



SOUTH DAKOTA REGISTER

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OBSOLETE RULES ADDRESSED

Effective July 7, 2025, and pursuant to authority provided in [SDCL 1-26A-1](#), code counsel has administratively revised [article 47:10](#) of the Administrative Rules of South Dakota "to eliminate or clarify obviously obsolete . . . rules." More specifically, the provisions of the article are declared obsolete.

Article 47:10 pertains to the Department of Labor and Regulation's now-defunct employee retirement plan. In the 2020 regular session, [Senate Bill 9](#) was enacted, which repealed the Department of Labor and Regulation's retirement plan and transferred plan members and moneys to the South Dakota Retirement System. The repeal also eliminated the Department of Labor and Regulation Employee's Retirement Board and its rulemaking authority. The Board was authorized by statute to promulgate rules to carry out the plan, with those rules placed in article 47:10. The repealed statutes were found at [SDCL 61-2-15](#) to 61-2-15.6, inclusive.

Since the underlying statutory authorities for the rules of ARSD article 47:10 have been repealed, the rules are void, per [SDCL 1-26-8.1](#). The content of the rule sections are now eliminated administratively, per SDCL 1-26A-1, as the rules are "obviously obsolete," and the entity with rulemaking authority to formally repeal the sections through the permanent rulemaking process in [SDCL chapter 1-26](#) no longer exists.

This action was taken at the request of the Department of Labor and Regulation, in consultation with legal counsel from the Executive Branch.

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 Transportation Commission \(Department of Transportation\)](#): (June 30, 2025) intends to amend a rule to extend the existing 55-mile-per-hour speed limit on State Trunk Highway 11 south of its intersection with 69th Street in Lincoln County and eliminate speed limits for highway segments that are no longer under the jurisdiction and control of the department. The general authority for this rule, as cited by the department, is SDCL [32-25-7](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rule will be held in the Commission Room of the Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on July 24, 2025, at 9:00 a.m. (CT). 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> and by calling (605) 773-3265. Comments may also be emailed to Joel.Jundt@state.sd.us. Information submitted in writing must

be received on or before July 20, 2025, 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.

Declaratory Ruling

The **State Board of Medical and Osteopathic Examiners (Department of Health)** has filed with code counsel a declaratory ruling for publication in the Administrative Rules of South Dakota pursuant to SDCL [1-26-15](#). The issue addressed in the rule is whether "SDCL [36-29-1.1](#) authorizes athletic trainers to perform dry needling." After a hearing and consideration of the petition, the State Board of Medical and Osteopathic Examiners was unable to conclude that the language of that statute authorizes athletic trainers to perform dry needling. The declaratory ruling is dated June 27, 2025, and is to be noted in ARSD [20:63:01:01](#).

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

SOUTH DAKOTA BOARD OF EXAMINERS IN OPTOMETRY (DEPARTMENT OF HEALTH): 20:50:02:04.03, 20:50:02:06; 20:50:04:13, 20:50:04:14; 20:50:06:01, 20:50:06:01.01, 20:50:06:02, 20:50:06:02.01; 20:50:11:01, 20:50:11:03.

History/Notice: 51 SDR 85, February 10, 2025

Hearing: April 7, 2025

Filed: June 30, 2025

Effective: July 20, 2025

SCHEDULED PUBLIC HEARINGS

7-10-2025	<u>Department of Game, Fish and Parks:</u> Adopt, amend, and repeal rules to establish day pass, annual pass, and event fees for the Pete Lien and Sons Shooting Sports Complex; establish a Custer State Park antelope hunting season and set the number of licenses; repeal a current administrative rule relating to the type and number of licenses issued and the dates for the Custer State Park antelope hunting season; and specify that a person who received an antelope license in Custer State Park may not apply for that season for a period of nine years; 51 SDR 144, June 23, 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.
7-15-2025	<u>South Dakota Public Utilities Commission:</u> Amend, adopt, or repeal rules to clarify procedures for filing and communications with the Commission; update information required when filing an application for an energy transmission facility permit; align party status requirements with previous statutory changes; update telecommunications provisions to align with current needs, technology, and federal regulations; repeal unnecessary telecommunications filing requirements; and update a pipeline safety definition to align with current federal regulations; 51 SDR 133, June 2, 2025.
7-15-2025	<u>South Dakota Animal Industry Board (Department of Agriculture and Natural Resources):</u> Amend rules to update definitions to more accurately reflect current terminology; modernize the language of reference material; and add municipal or other permitted solid waste landfills as facilities at which certain animal carcasses may be disposed of, to reflect current practice; 51 SDR 144, June 23, 2025.

7-17-2025	<u>Board of Minerals and Environment (Department of Agriculture and Natural Resources):</u> Amend and adopt rules to remove unnecessary details regarding computation of time associated with the processing of mine permit applications; change the department's timeline for reviewing and responding to an applicant's response to deficiencies in a mine permit application from seven days to thirty days; change the requirement for board hearings to consider nominating petitions for updating the preliminary list of special, exceptional, critical, or unique lands from annual to as needed; clarify the requirement that permitted mine operators must meet when posting financial assurance to cover reclamation and post-closure liability; and clarify surety requirements pertaining to long-term water treatment costs; 51 SDR 129, May 27, 2025.
7-17-2025	<u>Department of Agriculture and Natural Resources:</u> Update South Dakota's existing air quality rules by incorporating updated, codified regulations by reference; 51 SDR 134, June 2, 2025.
7-17-2025	<u>Department of Health:</u> Repeal rules for the Children's Special Health Services Health KiCC program, 51 SDR 144, June 23, 2025.
7-17-2025	<u>South Dakota Board of Pharmacy (Department of Health):</u> Amend rules to provide for a fee increase for wholesalers; remove the requirement for automated e-kits in nursing facilities to be licensed; remove the certification requirement to work as a pharmacy technician except for vaccination or working in a telepharmacy; change the technician hours required to work in a telepharmacy; and update wording and references; 51 SDR 149, June 30, 2025.
7-24-2025	<u>South Dakota Transportation Commission (Department of Transportation):</u> Amend a rule to extend the existing 55-mile-per-hour speed limit on State Trunk Highway 11 south of its intersection with 69 th Street in Lincoln County and eliminate speed limits for highway segments that are no longer under the jurisdiction and control of the department; 52 SDR 1, July 7, 2025.
8-5-2025	<u>South Dakota Board of Nursing (Department of Health):</u> Adopt and amend rules to update terms used; allow the board's compliance committee to issue a summary suspension; allow a registered nurse to delegate tracheostomy care and suctioning to a nursing assistant and to provide training and supervision requirements; and regulate certified nurse aides including nurse aid training program standards for approval, competency evaluation program requirements, registration requirements, and grounds for removal from the registry; 51 SDR 136, June 9, 2025.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2025 Interim is Tuesday, July 15, 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 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.