sent by email to lottery@state.sd.us. Material sent by mail or email must reach the commission by September 23, 2024, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the commission can make arrangements may call (605) 773-3311 at least 48 hours before the public hearing.

South Dakota State Brand Board (Department of Agriculture and Natural Resources): (September 10, 2024) intends to amend rules to change the Lifetime Travel Permit fee on horses and update laws implemented to current state statutes. The general authority for these rules, as cited by the board, is SDCL [40-18-16](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the South Dakota State Library, MacKay Building, Conference Room #1, 800 Governors Drive, Pierre, South Dakota, on October 3, 2024, at 11:00 a.m. (CT). Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rules may be sent to, the South Dakota State Brand Board, Attn: Debbie Trapp, 209 West Dakota Avenue, Pierre, South Dakota 57501. Comments may also be sent by email to Debbie.trapp@state.sd.us. Material sent by mail or email must reach the board by September 30, 2024, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the board can make arrangements may call (605) 773-3324 at least 48 hours before the public hearing.

Department of Game, Fish and Parks: (September 12, 2024) intends to amend rules to establish fees for a Habitat Conservation Emblem; revise fees for park entrance licenses, camping permits, campsite reservations, trail user passes, and the use of park facilities; remove certain definitions pertaining to campgrounds; revise fees related to the sale of firewood; revise fees for licensing boats; and revise fees for hunting and fishing licenses. The general authority for these rules, as cited by the department, is SDCL [32-3A-4](#), [32-3A-11](#), [32-5-197](#), [41-2-18](#), [41-6-10](#), [41-6-18.4](#), [41-6-19.6](#), [41-6-19.9](#), [41-6-84](#), [41-17-1.1](#), [41-17-13](#), and [41-17-13.4](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Huron Event Center, 100 4th Street Southwest, Huron, South Dakota, on October 3, 2024, at 2:00 p.m. (CT). 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 the Department of Game, Fish and Parks, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. The rules are also available online at <https://rules.sd.gov>. Comments may also be submitted at <http://gfp.sd.gov/forms/positions>. All written and email comments must include the name, city, and state of the person submitting them. The comment period will close 72 hours prior to the date of the 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) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf).

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

DEPARTMENT OF HEALTH: 44:05:01:01, 44:05:01:02; 44:05:02:01, 44:05:02:04, 44:05:02:06, 44:05:02:10, 44:05:02:11.01, 44:05:02:12, 44:05:02:13, 44:05:02:14, 44:05:02:15, 44:05:02:16, 44:05:02:17, 44:05:02:18, 44:05:02:19, 44:05:02:20, 44:05:02:21; 44:05:03:04.01, 44:05:03:04.02, 44:05:03:05.01, 44:05:03:05.02, 44:05:03:05.03, 44:05:03:05.04, 44:05:03:05.05, 44:05:03:05.06, 44:05:03:05.07, 44:05:03:05.08, 44:05:03:10; 44:05:04:01, 44:05:04:05, 44:05:04:06, 44:05:04:07, 44:05:04:08, 44:05:04:09, 44:05:04:10, 44:05:04:11, 44:05:04:11.01, 44:05:04:12, 44:05:04:12.01, 44:05:04:14, 44:05:04:15, 44:05:04:15.01, 44:05:04:17, 44:05:04:18, 44:05:04:19, 44:05:04:22, 44:05:04:23, 44:05:04:24; 44:05:05:01, 44:05:05:02, 44:05:05:03, 44:05:05:04, 44:05:05:05, 44:05:05:06, 44:05:05:07, 44:05:05:08, 44:05:05:10, 44:05:05:11, 44:05:05:12, 44:05:05:13, 44:05:05:14, 44:05:05:15, 44:05:05:16, 44:05:05:17, 44:05:05:18, 44:05:05:19, 44:05:05:20, 44:05:05:22; 44:05:07:01, 44:05:07:03; 44:05:08:01.

History/Notice: 51 SDR 2, July 1, 2024

Hearing: July 19, 2024

Filed: September 10, 2024

Effective: September 30, 2024

DEPARTMENT OF HEALTH: 44:05:07:02.

History/Notice: 51 SDR 2, July 1, 2024

Hearing: July 19, 2024

Filed: September 10, 2024

Effective: September 30, 2024

DEPARTMENT OF HUMAN SERVICES: 67:44:03:01, 67:44:03:02, 67:44:03:03, 67:44:03:03.01, 67:44:03:04, 67:44:03:05, 67:44:03:06, 67:44:03:10, 67:44:03:11, 67:44:03:12, 67:44:03:15, 67:44:03:16.

History/Notice: 50 SDR 137, May 20, 2024

Hearing: June 11, 2024

Filed: September 10, 2024

Effective: September 30, 2024

Executive Appointments

| <u>Appointee</u> | <u>Appointed by</u> | <u>Succeeding</u> | <u>Effective/End Date</u> |
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| Board of Service to the Blind and Visually Impaired | | | |
| Cherie L. Gerry Sioux Falls | Governor | Kellie Hauglid | 9/5/2024 - 6/30/2027 |
| Deborah L. Ver Steeg Sioux Falls | Governor | Chelle Hart | 9/5/2024 - 6/30/2027 |
| Council of Economic Advisors | | | |
| Matthew D. Cronin Gettysburg | Governor | Reappointed | 9/13/2024 - 6/30/2027 |
| Family Support Council | | | |
| Carolee A. Little Castlewood | Governor | Christine Kenser | 9/5/2024 - 6/30/2027 |
| Janet L. Montileaux Porcupine | Governor | Reappointed | 9/5/2024 - 6/30/2027 |
| Planning Council on Developmental Disabilities | | | |
| Nicole R. Meyer Mina | Governor | Brenda Smith | 9/12/2024 - 6/30/2027 |
| Nichole J. Winckler Rapid City | Governor | Jessie Kuechenmeister | 9/12/2024 - 6/30/2027 |

SCHEDULED PUBLIC HEARINGS

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| 9-16-2024 | <u>South Dakota Conservation Commission (Department of Agriculture and Natural Resources):</u> Repeal rules defining "urban area" and the purpose of the soil conservation award program; and in alignment with <u>House Bill 1033</u> 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 | <u>Department of Public Safety:</u> 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. |

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| 9-20-2024 NOTE: Hearing was originally scheduled for August 16, 2024 | <u>South Dakota Board of Podiatry Examiners (Department of Health):</u> Amend a rule to update the renewal fees to ensure financial viability of the board; 50 SDR 137, May 20, 2024. |
| 9-23-2024 | <u>Department of Human Services:</u> 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 | <u>Transportation Commission (Department of Transportation):</u> 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 | <u>Board of Water and Natural Resources (Department of Agriculture and Natural Resources):</u> Amend rules to update director areas for the East Dakota and Vermillion Basin Water Development Districts; 51 SDR 28, September 3, 2024. |
| 9-26-2024 | <u>South Dakota Lottery Commission (Department of Revenue):</u> Amend rules to allow for mobile claims, a process by which players may use a mobile device to determine if they have a winning ticket, and to claim the prize thereof between \$101 and \$5,000; clarify existing duties of the Executive Director of the South Dakota Lottery; and reflect changes to the Mega Millions product group rules adopted by the Multi State Lottery Association; 51 SDR 35, September 16, 2024. |
| 9-27-2024 | <u>Department of Social Services:</u> 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. |
| 9-27-2024 | <u>South Dakota Board of Social Work Examiners (Department of Social Services):</u> Amend rules to update language that is no longer applicable or antiquated; clarify application requirements; combine relevant sections for clarity; add a multistate licensing category and fee pursuant to the adoption of the Social Work Licensure Compact; update supervision requirements for CSW-PIP candidates; update continuing education requirements; and adopt the most recent version of the NASW code of ethics; 51 SDR 31, September 9, 2024. |
| 9-30-2024 | <u>South Dakota Division of Insurance (Department of Labor and Regulation):</u> Amend rules to update a reference guide; modernize a continuing education course attendance roster; and clarify the timeframe of when a producer must take a continuing education course for long term care plans; 51 SDR 32, September 9, 2024. |
| 10-1-2024 | <u>Department of Social Services:</u> Amend rules to update statutory authority and make style and form changes; 51 SDR 32, September 9, 2024. |
| 10-1-2024 | <u>Appraiser Certification Program (Department of Labor and Regulation):</u> Amend rules to adopt the most recently published Uniform Standards of Professional Appraisal Practice and adjust educational course approval terms to match Appraiser Qualifications Course Approval Program durations; 51 SDR 32, September 9, 2024. |
| 10-1-2024 NOTE: Hearing was originally scheduled for August 1, 2024 | <u>Division of Labor and Management (Department of Labor and Regulation):</u> Amend rules to update the source of the reference used to calculate reimbursement rates for providers of workers' compensation dental procedures to the 2023 edition and increase the conversion factor for dental fees; 51 SDR 2, July 1, 2024. |
| 10-2-2024 | <u>Department of Health:</u> 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, |

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| | specialized hospital, critical access hospital, and rural emergency hospital providers; 51 SDR 28, September 3, 2024. |
| 10-3-2024 | <u>South Dakota State Brand Board (Department of Agriculture and Natural Resources)</u> : Amend rules to change the Lifetime Travel Permit fee on horses and update laws implemented to current state statutes; 51 SDR 35, September 16, 2024. |
| 10-3-2024 | <u>Department of Game, Fish and Parks</u> : Amend rules to establish fees for a Habitat Conservation Emblem; revise fees for park entrance licenses, camping permits, campsite reservations, trail user passes, and the use of park facilities; remove certain definitions pertaining to campgrounds; revise fees related to the sale of firewood; revise fees for licensing boats; and revise fees for hunting and fishing licenses; 51 SDR 35, September 16, 2024. |
| 10-7-2024 | <u>South Dakota Board of Medical and Osteopathic Examiners (Department of Health)</u> : Amend, repeal, and adopt rules providing for the regulation and oversight of all emergency medical service personnel under the Board of Medical and Osteopathic Examiners as a result of the passage of <u>Senate Bill 63</u> and <u>Senate Bill 64</u> by the 2024 South Dakota Legislature; 51 SDR 31, September 9, 2024. |

RULES REVIEW COMMITTEE MEETINGS

The final meeting of the Interim Rules Review Committee for the 2024 Interim is Tuesday, October 22, 2024, at 10:00 a.m. (CT) via electronic conference and in Room 414 of the Capitol. 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.