



# 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 Game, Fish and Parks:** (May 14, 2025) intends to amend rules to make Purple Heart recipients eligible for the disabled veteran lifetime state park entrance license and associated discounted camping fees; allow year-round fishing in the dredge-hole area of Lake Francis Case between the railroad bridge and the Interstate 90 bridge and causeway in Brule and Lyman counties; modify the unit description for the muskrat trapping season; modify the beaver trapping and hunting season in the Black Hills Fire Protection District; and update the harvest limit for river otters. The general authority for these rules, as cited by the department, is SDCL [41-2-18](#), [41-8-20](#), [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 Dakota Event Center, 720 Lamont Street South, Aberdeen, South Dakota, on June 5, 2025, 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.

### Notice

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The **Department of Social Services** intends to submit a 1115 demonstration application to the Center for Medicare and Medicaid Services (CMS) to implement the SDCareerLink demonstration. The demonstration adds a work requirement as a component of eligibility for the adult Medicaid expansion population. This change aligns with the will of South Dakota voters as expressed by the passage of Constitutional Amendment F.

**Program Goals.** The SDCareerLink program goals and objectives are 1) Improve participant's health and wellbeing due to employment or education activities, and 2) Increase the expansion population's rate of employment.

**Eligibility Requirements.** Individuals will be considered as satisfying the work requirement or community engagement requirement if they meet one or more of the following:

- Are employed;
- Are enrolled in job training, vocational rehabilitation, or school;
- Meet the requirements of another work program such as SNAP, TANF, or unemployment insurance;
- Are a parent and nonparent caretaker of a dependent child in the same residence;
- Are a primary caregiver of an elderly or disabled individual in the same residence; or
- Qualify for a stated exemption.

Compliance with the requirements is not based on a monthly minimum number of hours and is not tied to monthly or quarterly reporting. Compliance will be verified at the time of the individual's normal annual Medicaid renewal.

**Exemptions.** The following individuals are exempt from participation requirements for SDCareerLink:

- Physically and mentally disabled individuals or individual unable to work due to a medical reason including:
  - Individuals whose eligibility has been determined on the basis of disability or who have been determined blind or disabled by the Social Security Administration;
  - Individuals unable to work due to cancer or other serious or terminal illness as determined by a physician;
  - Individuals participating in an intensive or residential behavioral health treatment program for alcohol or drug addiction; or
  - Individuals experiencing a medical emergency, hospitalization, or who meet a nursing facility level of care.
- Pregnant or postpartum women.
- Individuals residing in an area considered exempt from SNAP's able-bodied adults without dependents (ABAWDs) requirements which have unemployment 20 percent or more above the national average.

Individuals will also be able to request a good cause exemption for extraordinary circumstances that inhibit their ability to comply with the requirements, such as a natural disaster.

**Verification.** The department will verify compliance at the individual's annual Medicaid renewal. Individuals newly eligible for the expansion group are not required to meet requirements at the time of application.

The department will use data to verify whether individuals meet program requirements where possible. At renewal, if the individual did not appear to meet requirements based on available data, the individual will be offered the opportunity to self-attest to meeting the requirements including an allowable exemption and provide supporting documentation.

Individuals who do not self-attest to meeting requirements or who self-attested and are unable to provide supporting documentation will be noticed for loss of Medicaid eligibility. Individuals will be unable to become eligible again until they meet the program requirements or a qualifying exemption.

**Enrollment Impact Estimate.** The department estimates that approximately 80 percent of the expansion population currently either meets the requirements or an exemption. This estimate is based on existing available data sources. With the waiver, the department estimates a decrease in enrollment of 5 percent to 10 percent in demonstration year one. In future years of the demonstration, the department estimates enrollment will remain flat instead of increasing by 2 percent.

**Public Comment.** A 30-day comment period will be held from May 19, 2025, through June 18, 2025. The state will also conduct two public hearings at the following times and locations:

- **May 30, 2025, at 10:30 a.m. (CT),** Department of Social Services, Kneip 1 Conference Room, 700 Governors Drive, Pierre, South Dakota. Attendees may also join via Microsoft Teams, using Meeting ID 283 311 942 692 1 and passcode LB7QM96p, or by phone by calling (605) 679-7263 and using conference ID 241514796#.
- **June 12, 2025, at 11:00 a.m. (CT),** Department of Social Services, 1501 South Highline Avenue, Sioux Falls, South Dakota. Attendees may also join via Microsoft Teams, using Meeting ID 212 040 446 239 1 and passcode Uh6Y2Q9J, or by phone by calling (605) 679-7263 and using conference ID 190017390#.

A more detailed public notice and the proposed demonstration application are available for review and comment on the department's website at <https://dss.sd.gov/medicaid/1115waiver.aspx>. Comments may be emailed to [MedicaidSPA@state.sd.us](mailto:MedicaidSPA@state.sd.us). Please include "SDCareerLink Public Comment" in the subject line. Written requests for a copy of the demonstration application, and corresponding comments, may also be sent to the Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

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## FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

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### Final Administrative Rules

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**DEPARTMENT OF SOCIAL SERVICES:** 67:14:32:01, 67:14:32:05.05, 67:14:32:08, 67:14:32:09, 67:14:32:10, 67:14:32:11.01, 67:14:32:30; 67:42:18:01, 67:42:18:02, 67:42:18:03, 67:42:18:04, 67:42:18:05, 67:42:18:06, 67:42:18:07, 67:42:18:08, 67:42:18:09, 67:42:18:10, 67:42:18:11, 67:42:18:12, 67:42:18:13, 67:42:18:14, 67:42:18:15, 67:42:18:16, 67:42:18:17, 67:42:18:18, 67:42:18:19, 67:42:18:20, 67:42:18:21, 67:42:18:22, 67:42:18:23, 67:42:18:24, 67:42:18:25, 67:42:18:26, 67:42:18:27, 67:42:18:28, 67:42:18:29, 67:42:18:30, 67:42:18:31, 67:42:18:32, 67:42:18:33, 67:42:18:34, 67:42:18:35.

**History/Notice:** 51 SDR 96, March 17, 2025

**Hearing:** April 14, 2025

**Filed:** May 12, 2025

**Effective:** June 1, 2025

**SOUTH DAKOTA DIVISION OF INSURANCE (DEPARTMENT OF LABOR AND REGULATION):** 20:06:13:36; Appendix D.

**History/Notice:** 51 SDR 101, March 31, 2025

**Hearing:** April 14, 2025

**Filed:** May 16, 2025

**Effective:** June 5, 2025

### Executive Order

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Governor Rhoden has signed [Executive Order 2025-05](#), dated May 15, 2025, declaring a state of emergency in South Dakota for purposes of exempting the delivery of gasoline or gasoline blends, diesel, fuel oil, ethanol, propane, jet fuel, and biodiesel into or within South Dakota, from the United States Department of Transportation's Motor Carrier Safety Regulations (49 C.F.R. Parts 395.3) and SDCL 49-28A-3. The purpose of the Order, as described in the document, is to maintain supplies of petroleum products by exempting drivers of vehicles transporting these products from certain federal transportation requirements. It does not require nor allow fatigued drivers to operate transport vehicles and does not exempt drivers from other requirements concerning the use of controlled substances or alcohol, maintaining a commercial driver's license and financial responsibility, and meeting applicable size and weight requirements, among other requirements. The Order will expire upon conclusion of the emergency but no later than May 29, 2025.

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## SCHEDULED PUBLIC HEARINGS

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<b>5-19-2025</b>	<b>South Dakota Division of Insurance (Department of Labor and Regulation):</b> Amend rules to update the sources referenced in rule to ensure parties are referring to the most recent edition of the sources; update outdated language; and change continuing education course sponsor to continuing education course provider; 51 SDR 114, April 28, 2025.
<b>5-27-2025</b> <b>NOTE: Hearing was originally scheduled for May 19, 2025</b>	<b>South Dakota Board of Education Standards (Department of Education):</b> 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.

5-28-2025	<a href="#"><u>South Dakota Board of Accountancy (Department of Labor and Regulation)</u></a> : Amend rules to clarify the definition of "retired" and 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 117, May 5, 2025.
5-29-2025	<a href="#"><u>South Dakota Transportation Commission (Department of Transportation)</u></a> : Amend a rule to reflect the names of certain highways in Hughes County that will be renamed effective July 1, 2025; repeal speed zone rules for roads in Hughes and Stanley County that are under the jurisdiction of the U.S. Army Corps of Engineers, the Department of Game, Fish and Parks, and local governments as those entities establish their own speed limits; amend a speed zone rule for U.S. Highway 14 over the Missouri River Bridge to accurately reflect the statutory boundary line between Hughes and Stanley Counties; and amend a rule that establishes state trunk highway routes for longer combination vehicles; 51 SDR 117, May 5, 2025.
5-29-2025	<a href="#"><u>South Dakota Plumbing Commission (Department of Labor and Regulation)</u></a> : Amend rules to increase fees for plumbing installation certificates, inspections, and licenses as well as set fee amounts for application processing, administrative, and license verification fees; 51 SDR 120, May 12, 2025.
6-2-2025	<a href="#"><u>South Dakota Cosmetology Commission (Department of Labor and Regulation)</u></a> : Amend a rule to increase license fees collected by the commission and add a new elective fee for the inspection of a prospective salon or booth; 51 SDR 122, May 12, 2025.
6-4-2025	<a href="#"><u>South Dakota Retirement System Board of Trustees</u></a> : Repeal certain sections, chapters, and articles of administrative rules pertaining to the South Dakota Retirement System as a result of the passage of <a href="#"><u>House Bill 1029</u></a> by the 2025 South Dakota Legislature; 51 SDR 120, May 12, 2025.
6-5-2025	<a href="#"><u>Department of Game, Fish and Parks</u></a> : (May 14, 2025) intends to amend rules to make Purple Heart recipients eligible for the disabled veteran lifetime state park entrance license and associated discounted camping fees; allow year-round fishing in the dredge-hole area of Lake Francis Case between the railroad bridge and the Interstate 90 bridge and causeway in Brule and Lyman counties; modify the unit description for the muskrat trapping season; modify the beaver trapping and hunting season in the Black Hills Fire Protection District; and update the harvest limit for river otters; 51 SDR 125, May 19, 2025.
6-12-2025	<a href="#"><u>South Dakota Board of Medical and Osteopathic Examiners (Department of Health)</u></a> : Amend, repeal, and adopt rules to update the Emergency Medical Services personnel scope; enact a community paramedic endorsement; update language regarding ambulance drivers and supervision requirements; and update supervision language, licensure requirements, and the Athletic Trainer Code of Ethics; 51 SDR 120, May 12, 2025.
7-14-2025	<a href="#"><u>South Dakota Board of Hearing Aid Dispensers and Audiologists (Department of Health)</u></a> : 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, June 10, 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 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.