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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.

Board of Minerals and Environment (Department of Agriculture and Natural Resources): (May 19, 2025) intends to 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. The general authority for these rules, as cited by the board, is SDCL [45-6B-81](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Matthew Environmental Education and Training Center, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on July 17, 2025, at 10:00 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 Department of Agriculture and Natural Resources, Minerals, Mining, and Superfund Program, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. The rules are also available at <https://danr.sd.gov/public/default.aspx> or <https://danr.sd.gov/Environment/MineralsMining/default.aspx>. Material sent by mail must reach the department by July 11, 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) 773-4201 at least 48 hours before the public hearing.

South Dakota Aeronautics Commission (Department of Transportation): (May 20, 2025) intends to amend or repeal rules to bring the rules into conformity with current statutory terminology and the processes used by the Aeronautics Commission and the department when issuing certificates of approval for airports, and update references to the law implemented and statutory authority for the rules. The general authority for these rules, as cited by the department, is SDCL [50-5-1.2](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held in the Commission Room of the Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on June 12, 2025, at 2:00 p.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>. Comments may also be emailed to Joel.Jundt@state.sd.us. Information submitted in writing must be received on or before June 8, 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.

Department of Health: (May 21, 2025) intends to amend and repeal medical cannabis rules to add definitions for further clarity; repeal obsolete references; clean up the non-resident and establishment registration process; adjust a conversion calculation; modify and clarify the establishment operation processes; require an expiration date on products; and establish the imposition and payment of fines. The general authority for these rules, as cited by the department, is SDCL [34-20G-65.1](#) and [34-20G-72](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held in the Large Conference Room of the Kneip Building, 700 Governors Drive, Pierre, South Dakota, on June 17, 2025, at 10:00 a.m. (CT). Copies of the proposed rules may be obtained without charge from the Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501 and are also available online at <https://rules.sd.gov>. Written comments on the proposed rules may be sent to the South Dakota Medical Cannabis Program, 600 East Capitol Avenue, Pierre, South Dakota 57501, emailed to MCQuestions@state.sd.us, or submitted at <https://rules.sd.gov>. The deadline to submit any written comments for consideration is June 27, 2025. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3361 at least 48 hours before the public hearing.

South Dakota Commission on Gaming (Department of Revenue): (May 22, 2025) intends to amend rules to incorporate the most recent version of the Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommend Penalties as applied to authorized drugs for horse racing. The general authority for the rules, as cited by the commission, is SDCL [42-7-56](#) and [42-7-96](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota, on June 17, 2025, at 9:00 a.m. (MT). 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 Commission on Gaming, 120 Industrial Drive, Suite 1, Spearfish, South Dakota 57783. Copies of the rules are also available at <https://rules.sd.gov>. Comments may be emailed to mark.heltzel@state.sd.us. The deadline to submit written comments is 72 hours before the public hearing. This hearing is being held in a physically accessible location. Persons with special needs for which the commission can make arrangements may call (605) 578-3074 at least 48 hours before the public hearing.

Department of Public Safety: (May 23, 2025) intends to amend rules to adopt the 2025 edition of the Commercial Vehicle Safety Alliance handbook, the requirements of Title 49 Code of Federal Regulations (CFR) 391.11(b)(2), and round down to the nearest dollar on prorated driver licensing fees. The general authority for these rules, as cited by the department, is SDCL [32-12-42.1](#) and [49-28A-2](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held in the Conference Room on the second floor of the Sutherland Building, 118 West Capitol Avenue, Pierre, South Dakota, on June 16, 2025, at 3:00 p.m. (CT). Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, the Department of Public Safety, 118 West Capitol Avenue, Pierre, South Dakota 57501. Copies of the rules are also available at <https://rules.sd.gov> or by calling (605) 773-3178. Comments may also be emailed to DPSinfo@state.sd.us. Material sent by mail or email must reach the department by June 30, 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) 773-3178 at least 48 hours before the public hearing.

SCHEDULED PUBLIC HEARINGS

5-27-2025 NOTE: Hearing was originally scheduled for May 19, 2025	<u>South Dakota Board of Education Standards (Department of Education):</u> Amend and adopt rules to require all certified educators, new to the profession or from out-of-state, to take an approved South Dakota Indian studies course to gain certification; 51 SDR 110, April 22, 2025.
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5-28-2025	<u>South Dakota Board of Accountancy (Department of Labor and Regulation)</u> : Amend rules to clarify the definition of "retired" and revise the fees for initial licensure certificates and firm permits, renewal certificates and firm permits, initial and renewal firm owners, peer review administration fee, examination and reexamination application fee to the board, late fees, and replacement fee for a certificate or fee permit; 51 SDR 117, May 5, 2025.
5-29-2025	<u>South Dakota Transportation Commission (Department of Transportation)</u> : Amend a rule to reflect the names of certain highways in Hughes County that will be renamed effective July 1, 2025; repeal speed zone rules for roads in Hughes and Stanley County that are under the jurisdiction of the U.S. Army Corps of Engineers, the Department of Game, Fish and Parks, and local governments as those entities establish their own speed limits; amend a speed zone rule for U.S. Highway 14 over the Missouri River Bridge to accurately reflect the statutory boundary line between Hughes and Stanley Counties; and amend a rule that establishes state trunk highway routes for longer combination vehicles; 51 SDR 117, May 5, 2025.
5-29-2025	<u>South Dakota Plumbing Commission (Department of Labor and Regulation)</u> : Amend rules to increase fees for plumbing installation certificates, inspections, and licenses as well as set fee amounts for application processing, administrative, and license verification fees; 51 SDR 120, May 12, 2025.
6-2-2025	<u>South Dakota Cosmetology Commission (Department of Labor and Regulation)</u> : Amend a rule to increase license fees collected by the commission and add a new elective fee for the inspection of a prospective salon or booth; 51 SDR 122, May 12, 2025.
6-4-2025	<u>South Dakota Retirement System Board of Trustees</u> : Repeal certain sections, chapters, and articles of administrative rules pertaining to the South Dakota Retirement System as a result of the passage of <u>House Bill 1029</u> by the 2025 South Dakota Legislature; 51 SDR 120, May 12, 2025.
6-5-2025	<u>Department of Game, Fish and Parks</u> : (May 14, 2025) intends to amend rules to make Purple Heart recipients eligible for the disabled veteran lifetime state park entrance license and associated discounted camping fees; allow year-round fishing in the dredge-hole area of Lake Francis Case between the railroad bridge and the Interstate 90 bridge and causeway in Brule and Lyman counties; modify the unit description for the muskrat trapping season; modify the beaver trapping and hunting season in the Black Hills Fire Protection District; and update the harvest limit for river otters; 51 SDR 125, May 19, 2025.
6-12-2025	<u>South Dakota Board of Medical and Osteopathic Examiners (Department of Health)</u> : Amend, repeal, and adopt rules to update the Emergency Medical Services personnel scope; enact a community paramedic endorsement; update language regarding ambulance drivers and supervision requirements; and update supervision language, licensure requirements, and the Athletic Trainer Code of Ethics; 51 SDR 120, May 12, 2025.
6-12-2025	<u>South Dakota Aeronautics Commission (Department of Transportation)</u> : Amend or repeal rules to bring the rules into conformity with current statutory terminology and the processes used by the Aeronautics Commission and the department when issuing certificates of approval for airports, and update references to the law implemented and statutory authority for the rules; 51 SDR 129, May 27, 2025.
6-16-2025	<u>Department of Public Safety</u> : Amend rules to adopt the 2025 edition of the Commercial Vehicle Safety Alliance handbook, the requirements of Title 49 Code of Federal Regulations (CFR) 391.11(b)(2), and round down to the nearest dollar on prorated driver licensing fees, 51 SDR 130, May 27, 2025.
6-17-2025	<u>Department of Health</u> : Amend and repeal medical cannabis rules to add definitions for further clarity; repeal obsolete references; clean up the non-resident and establishment registration process; adjust a conversion calculation; modify and clarify the establishment operation processes; require an expiration date on products; and establish the imposition and payment of fines; 51 SDR 130, May 27, 2025.
6-17-2025	<u>South Dakota Commission on Gaming (Department of Revenue)</u> : Amend rules to incorporate the most recent version of the Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommend Penalties as applied to authorized drugs for horse racing; 51 SDR 130, May 27, 2025.

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.
7-17-2025	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.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2025 Interim is Tuesday, June 10, 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 July 15, 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.