

REGISTER



South Dakota Legislative Research Council

Volume 28

Monday, 8:00 a.m., April 29, 2002

A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council)

Department of Revenue: (April 23, 2002) intends to adopt rules to modify the descriptions of the 30-day license permits for vehicles and trailers and remove the reference to the appendix; to apply the rules to the taxes authorized in HB 1002, HB1003, and SB 167; to adopt uniform rules to handle electronic taxpayer records; to require appraisers and assessors to pass assessor's school and successfully complete the required courses before getting a certificate; to require the use of the 2002 Uniform Standards of Professional Appraisal Practice; to require the use of the Marshall and Swift Residential Cost Handbook, 2002, the Marshall Valuation Service, 2002, and the South Dakota Real Estate Appraisal Manual, 2002; to define a mobile home dealer's inventory; to require all mobile homes in the state to have a South Dakota title; to adopt a form for an opt out resolution; to clarify language in certain sections; to repeal certain rules which are no longer necessary; to remove the good faith requirement for acceptance of an exemption certificate; to add a reference to SDCL 10-45-30; to update statutory citations; to remove references to declaratory rulings; to clarify that no special permit is required to collect the visitor-related business tax; to clarify that fees paid to real estate brokers incur municipal tax if the property sold is within a municipality; to establish uniform sourcing rules for telecommunication services; to clarify the proper taxable amount when a vehicle is traded in on another vehicle; to clarify the people entitled to a "physically disabled person" windshield placard and application for, issuance

of, and replacement of placards; and to remove the restriction on wholesalers setting or resetting an alcohol beverage retail premise. The general authority for these rules, as cited by the department, is SDCL 10-1-16.1, 10-1-17, 10-3-1.2, 10-10-6, 10-45-23, 10-45-47.1, 10-45-108, 10-45B-12, 10-45D-13, 10-46-35.1, 10-46A-19, 10-46B-18, 10-47B-2, 10-52-4, 10-52A-7, 10-59-38, 32-5-76.1, 32-5-111, 32-5B-15, 32-6B-30, 32-6B-60, 32-7B-20, 35-10-1, 49-31-51.1, 49-34A-92, SB 182, and SB 167.

A public hearing will be held in Room 413 of the State Capitol, 500 East Capitol Avenue, Pierre, South Dakota, on May 20, 2002, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Department of Revenue, Legal Division/Rules, 445 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by May 30, 2002, to be considered. Copies of the proposed rules are also available as a Microsoft Word attachment by e-mailing Beth.Christie@state.sd.us. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-4701 at least forty-eight hours before the hearing.

Department of Health: (April 23, 2002) is proposing rules to help health facilities recruit nurses by offering eligible nurses a payment in exchange for at least two years of nursing service. The general authority for these rules, as cited by the department, is SDCL 1-16A-73.13 to 1-16A-73.19, inclusive.

A public hearing will be held in the Governor's Small Conference Room, State Capitol

Building, 500 East Capitol Avenue, Pierre, South Dakota, on May 20, 2002, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Colleen Kozel, Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by May 30, 2002, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3361 at least forty-eight hours before the hearing.

Department of Social Services: (April 25, 2002) is proposing rules to increase the payment standards for all Temporary Assistance for Needy Families Program (TANF) assistance units; to update the Supplemental Security Income (SSI) in the Medicaid Program; and to incorporate by reference the latest Federal Poverty Levels adopted by the US Department of Health and Human Services. The general authority for these rules, as cited by the department, is SDCL 25-4-45.3, 28-1-61, 28-6-1, 28-6A-12, 28-7A-3, and 28-7A-24.

A public hearing will be held in Conference Room 1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on May 16, 2002, at 1:15 p.m. Copies of the proposed rules may be obtained from and written comments sent to Jill Wellhouse, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by May 27, 2002, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3305 at least forty-eight hours before the hearing.

Department of Commerce and Regulation: Board of Pharmacy: (April 26, 2002) intends to adopt rules to establish criteria to regulate pharmacists authorized to provide influenza

immunizations, to establish standards for packaging of unit dose medications, and to regulate the return of non-controlled medications from nursing homes and assisted living facilities. The general authority for these rules, as cited by the board, is SDCL 36-11-11 and 36-11-19.1.

A public hearing will be held at the South Dakota Board of Pharmacy Office, 4305 South Louise Avenue, Suite 104, Sioux Falls, South Dakota, on June 13, 2002, at 3:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Board of Pharmacy, 4305 South Louise Avenue, Suite 104, Sioux Falls, South Dakota 57506. Written comments must be received by June 12, 2002, to be considered. Persons who have special needs for which the office can make arrangements are asked to call (605) 362-2737 before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF COMMERCE AND REGULATION: SOUTH DAKOTA COMMISSION ON GAMING:

20:18:16:15.03; 20:18:17:24.01; Appendix A.

History-Notice: 28 SDR 118, Feb. 19, 2002
 Hearing: March 21, 2002
 Filed: March 28, 2002
 Effective: April 17, 2002

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

5-9-2002	Game, Fish and Parks	Youth deer season, Black Hills deer season, snagging and spearing paddlefish; 28 SDR 149.
5-16-2002	Agriculture: Weed and Pest Control Commission	Noxious weed list, number of noxious weeds and pests allowed; 28 SDR 145.
5-16-2002	Agriculture: Agricultural Services	Changes to the 1999 Pasteurized Milk Ordinance; 28 SDR 145.
5-16-2002	Environment and Natural Resources: Environmental Services	Air pollution control in Rapid City area; 28 SDR 149.
5-16-2002	Social Services	TANF payments, update SSI; incorporate reference to latest Federal Poverty Levels; 28 SDR 154.
5-20-2002	Revenue	Vehicle permits, administration of taxes authorized in HB 1002, 1003, SB 167, electronic taxpayer records, assessor's school, update manuals to 2002 versions, mobile home dealer's inventory, mobile homes SD title, form for opt out resolution, repeal certain rules, visitor-related business tax, municipal tax, telecommunication services, tax trade-in vehicles, windshield placards for disabled persons, alcohol beverage retail premises; 28 SDR 153.
5-20-2002	Health	Nurse tuition reimbursement; 28 SDR 153.
5-21-2002	Commerce and Regulation: Electrical Commission	Adopt the 2002 National Electrical Code, continuing education for apprentice electricians, change commission address; 28 SDR 146.
6-7-2002	Commerce and Regulation: Chiropractic Examiners	Increase license fee, update sections on doctor/patient confidentiality, clarify code of ethics, update sanctions imposed regarding discipline; 28 SDR 146.

6-13-2002	Commerce and Regulation: Board of Pharmacy	Authorize pharmacists to provide influenza immunizations, standards for packaging unit dose medications; regulate return of non-controlled medications from nursing homes and assisted living facilities; 28 SDR 154.
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Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, May 14 in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2002 interim: June 11, August 6, September 17, November 20, and January 6.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules.

Note: An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office and on the LRC web site.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 28 are \$20. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at **MyLRC** (<http://legis.state.sd.us/mylrc/index.cfm>).