



SOUTH DAKOTA REGISTER

Published weekly by the Legislative Research Council

Volume 51

Tuesday, 8:00 a.m., April 22, 2025

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.

Department of Game, Fish and Parks: (April 16, 2025) intends to amend rules to establish a definition for "tagged/tagging"; modify the requirement of the mentored hunting program; change license types to include mentored hunter licenses; allow for the switch to an electronic tagging option in the future; provide the option for a physical locking seal tag or an electronic tag for tundra swans; allow the Game, Fish and Parks Commission to establish mentored youth hunting seasons; clean up boundary descriptions and correct county road references for the Black Hills Deer Open Unit; specify the special deer licenses available to residents and nonresidents and clean up boundary descriptions; modify antlerless hunting unit boundary criteria and specifications to license types; clarify that the antlerless whitetail license may be available in units that offer firearm antlerless licenses to allow some limited firearm hunting opportunity without creating an unlimited archery opportunity; update specifications to archery deer license types and more directly specify the limits to the number of licenses an individual may purchase; correct an error in a unit description for the apprentice hunter deer hunting season; allow for specifications to muzzleloading deer hunting license types; clarify that antlerless whitetail licenses may be available in units that offer firearm antlerless licenses to allow for some limited firearm hunting opportunity without creating an unlimited muzzleloading deer hunting opportunity; remove specifications to general muzzleloading deer hunting licenses; modify the youth waterfowl hunting season to include the mentored hunter season; and change the mentee requirements for youth waterfowl hunting. The general authority for these rules, as cited by the department, is SDCL [41-2-18](#), [41-6-10](#), [41-6-18.2](#), [41-6-18.4](#), [41-6-19.6](#), [41-6-19.9](#), [41-6-21](#), [41-6-81](#), [41-6-84](#), [41-11-5](#), and [41-17-1.1](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Custer State Park Event Barn, 13438 U.S. Highway 16A, Custer, South Dakota, on May 8, 2025, at 2:00 p.m. (MT). 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.

South Dakota Board of Education Standards (Department of Education): (April 16, 2025) intends to amend and adopt rules to require all certified educators, new to the profession or from out-of-state, to take an approved South Dakota Indian studies course to gain certification. The general authority for these rules, as cited by the board, is SDCL [13-1-12.1](#) and [13-42-3](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the MacKay Building, First Floor, Library Commons, 800 Governors Drive, Pierre, South Dakota, on May 19, 2025, at 9:00 a.m. (CT). Copies of the proposed rules may be obtained without charge from, and comments on

the proposed rules may be sent to, the South Dakota Department of Education, Attn: Kathryn Blaha, 800 Governors Drive, Pierre, South Dakota 57501. Comments may also be emailed to Kathryn.Blaha@state.sd.us or to <https://rules.sd.gov>. Material sent by mail or email must reach the department by May 16, 2025, 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) 773-5669 at least 48 hours before the public hearing.

Notice

The **Department of Social Services** intends to hold the annual public forum regarding the Former Foster Care Youth Demonstration as required by 42 CFR 431.420. The demonstration was approved by the Center for Medicare and Medicaid Services (CMS) on May 1, 2018, and reapproved October 30, 2023, granting the State a five-year extension. The demonstration provides the State the authority to continue Medicaid coverage for individuals who were in foster care under the responsibility of another state, were enrolled in Medicaid in that state, and now reside in South Dakota. As of February 1, 2025, three individuals were covered under the demonstration.

To be eligible for Medicaid coverage under the demonstration, an individual must meet the following criteria:

- Be a citizen of the United States or have a non-citizen status that qualifies for federally-funded Medicaid;
- Be a South Dakota resident;
- Are under the age of 26;
- Are not otherwise mandatorily eligible for coverage under the state plan;
- Were in foster care under the responsibility of another state or tribe on the date of attaining 18 years of age (or such higher age as the state has elected for termination of federal foster care assistance under Title IV-E of the Act);
- Were enrolled in Medicaid on the date of aging out; and
- Are now applying for Medicaid in South Dakota.

The forum provides the public an opportunity to provide feedback on the progress of the demonstration project. The forum will be held at the Kneip Building, Kneip 1 Conference Room, 700 Governors Drive, Pierre, South Dakota, on May 16, 2025, at 11:00 a.m. (CT). Attendees may also join via Zoom at <https://state-sd.zoom.us/j/91833858046> using meeting ID 918 3385 8046. A copy of the demonstration is available on the department's website at <https://dss.sd.gov/medicaid/1115waiver.aspx>.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

[SOUTH DAKOTA COMMISSION ON GAMING \(DEPARTMENT OF REVENUE\)](#): 20:18:15:30.20; 20:18:16:15.24.

History/Notice: 51 SDR 90, March 3, 2025

Hearing: March 18, 2025

Filed: April 16, 2025

Effective: May 6, 2025

SCHEDULED PUBLIC HEARINGS

4-23-2025	<u>South Dakota Board of Accountancy (Department of Labor and Regulation)</u> : Amend rules to revise the fees for initial licensure certificates and firm permits, renewal certificates and firm permits,
------------------	---

	initial and renewal firm owners, peer review administration fee, examination and reexamination application fee to the board, late fees, and replacement fee for a certificate or fee permit; 51 SDR 102, March 31, 2025.
4-30-2025	<u>South Dakota Electrical Commission (Department of Labor and Regulation)</u> : Amend rules to increase the costs of wiring permits from fifteen to twenty dollars; increase various inspection fees on electrical installation; repeal the following unique fee categories: outdoor signs and lighting, field irrigation systems, swimming pools, and carnivals; increase the cost of apartments from fifty to one hundred fifty dollars; and increase the administrative fee from one hundred to two hundred fifty dollars; 51 SDR 101, March 31, 2025.
5-7-2025	<u>South Dakota Board of Funeral Service (Department of Health)</u> : Amend rules to clarify trainee program requirements; clarify trainee program supervision requirements; and update licensure fees for funeral service licensees and funeral establishments; 51 SDR 104, April 7, 2025.
5-7-2025	<u>South Dakota Board of Elections (Office of the Secretary of State)</u> : Amend rules to comply with statute terminology changing "someone" to "absentee ballot messenger;" allow flexibility as to using ballot style for Express Vote; clarify that the recount board supervises the testing of the tabulators; update terminology relating to recount boards; clarify that receipts for returning absentee ballots go to authorized messengers; update the cost of purchasing voter registration files; update the voter registration form and voter registration instructions; update the verification notice to comply with USPS rules and regulations; and allow auditors to use letters instead of postcards for the list maintenance process; 51 SDR 106, April 14, 2025.
5-8-2025	<u>Department of Game, Fish and Parks</u> : Amend rules to establish a definition for "tagged/tagging"; modify the requirement of the mentored hunting program; change license types to include mentored hunter licenses; allow for the switch to an electronic tagging option in the future; provide the option for a physical locking seal tag or an electronic tag for tundra swans; allow the Game, Fish and Parks Commission to establish mentored youth hunting seasons; clean up boundary descriptions and correct county road references for the Black Hills Deer Open Unit; specify the special deer licenses available to residents and nonresidents and clean up boundary descriptions; modify antlerless hunting unit boundary criteria and specifications to license types; clarify that the antlerless whitetail license may be available in units that offer firearm antlerless licenses to allow some limited firearm hunting opportunity without creating an unlimited archery opportunity; update specifications to archery deer license types and more directly specify the limits to the number of licenses an individual may purchase; correct an error in a unit description for the apprentice hunter deer hunting season; allow for specifications to muzzleloading deer hunting license types; clarify that antlerless whitetail licenses may be available in units that offer firearm antlerless licenses to allow for some limited firearm hunting opportunity without creating an unlimited muzzleloading deer hunting opportunity; remove specifications to general muzzleloading deer hunting licenses; modify the youth waterfowl hunting season to include the mentored hunter season; and change the mentee requirements for youth waterfowl hunting; 51 SDR 110, April 22, 2025.
5-16-2025	<u>Department of Social Services</u> : Update federal medical services eligibility standards that are reflected in rule for the Division of Economic Assistance; 51 SDR 106, April 14, 2025.
5-16-2025	<u>Department of Social Services</u> : Repeal the private adoption home study reimbursement rate pursuant to <u>House Bill 1005</u> , passed by the 2025 Legislature; 51 SDR 107, April 14, 2025.
5-19-2025	<u>South Dakota Board of Education Standards (Department of Education)</u> : Amend and adopt rules to require all certified educators, new to the profession or from out-of-state, to take an approved South Dakota Indian studies course to gain certification; 51 SDR 110, April 22, 2025.
7-14-2025	<u>South Dakota Board of Hearing Aid Dispensers and Audiologists (Department of Health)</u> : Amend rules to reflect changes made to statutes during the 2024 legislative session; provide general language clean-up to reflect current terminology and practice; and correct legal and authority references; 51 SDR 80, January 27, 2025.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2025 Interim is Tuesday, May 6, 2025, at 10:00 a.m. (CT) via electronic conference and in Room 414 of the Capitol. Future meetings for the 2025 Interim are scheduled for June 10, July 15, August 19, September 9, and October 7. Notices of future committee meetings will be posted 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.