



SOUTH DAKOTA REGISTER

Published weekly by the Legislative Research Council

Volume 53

Monday, 8:00 a.m., July 20, 2026

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South Dakota Public Utilities Commission: (July 14, 2026) intends to repeal outdated, redundant, or preempted rules or portions of rules, and unnecessary telecommunications filing requirements; amend rules to clarify the process for filing of confidential information; update language in the general rules and gas and electric rules to clarify and simplify the requirements and update complaint requirements; clarify the procedure for release of a grain buyer bond and to require the provision of necessary information on voluntary credit sale contracts for grain transactions; update telecommunications provisions to align with current needs and technology; and update a pipeline safety notification requirement to ensure necessary information is provided to the commission. The general authority for these rules, as cited by the commission, is SDCL [49-1-11](#), [49-31-3](#), [49-31-5](#), [49-31-76](#), [49-31-77](#), [49-31-85](#), [49-34A-4](#), [49-34A-6](#), [49-34B-4](#), [49-34B-19](#), [49-34B-20](#), [49-45-6](#), and [49-45-11](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held in Room 413 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota, on August 25, 2026, at 9:30 a.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 South Dakota Public Utilities Commission, State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Copies of the rules are also available at <https://puc.sd.gov/Dockets/Rulemaking/2026/RM26-001.aspx>. Comments may also be emailed to PUC@state.sd.us. Information submitted in writing must be received on or before August 19, 2026, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for whom the commission can make arrangements may call (605) 773-3201 at least 48 hours before the public hearing.

South Dakota State Brand Board (Department of Agriculture and Natural Resources): (July 15, 2026) intends to amend a rule to increase the Livestock Ownership Inspection Fee by \$0.45 per head, setting the fee at \$1.45 per head. The general authority for this rule, as cited by the board, is SDCL [40-18-16](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rule will be held at the Kneip Building, Conference Room 3, 700 Governors Drive, Pierre, South Dakota, on August 5, 2026, at 11:30 a.m. (CT). Copies of the proposed rule may be obtained without charge from, and written comments may be sent to, South Dakota State Brand Board, 430 West Sioux Avenue, Pierre, South Dakota 57501. Copies of the rule are also available at rules.sd.gov, by email request to Debbie.trapp@state.sd.us, or by calling 605-773-3324. Comments may also be emailed to Debbie.trapp@state.sd.us. The deadline to submit any written comments for consideration is July 30, 2026. This hearing is being held in a physically accessible location. Persons with special needs for whom the board can make arrangements may call (605) 773-3324 at least 48 hours before the public hearing.

Notice

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan to add a new Primary Care Program (PCP) value-based payment. The proposed State Plan Amendment (SPA) implements a \$7 million quality-based payment pool for qualifying healthcare providers currently enrolled in the Medicaid Primary Care Provider (PCP) program. Payments are based on provider performance on specific primary care quality metrics during 2026 and 2027 with funding established under the federal One Big Beautiful Bill Act (Public Law 119-21, Section 71401) and as appropriated by the 2026 South Dakota Legislature. The payment is part of phase one of Medicaid's Primary Accountable Care Transformation (PACT) initiative.

The funds will be awarded for provider performance on the following quality metrics in the CY 2025 South Dakota Medicaid PCP Provider Scorecard:

1. Adult Preventative Visit (Adults age 21 to 64 with a preventative visit during the performance period)
2. Breast Cancer Screening (BCS-AD)
3. Colorectal Screening (CCS-AD)
4. Well-Child Visits in the First 15 Months of Life (W30-CH, Rate 1)
5. Well-Child Visits in the First 30 Months of Life (W30-CH, Rate 2)
6. Child and Adolescent Well-Care Visits (WCV-CH)
7. Lead Screening (LSC-CH)
8. Pediatric ER Utilization (Number of ED visits per 1,000 beneficiary months for children age 0 to 19)
9. Adult ER Utilization (Number of ED visits per 1,000 beneficiary months for adults 20 years of age or older)

Payments are anticipated to be made in Fall 2026.

This SPA has an effective date of August 1, 2026. The amendment revises pages 1-3, of Attachment 3.1-F of the Medicaid State Plan.

The department estimates the fiscal impact will be \$0 in state funds and \$7,000,000 in federal funds, totaling \$7,000,000 in Federal Fiscal Year 2026; and \$0 in state funds and \$7,000,000 in federal funds, totaling \$7,000,000 in Federal Fiscal Year 2027.

The SPA is available to view on the department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Copies of the proposed SPA pages are also available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be emailed to MedicaidSPA@state.sd.us or sent to the Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291. The public comment period will start July 20, 2026, and end August 19, 2026.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Executive Order

Governor Rhoden has signed [Executive Order 2026-08](#), dated July 16, 2026, pursuant to Chapter SDCL [34-48A](#), declaring a state of drought emergency to exist in South Dakota due to widespread drought conditions, low precipitation, and exceedingly high temperatures. As the drought conditions have depleted natural feed supplies for livestock, the Order grants permission to move overwidth (up to twelve feet wide) baled livestock feed over any public highway within the state two hours before sunrise through two hours after sunset, provided the hauler obtains the proper permits for such action and utilizes warning lights as provided in the Order. Provisions limiting a farm vehicle operator's commercial driver's license exemption to within 150 miles of a person's farm have also been suspended for intrastate travel. The Order was prompted by recommendations from the state Drought Task Force, which was activated by the Governor on May 6, 2026. The Order will expire upon the cessation of the drought emergency or no later than midnight on September 14, 2026, unless further extended by Executive Order.

Final Administrative Rules

SOUTH DAKOTA BOARD OF NURSING (DEPARTMENT OF HEALTH): 20:48:03:06, 20:48:03:10, 20:48:03:11, 20:48:03:13; 20:48:04:01:24; 20:48:06:01, 20:48:06:02, 20:48:06:03, 20:48:06:04.

History/Notice: 52 SDR 97, April 20, 2026

Hearing: June 2, 2026

Filed: July 14, 2026

Effective: August 3, 2026

DEPARTMENT OF GAME, FISH AND PARKS: 41:06:44:02; 41:06:63:03.

History/Notice: 52 SDR 116, May 26, 2026

Hearing: June 11, 2026

Filed: July 14, 2026

Effective: August 3, 2026

SOUTH DAKOTA LOTTERY COMMISSION (DEPARTMENT OF REVENUE): 48:03:06:04; 48:03:07:10; 48:03:10:01, 48:03:10:02, 48:03:10:03; 48:03:13:01, 48:02:13:02, 48:03:13:03; 48:03:15:03; 48:03:16:01, 48:03:16:02, 48:03:16:03; 48:03:17:06; 48:03:18:03; 48:03:19:03; 48:03:20:03; 48:03:21:01, 48:03:21:02, 48:03:21:03.

History/Notice: 52 SDR 109, May 18, 2026

Hearing: June 11, 2026

Filed: July 15, 2026

Effective: August 4, 2026

SCHEDULED PUBLIC HEARINGS

7-21-2026	<u>Department of Health:</u> Amend and adopt rules related to updates to the South Dakota Board of Nursing requirements for certified nurse aides (CNAs) and repeal duplicative rules relating to CNAs; 52 SDR 128, June 22, 2026.
7-21-2026	<u>Department of Public Safety:</u> Amend rules to adopt the 2025 edition of the National School Transportation Specifications and Procedures manual; amend school bus rules to reflect the correct referenced page numbers; adopt the 2026 edition of the Commercial Vehicle Safety Alliance handbook; adopt English proficiency requirements; authorize permits and adopt requirements for the use of industrial incinerators; and amend victim services rules; 52 SDR 128, June 22, 2026.
7-29-2026 Hearing was originally scheduled for 5-14-2026	<u>Appraiser Certification Program (Department of Labor and Regulation):</u> Amend rules to make appraisers certified by reciprocity subject to the continuing education requirements; allow for the approval of the eight-hour valuation bias and fair housing course as qualifying education; align course approval terms to the relevant delivery mechanism certification; allow flexibility for approval of seminar-type continuing education courses; clarify what types of discipline owners of appraisal management companies (AMCs) are required to disclose on an AMC application; and clarify change of ownership obligations for AMCs; 52 SDR 101, April 27, 2026.
7-31-2026	<u>South Dakota State Board of Addiction and Prevention Professionals (Department of Social Services):</u> Adopt, repeal, and transfer rules to set the education, work experience, supervision, and examination requirements for peer support services; update the education, work experience, supervision, and examination requirements for addiction counseling and prevention services; establish the requirements of board-approved supervision to meet the requirements for the board to certify or license providers of peer support, addiction counseling and prevention services; set the standards for renewal of a recognition, certification, or license issued by the board; and clarify the standards for providing services through electronic means; 53 SDR 3, July 13, 2026.

8-5-2026	<u>South Dakota State Brand Board (Department of Agriculture and Natural Resources)</u> : Amend a rule to increase the Livestock Ownership Inspection Fee by \$0.45 per head, setting the fee at \$1.45 per head; 53 SDR 6, July 20, 2026.
8-7-2026	<u>South Dakota Athletic Commission (Department of Labor and Regulation)</u> : Amend and adopt rules to clarify safety requirements for events and competitors, application and medical requirements for contestants, officials required for events, bout contract provisions, commission disciplinary actions, and updates consistent with the unified rules of mixed martial arts and boxing; provide for the inclusion of inspectors as officials for events, as set forth in <u>Senate Bill 64</u> ; set the requirements for inspectors assigned by the commission; and establish the parameters and requirements for a bout review by the commission; 53 SDR 3, July 13, 2026.
8-19-2026	<u>Department of Human Services</u> : Amend rules to standardize and clarify critical incident reporting requirements; make restoration plans dependent on ISP progress, rather than time limited; allow providers an additional month to file cost reports and audits; standardize insurance requirements; provide a standardized format to assist in participant safety monitoring data analysis; update the CHOICES waiver services to match the federally approved waiver; and avoid conflict and redundancy with federal requirements, while requiring opportunity for discussion of all medications with clients at the South Dakota Developmental Center; 53 SDR 4, July 12, 2026.
8-25-2026	<u>South Dakota Public Utilities Commission</u> : Repeal outdated, redundant, or preempted rules or portions of rules, and unnecessary telecommunications filing requirements; amend rules to clarify the process for filing of confidential information; update language in the general rules and gas and electric rules to clarify and simplify the requirements and update complaint requirements; clarify the procedure for release of a grain buyer bond and to require the provision of necessary information on voluntary credit sale contracts for grain transactions; update telecommunications provisions to align with current needs and technology; and update a pipeline safety notification requirement to ensure necessary information is provided to the commission; 53 SDR 6, July 20, 2026.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2026 Interim is Tuesday, August 18, 2026, at 10:00 a.m. (CT) via electronic conference and in Room 414 of the State Capitol. Future meetings for the 2026 Interim are scheduled for September 8 and October 14. 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.