



SOUTH DAKOTA REGISTER

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LEGISLATIVE RESEARCH COUNCIL ACTIONS

Apparent Error in Rules Addressed

Pursuant to authority provided in [SDCL 1-26A-1](#), and in consultation with staff of the South Dakota Commission on Gaming, code counsel has corrected an apparent error in ARSD 20:04:33:81, depicted in relevant part as follows:

20:04:33:81. Patron protection information. A hub licensee shall provide the following patron protection information to individuals and patrons on demand:

- (1) Information about potential risks associated with excessive wagering, and ~~contract~~ contact information for an organization based in this state or the United States, approved by the commission, dedicated to helping people with potential gambling problems;...

This error was apparent given the nature of the misspelling and the sentence conveying the plain intent to facilitate patron access to problem gambling resources.

FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Petition for Rules

The **Department of Game, Fish and Parks** on September 28, 2026, advised the Interim Rules Review Committee and the code counsel that petitions served on them September 16, 2026, per [SDCL 1-26-13](#), to amend ARSD [41:04:02:12](#) to change the dates wherein the waters of Reid Lake in Clark County are designated a "no boating zone" have been withdrawn by the petitioner. The [Game, Fish and Parks Commission](#) was initially scheduled to review the petitions at its October 8, 2026, meeting.

Notice

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan to align with recent administrative rule changes and clarify Preadmission Screening and Resident Review (PASRR) policy consistent with federal regulations.

Specifically, the proposed State Plan Amendment (SPA) adds marriage and family therapists working toward a mental health designation to the list of other licensed practitioner services. This update will allow this practitioner type to provide and bill for mental health services. The SPA also makes minor edits to the PASRR Categorical Determinations page at the request of the Centers for Medicare and Medicaid Services (CMS) to ensure the language is consistent with PASRR definitions and requirements under 42 CFR 483.100-138.

The SPA amends page 11 of Supplement to Attachment 3.1-A and page 1 of Attachment 4.39-A. The department intends to make the SPA effective October 15, 2026, and estimates there will be no fiscal impact associated with this SPA in Federal Fiscal Year 2027 or Federal Fiscal Year 2028.

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 October 5, 2026, and end November 4, 2026.

SUPREME COURT RULES

Public Hearing on November 9, 2026

[Rules Hearing No. 159](#), proposing to amend SDCL [16-5-1.2](#), [16-6-1](#), and [16-12B-1.1](#).

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Executive Order

Governor Rhoden has signed [Executive Order 2026-11](#), dated September 28, 2026, pursuant to SDCL chapter [34-48A](#), declaring a fuel emergency to exist in South Dakota due to global market factors related to the cost and availability of diesel fuel, and the impact to agricultural transportation during harvest season. The Federal Motor Carrier Safety Administration issued an Hours of Service Waiver for the transportation of gasoline and diesel fuel in response to global supply disruptions and anticipated increases in the demand for gasoline and diesel fuels; the waiver is also intended to mitigate impacts on costs and availability of fuel for transportation service providers, agricultural harvesting, and the traveling public as the demand increases. Agricultural producers are currently limited during harvest to ten percent overweight limits for a single trip from the point of harvest to the point of first unloading. The Order will serve as the overweight permit required by SDCL [32-22-42](#) if such transportation is in accordance with the Order, and the associated fee prescribed by ARSD [70:03:01:02](#) will be suspended. Under the terms of the overweight permit, additional weight not to exceed ten percent is allowed for all movement on state trunk highways, excluding the interstate system, for a vehicle hauling agricultural products, commodities, and livestock that exceeds the weight limits in SDCL chapter 32-22. It does not allow a single axle to exceed the maximum axle weight limit of 20,000 pounds nor does it apply for transporting above the posted weight limits on roads or bridges.

The Order also directs the Secretary of the Department of Revenue to continue to evaluate fuel supplies to determine if a shortage of dyed diesel fuel exists and if any refunds can be issued pursuant to SDCL [10-47B-131.3](#). Executive Order 2026-11 will expire December 28, 2026, unless further extended by Executive Order.

Final Administrative Rules

[APPRAISER CERTIFICATION PROGRAM \(DEPARTMENT OF LABOR AND REGULATION\)](#): 20:14:13:01.01, 20:14:13:03.01, 20:14:13:06; 20:77:03:01, 20:77:03:06.

History/Notice: 52 SDR 101, April 27, 2026

Hearing: July 29, 2026

Filed: September 25, 2026

Effective: October 15, 2026

SCHEDULED PUBLIC HEARINGS

November 9, 2026

[South Dakota Supreme Court Rules Hearing No. 159](#), proposing to amend SDCL [16-5-1.2](#), [16-6-1](#), and [16-12B-1.1](#); 53 SDR 43, October 5, 2026.

RULES REVIEW COMMITTEE MEETINGS

The final scheduled meeting of the Interim Rules Review Committee for the 2026 Interim is Wednesday, October 14, 2026, at 9:00 a.m. (CT) via electronic conference and in Room 414 of the State Capitol. **Please note the earlier start time for the October meeting.** 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.