



SOUTH DAKOTA REGISTER

Published weekly by the Legislative Research Council

Volume 52

Monday, 8:00 a.m., July 14, 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 Social Services: (July 7, 2025) intends to amend rules to allow oral hearing requests and withdrawals related to the medical assistance program; update the evidence requirements for suspected program violation (SPV) hearings, specifically, the mailing of evidence packets for SPV hearings will no longer be automatic but upon request; update program terminology; and remove outdated references. The general authority for these rules, as cited by the department, is SDCL [28-1-24.1](#).

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, Oak Conference Room B110, 1501 South Highline Avenue, Sioux Falls, South Dakota, on August 12, 2025, at 10:00 a.m. (CT). Interested parties may also attend by calling (605) 679-7263 and using conference code 608 046 742#. 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 C219, Department of Social Services, 1501 South Highline Avenue, Sioux Falls, South Dakota 57110. 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. Written comments must reach the department by August 22, 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 (605) 674-5771 at least 48 hours before the public hearing.

Office of the Secretary of State: (July 7, 2025) intends to amend or repeal rules to lower the cost of obtaining a voter registration list; lower the cost of obtaining an absentee voter list; remove the bond requirement from obtaining a notary public certification; and remove the bond requirement associated with a notary public change record. The general authority for these rules, as cited by the office, is SDCL [12-4-39](#), [18-1-1](#), and [18-1-11.7](#).

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 Capitol Building, Room 362, 500 East Capitol Avenue, Pierre, South Dakota, on August 12, 2025, at 1:00 p.m. (CT). Copies of the proposed rules may be obtained without charge from the South Dakota Secretary of State, 500 East Capitol Avenue, Pierre, South Dakota 57501. Copies are also available at <https://rules.sd.gov> or <https://sdsos.gov>. Written comments on the proposed rules may be sent to the South Dakota Secretary of State, 500 East Capitol Avenue, Suite 204, Pierre, South Dakota 57501 or emailed to elections@state.sd.us. The deadline to submit any such written comments for consideration 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 office can make arrangements may call (605) 773-3537 at least 48 hours before the public hearing.

South Dakota Board of Elections (Office of the Secretary of State): (July 7, 2025) intends to amend and adopt rules to provide for the registration of a federal voter; require that the signer's address on a petition and the signer's voter registration address be substantially the same; allow partisan candidates for Governor to nominate a candidate for

lieutenant governor; require a description of the location of an applicant's residence and provide for the designation of a federal voter on an absentee ballot application form; require a description of the location of an applicant's residence and include an updated list of political parties on an in-office absentee ballot application form; provide instructions for a petition for recount that require that legislative candidates file a petition with the secretary of state; allow for the right to vote of any registered voter to be challenged; prepare an application to allow the right to vote of any registered voter to be challenged; establish a list to specify the documentation that must be provided as evidence for a voter registration challenge; establish a list to specify the documentation that must be provided to demonstrate a challenged voter's qualifications as a registered voter; and establish guidelines for county auditors to use when determining the validity of a voter registration challenge. The general authority for these rules, as cited by the board, is SDCL [12-1-9](#), [12-4-60](#), [12-4-61](#), [12-5-21.1](#), [12-19-2](#), and [12-19-2.5](#).

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 Capitol Building, Room 362, 500 East Capitol Avenue, Pierre, South Dakota, on August 14, 2025, at 1:00 p.m. (CT). Copies of the proposed rules may be obtained without charge from the South Dakota Board of Elections, 500 East Capitol Avenue, Pierre, South Dakota 57501. Copies are also available at <https://rules.sd.gov> or <https://sdsos.gov>. Written comments on the proposed rules may be sent to the South Dakota Board of Elections, 500 East Capitol Avenue, Suite 204, Pierre, South Dakota 57501 or emailed to elections@state.sd.us. The deadline to submit any such written comments for consideration is seventy-two hours before the date of the public hearing. This hearing is being held in a physically accessible location. Persons with special needs for which the office can make arrangements may call (605) 773-3537 at least 48 hours before the public hearing.

South Dakota Board of Education Standards (Department of Education): (July 10, 2025) intends to amend rules to revise teacher evaluations by making student learning objectives optional; require the scoring of component 3d (Using Assessment in Instruction); revise outdated timelines; and clarify and update language. The general authority for these rules, as cited by the board, is SDCL [13-3-69](#) and [13-42-33](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held virtually with a public listening location at the MacKay Building, First Floor, Conference Room 1, 800 Governors Drive, Pierre, South Dakota, on August 18, 2025, at 9:00 a.m. (CT). Copies of the proposed rules may be obtained without charge from the South Dakota Department of Education, Attn: Shannon Malone, 800 Governors Drive, Pierre, South Dakota 57501; by email request to Shannon.malone@state.sd.us; by calling (605) 773-4681; or at <https://rules.sd.gov>. Written comments on the proposed rules may be sent to the South Dakota Department of Education, Attn: Hope Reichenbach, 800 Governors Drive, Pierre, South Dakota 57501; emailed to hope.reichenbach@state.sd.us; or submitted at <https://rules.sd.gov>. Material sent by mail or email must reach the board 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 board can make arrangements may call (605) 773-5669 at least 48 hours before the public hearing.

Department of Social Services: (July 10, 2025) intends to repeal the existing Preadmission Screening and Resident Review (PASRR) rules chapter and replace it with an updated PASRR rules chapter. In addition, the proposed rule changes will remove the 75+ age categorical; add a new emergency placement categorical option; remove swing bed from the PASRR requirements; better define the difference between a PASRR exemption versus a categorical determination; and better detail the responsibilities of the State Medicaid Authority and Mental Health Authority. The general authority for these rules, as cited by the department, is SDCL [1-36-25](#).

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, Oak Conference Room B110A, 1501 South Highline Avenue, Sioux Falls, South Dakota, on August 12, 2025, at 11:00 a.m. (CT). Interested parties may also attend by calling (605) 679-7263 and using conference code 424 928 756#. 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 C219, Department of Social Services, 1501 South Highline Avenue, Sioux Falls, South Dakota 57110. 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. Written comments must reach the department by August 22, 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 (605) 674-5771 at least 48 hours before the public hearing.

Petition for Rules

The **Department of Game, Fish and Parks** on July 7, 2025, served on the Interim Rules Review Committee and the code counsel, a petition received from an interested person, per [SDCL 1-26-13](#), to amend ARSD [41:06:61:06](#) to allow the use of dogs to harvest mountain lions in the Black Hills Fire Protection District from December 26 to February 15 of each year. The [Game, Fish and Parks Commission](#) is scheduled to review the petition at its July 10, 2025, meeting.

SCHEDULED PUBLIC HEARINGS

7-14-2025	South Dakota Board of Hearing Aid Dispensers and Audiologists (Department of Health) : 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	South Dakota Public Utilities Commission : 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	South Dakota Animal Industry Board (Department of Agriculture and Natural Resources) : 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	Board of Minerals and Environment (Department of Agriculture and Natural Resources) : 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	Department of Agriculture and Natural Resources : Update South Dakota's existing air quality rules by incorporating updated, codified regulations by reference; 51 SDR 134, June 2, 2025.
7-17-2025	Department of Health : Repeal rules for the Children's Special Health Services Health KiCC program, 51 SDR 144, June 23, 2025.
7-17-2025	South Dakota Board of Pharmacy (Department of Health) : 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	South Dakota Transportation Commission (Department of Transportation) : 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	South Dakota Board of Nursing (Department of Health) : 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.
8-12-2025	Department of Social Services : Amend rules to allow oral hearing requests and withdrawals related to the medical assistance program; update the evidence requirements for suspected program violation (SPV) hearings, specifically, the mailing of evidence packets for SPV hearings will no longer be automatic but upon request; update program terminology; and remove outdated references; 52 SDR 4, July 14, 2025.
8-12-2025	Office of the Secretary of State : Amend or repeal rules to lower the cost of obtaining a voter registration list; lower the cost of obtaining an absentee voter list; remove the bond requirement from obtaining a notary public certification; and remove the bond requirement associated with a notary public change record; 52 SDR 4, July 14, 2025.
8-12-2025	Department of Social Services : Repeal the existing Preadmission Screening and Resident Review (PASRR) rules chapter and replace it with an updated PASRR rules chapter. In addition, the proposed rule changes will remove the 75+ age categorical; add a new emergency placement categorical option; remove swing bed from the PASRR requirements; better define the difference between a PASRR exemption versus a categorical determination; and better detail the responsibilities of the State Medicaid Authority and Mental Health Authority; 52 SDR 5, July 14, 2025.
8-14-2025	South Dakota Board of Elections (Office of the Secretary of State) : Amend and adopt rules to provide for the registration of a federal voter; require that the signer's address on a petition and the signer's voter registration address be substantially the same; allow partisan candidates for Governor to nominate a candidate for lieutenant governor; require a description of the location of an applicant's residence and provide for the designation of a federal voter on an absentee ballot application form; require a description of the location of an applicant's residence and include an updated list of political parties on an in-office absentee ballot application form; provide instructions for a petition for recount that require that legislative candidates file a petition with the secretary of state; allow for the right to vote of any registered voter to be challenged; prepare an application to allow the right to vote of any registered voter to be challenged; establish a list to specify the documentation that must be provided as evidence for a voter registration challenge; establish a list to specify the documentation that must be provided to demonstrate a challenged voter's qualifications as a registered voter; and establish guidelines for county auditors to use when determining the validity of a voter registration challenge; 52 SDR 4, July 14, 2025.
8-18-2025	South Dakota Board of Education Standards (Department of Education) : Amend rules to revise teacher evaluations by making student learning objectives optional; require the scoring of component 3d (Using Assessment in Instruction); revise outdated timelines; and clarify and update language; 52 SDR 5, July 14, 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.

SDCL 1-26A-1. Information from the Register is available free of charge on the LRC website (www.sdlegislature.gov/). You may subscribe for electronic delivery of the **South Dakota Register** at [My LRC+](#) on the LRC website.