



SOUTH DAKOTA REGISTER

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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.

Governor's Office of Economic Development: (July 16, 2025) intends to amend and adopt rules to implement the ethanol E15 fuel tax refund program established by the passage of [Senate Bill 78](#) by the 2024 Legislature. The general authority for these rules, as cited by the office, is SDCL [10-47B-164.1](#), [10-47B-164.2](#), and [10-47B-192](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Dolly-Reed Plaza, Large Conference Room, 711 East Wells Avenue, Pierre, South Dakota, on August 13, 2025, at 11:00 a.m. (CT). Interested parties may also attend by calling (669) 900-9128 and using meeting ID 966 7798 8449 and passcode 421401, or through [Zoom](#) using meeting ID 966 7798 8449 and passcode 421401. Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rules may be sent to, Governor's Office of Economic Development, 711 East Wells Avenue, Pierre, SD 57501. 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 goedinfo@sdgoed.com. The deadline to submit written comments for consideration is ten days after the public 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) 773-4633 at least 48 hours before the public hearing.

Economic Development Finance Authority (Governor's Office of Economic Development): (July 16, 2025) intends to amend and adopt rules to make technical corrections to certain statutory cross references and to the agribusiness bonding program; repeal unnecessary provisions relating to loans made by the Economic Development Finance Authority; repeal rules for the value-added agribusiness relending program and the value-added agriculture subfund; remove an unnecessary provision relating to informal dispute resolution in the Economic Development Finance Authority's agribusiness bonding program; change the requirement for a local in-person hearing for bonds issued for projects under the program; provide an option to participate telephonically or by video conference in hearings; adjust certain eligibility provisions, the application process, and lending procedures for the Beginning Farmer Loan Program; update statutory references following the Legislature's transfer of responsibility for the Beginning Farmer Loan Program to the Economic Development Finance Authority; and repeal rules due to the sunset of the APEX loan program following the transfer of program funds to the Revolving Economic Development and Initiative Fund under the Board of Economic Development. The general authority for these rules, as cited by the authority, is SDCL [1-16B-70](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Dolly-Reed Plaza, Large Conference Room, 711 East Wells Avenue, Pierre, South Dakota, on August 13, 2025, at 9:30 a.m. (CT). Interested parties may also attend by calling (669) 900-9128 and using meeting ID 966 7798 8449 and passcode 421401, or through [Zoom](#) using meeting ID 966 7798 8449 and passcode 421401. Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rules may be sent to, Governor's Office of Economic Development, 711 East Wells Avenue, Pierre, SD 57501. 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

goedinfo@sdgoed.com. The deadline to submit written comments for consideration is ten days after the public 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) 773-4633 at least 48 hours before the public hearing.

Board of Economic Development (Governor's Office of Economic Development): (July 16, 2025) intends to amend rules to streamline the administration of, and to clarify the Governor's Office of Economic Development staff's authority with respect to, loans from the Revolving Economic Development and Initiative fund, and to make technical corrections to statutory references relating to the South Dakota Jobs grant program. The general authority for these rules, as cited by the board, is SDCL [1-16G-5](#), [1-16G-8](#), and [1-16G-16.1](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Dolly-Reed Plaza, Large Conference Room, 711 East Wells Avenue, Pierre, South Dakota, on August 13, 2025, at 10:15 a.m. (CT). Interested parties may also attend by calling (669) 900-9128 and using meeting ID 966 7798 8449 and passcode 421401, or through [Zoom](#) using meeting ID 966 7798 8449 and passcode 421401. Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rules may be sent to, Governor's Office of Economic Development, 711 East Wells Avenue, Pierre, SD 57501. 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 goedinfo@sdgoed.com. The deadline to submit written comments for consideration is ten days after the public 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) 773-4633 at least 48 hours before the public hearing.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Executive Proclamation

Governor Rhoden on July 18, 2025, signed an [Executive Proclamation](#) convening the South Dakota Legislature into special session on September 23, 2025. The special session will begin at 9:00 a.m. (CT) and adjourn sine die no later than 11:59 p.m. (CT) on that date. The sole purpose of the special session is to consider legislation authorizing the building of a new prison in South Dakota. Such legislation would authorize the Department of Corrections to purchase certain real property in Minnehaha County and transfer certain real property in Lincoln County; contract for the design and construction of a new prison facility; make an appropriation for the project, transfer funds to the incarceration construction fund, and to declare an emergency.

Final Administrative Rules

DEPARTMENT OF GAME, FISH AND PARKS: 41:07:02:01; 41:08:01:02, 41:08:01:07, 41:08:01:08.05.

History/Notice: 51 SDR 125, May 19, 2025

Hearing: June 5, 2025

Filed: July 15, 2025

Effective: August 4, 2025

DEPARTMENT OF SOCIAL SERVICES: 67:10:05:02, 67:10:05:03, 67:10:05:04, 67:10:05:05, 67:10:05:06.

History/Notice: 51 SDR 133, June 2, 2025

Hearing: June 20, 2025

Filed: July 15, 2025

Effective: August 4, 2025

DEPARTMENT OF HEALTH: 44:90:01:01; 44:90:02:01, 44:90:02:08, 44:90:02:14, 44:90:02:15, 44:90:02:16; 44:90:03:01, 44:90:03:05; 44:90:04:26; 44:90:05:06; 44:90:06:01; 44:90:09:07; 44:90:10:03, 44:90:10:04, 44:90:10:12, 44:90:10:12.02, 44:90:10:14.01; 44:90:12:01, 44:90:12:03, 44:90:12:03.01, 44:90:12:03.02, 44:90:12:09, 44:90:12:10, 44:90:12:11, 44:90:12:12.

History/Notice: 51 SDR 130, May 27, 2025

Hearing: June 17, 2025

Filed: July 15, 2025

Effective: August 4, 2025

SOUTH DAKOTA HOUSING DEVELOPMENT AUTHORITY: 20:09:26:01, 20:09:26:02, 20:09:26:03, 20:09:26:04, 20:09:26:05, 20:09:26:06, 20:09:26:08, 20:09:26:09, 20:09:26:10, 20:09:26:11, 20:09:26:12, 20:09:26:13, 20:09:26:14; 20:09:26:15, 20:09:26:16, 20:09:26:17, 20:09:26:18, 20:09:26:19, 20:09:26:20, 20:09:26:22, 20:09:26:23, 20:09:26:24.

History/Notice: 51 SDR 136, June 9, 2025

Hearing: July 1, 2025

Filed: July 15, 2025

Effective: August 4, 2025

SOUTH DAKOTA TRANSPORTATION COMMISSION (DEPARTMENT OF TRANSPORTATION): 70:01:02:03.

History/Notice: 51 SDR 133, June 2, 2025

Hearing: June 26, 2025

Filed: July 15, 2025

Effective: August 4, 2025

SOUTH DAKOTA AERONAUTICS COMMISSION (DEPARTMENT OF TRANSPORTATION): 70:02:04:01, 70:02:04:02, 70:02:04:03, 70:02:04:04, 70:02:04:05, 70:02:04:06, 70:02:04:07, 70:02:04:08, 70:02:04:09, 70:02:04:10, 70:02:04:11, 70:02:04:12, 70:02:04:13, 70:02:04:14, 70:02:04:15, 70:02:04:17, 70:02:04:18, 70:02:04:19, 70:02:04:20.

History/Notice: 51 SDR 129, May 27, 2025

Hearing: June 12, 2025

Filed: July 15, 2025

Effective: August 4, 2025

SOUTH DAKOTA RETIREMENT SYSTEM BOARD OF TRUSTEES: 62:01:01:01, 62:01:01:02, 62:01:01:03; 62:01:02:01, 62:01:02:04, 62:01:02:06, 62:01:02:08, 62:01:02:09; 62:01:03:02, 62:01:03:02.01, 62:01:03:04, 62:01:03:05; 62:01:04:05.01; 62:01:07:01, 62:01:07:02, 62:01:07:04, 62:01:07:05, 62:01:07:06, 62:01:07:07, 62:01:07:09.01, 62:01:07:09.02, 62:01:07:10, 62:01:07:12, 62:01:07:12.01; 62:01:08:01, 62:01:08:03; 62:01:09:01, 62:01:09:02, 62:01:09:03, 62:01:09:04, 62:01:09:05, 62:01:09:06, 62:01:09:07, 62:01:09:08; 62:03:01:01, 52:0:01:02; 62:03:02:01, 62:03:02:02, 62:03:02:03, 62:03:02:04, 62:03:02:05, 62:03:02:05.01, 62:03:02:06, 62:03:02:07, 62:03:02:08, 62:03:02:09; 62:03:03:01, 62:03:03:02, 62:03:03:02.01, 62:03:03:03, 62:03:03:03.01, 62:03:03:03.02; 62:03:04:02, 62:03:04:03, 62:03:04:04, 62:03:04:05, 62:03:04:05.01, 62:03:04:06, 62:03:04:07, 62:03:04:08; 62:03:05:01, 62:03:05:02, 62:03:05:03, 62:03:05:04, 62:03:05:05, 62:03:05:05.01, 62:03:05:06, 62:03:05:07, 62:03:05:08; 62:03:06:01, 62:03:06:02, 62:03:06:03, 62:03:06:03.01, 62:03:06:03.02, 62:03:06:03.03, 62:03:06:04, 62:03:06:06, 62:03:06:07, 62:03:06:08; 62:03:07:01, 62:03:07:01.01, 62:03:07:01.02, 62:03:07:02, 62:03:07:02.01, 62:03:07:03, 62:03:07:03.01, 62:03:07:04, 62:03:07:05, 62:03:07:06, 62:03:07:06.01, 62:03:07:07; 62:04:01:01, 62:04:01:02, 62:04:01:03; 62:04:02:01; 62:04:03:01.

History/Notice: 51 SDR 120, May 12, 2025

Hearing: June 4, 2025

Filed: July 16, 2025

Effective: August 5, 2025

DEPARTMENT OF PUBLIC SAFETY: 61:23:01:04; 61:26:02:01.

History/Notice: 51 SDR 130, May 27, 2025

Hearing: June 16, 2025

Filed: July 17, 2025

Effective: August 6, 2025

SCHEDULED PUBLIC HEARINGS

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.
8-12-2025	<u>Department of Social Services:</u> 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	<u>Office of the Secretary of State:</u> 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	<u>Department of Social Services:</u> 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.
8-13-2025	<u>Governor's Office of Economic Development:</u> Amend and adopt rules to implement the ethanol E15 fuel tax refund program established by the passage of <u>Senate Bill 78</u> by the 2024 Legislature; 52 SDR 8, July 21, 2025.
8-13-2025	<u>Economic Development Finance Authority (Governor's Office of Economic Development):</u> Amend and adopt rules to make technical corrections to certain statutory cross references and to the agribusiness bonding program; repeal unnecessary provisions relating to loans made by the Economic Development Finance Authority; repeal rules for the value-added agribusiness relending program and the value-added agriculture subfund; remove an unnecessary provision relating to informal dispute resolution in the Economic Development Finance Authority's agribusiness bonding program; change the requirement for a local in-person hearing for bonds issued for projects under the program; provide an option to participate telephonically or by video conference in hearings; adjust certain eligibility provisions, the application process, and lending procedures for the Beginning Farmer Loan Program; update statutory references following the Legislature's transfer of responsibility for the Beginning Farmer Loan Program to the Economic Development Finance Authority; and repeal rules due to the sunset of the APEX loan program following the transfer of program funds to the Revolving Economic Development and Initiative Fund under the Board of Economic Development; 52 SDR 8, July 21, 2025.

8-13-2025	Board of Economic Development (Governor's Office of Economic Development) : Amend rules to streamline the administration of, and to clarify the Governor's Office of Economic Development staff's authority with respect to, loans from the Revolving Economic Development and Initiative fund, and to make technical corrections to statutory references relating to the South Dakota Jobs grant program; 52 SDR 9, July 21, 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, August 19, 2025, at 10:00 a.m. (CT) via electronic conference and in Room 412 of the Capitol. Future meetings for the 2025 Interim are scheduled for 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.