

# REGISTER

*South Dakota Legislative Research Council*



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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 Transportation:*** (April 29, 2003) intends to adopt rules to prohibit parking along the north side of U.S. Highway 212 in Spink County in the city of Doland and to correct a reference to the administrative rules contained in Appendix A. The general authority for these rules, as cited by the department, is SDCL 32-30-2.4.

A public hearing will be held at 9:05 a.m. (CDT) on May 22, 2003, in the Commission Room, Becker-Hansen Building, Pierre, South Dakota. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of Transportation, Room 202, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Written comments must be received on or before May 21, 2003, 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) 773-3265 at least 48 hours before the hearing.

***Department of Revenue and Regulation: Business Tax, Motor Vehicles, Property and Special Taxes:*** (April 29, 2003) intends to adopt, amend and repeal rules regarding a designation on the motorcycle, boat, trailer and snowmobile temporary permits; provide for the electronic filing of tax returns; establish the effective date of rate changes for the Streamlined Sales Tax Provisions; require the use of the 2003 Uniform Standards of Professional Appraisal Practice; provide for the

approval of the appraiser's workshops and update the hourly requirements of the courses; add the Assessment Administration Specialist designation to the International Association of Assessing Officers; clarify the testing and retesting for courses during the annual assessors' school; require the use of the Marshal and Swift Residential Cost Handbook, 2003, and the Marshal Valuation Service, 2003; replace the term economic obsolescence with external obsolescence; allow calculation of base cost by means other than "ground area"; require the use of the South Dakota Real Estate Appraisal Manual, 2003 edition; use a three year cropland rent average rather than one year; establish who is required to sign the opt out resolution; establish procedures to implement HB 1192; allow the county to use current assessment information on sales that have no consideration; allow retailers to accept exemption certificates from government agencies; allow a retailer to claim "bad checks" as a bad debt; allow tax permits to be issued to wholesalers and manufactures; make minor changes to the tax application; allow the use of the Streamlined Sales Tax Agreement Certificate of Exemption; repeal a rule regarding municipal tax on construction materials; adjust the tax tables by rounding to the 3<sup>rd</sup> decimal; create sourcing rules in various sales tax transactions; delete a declaratory ruling that is now obsolete and add a declaratory ruling that is transferred from another rule; repeal a rule regarding communication services; clarify the taxation of billing and collection services; clarify the language and remove obsolete language in some rules; remove the term "medical equipment" from the rule and clarify the use tax obligation; amend the language in rules to bring them in line with the Streamlined Sales Tax Agreement;

assure that the client company is the employer prior to a contractual relationship with professional employment organization; clarify what constitutes a continuing education program; remove the definition of "agricultural land" from a rule; clarify that both state and municipal tax applies to the transactions in the rule; exempt certain nutritional supplements if dispensed by physicians, optometrists, dentists and audiologists; define various medical terms; raise the amount of damage required to be reported on vehicles from \$3,000 to \$5,000; repeal a rule regarding titling a vehicle which has been issued a junking certificate; amend references from the register of deeds to the county treasurer; and to change the address for the Division of Motor Vehicles. The general authority for these rules, as cited by the department, are SDCL 10-1-16.1, 10-1-17, 10-3-1.2, 10-12-43, 10-13-36, 10-45-23, 10-45-47.1, 10-45-108, 10-45D-13, 10-46-35.1, 10-46A-19, 10-46B-18, 10-52-4, 10-52A-7, 32-3-57, 32-6B-30, 32-6B-60, 32-7B-20, and SB 76.

A public hearing will be held at 10:00 a.m. on May 22, 2003, in Room 413 of the State Capitol located at 500 East Capitol Avenue, Pierre, South Dakota. Copies of the proposed rules may be obtained without charge from the department's website, [www.state.sd.us/revenue](http://www.state.sd.us/revenue), by emailing [Beth.Christie@state.sd.us](mailto:Beth.Christie@state.sd.us), or by contacting the Department of Revenue & Regulation, Legal Division/Rules, 445 East Capitol Avenue, Pierre, SD 57501-3100. Written comments may be sent to the department at the address listed above and must be received on or before June 1, 2003, 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) 773-4701 at least 48 hours before the hearing.

**Department of Health: State Board of Dentistry:** (April 30, 2003) intends to amend the license for dental radiographers from a three year license to an annual license and eliminate

the renewal fee associated with the license. The general authority for this rule, as cited by the board, is SDCL 36-6A-14 and 36-6A-50.

A public hearing will be held in Room B12, basement, State Capitol, Pierre, South Dakota, on May 22, 2003, at 6:30 p.m. The hearing will be broadcast over Digital Dakota Network (DDN) and available to the public at the following sites: 1) Southeast Technical Institute – Mickelson Building, Room 205, 2301 Career Place, Sioux Falls, South Dakota, 2) Yankton Middle School, 2000 Mulberry Street, Yankton, South Dakota, and 3) Mobridge High School, 114 E. 18<sup>th</sup> Street, Mobridge, South Dakota. Copies of the proposed rule may be obtained without charge from and written comments sent to the South Dakota State Board of Dentistry, P.O. Box 1037, Pierre, SD 57501. Written comments must be received by May 22, 2003, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 224-1282 at least 48 hours before the hearing.

#### **FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

**Department of Agriculture: Weed & Pest Control Commission:** 12:62:03:01.05 and 12:62:03:01.07.

History-Notice: 29 SDR 127, March 10, 2003  
 Hearing: April 2, 2003  
 Filed: April 28, 2003  
 Effective: May 18, 2003

**Department of Agriculture: Animal Industry Board:** 12:68:03:11, 12:68:26:01, 12:68:26:03 and 12:68:26:05.

History-Notice: 29 SDR 129, March 17, 2003  
 Hearing: April 3, 2003  
 Filed: May 1, 2003  
 Effective: May 21, 2003

**Executive Appointments:**

**Chris Houlette**, Pierre, was appointed on April 25, 2003, to the **Housing Development Authority**, to replace Lynn Hager, effective immediately to fill the vacant term expiring June 30, 2003. Mr. Houlette is then appointed to an additional full term and shall continue until June 30, 2008.

**Cindy Mydland**, Brookings, was appointed on April 25, 2003, to the **Housing Development Authority**, to replace Bill Earley, effective immediately and shall continue until June 30, 2005.

**Robert Sutton**, Sioux Falls, was appointed on April 25, 2003, to the **Housing Development Authority**, to replace Robert Jenssen, effective

immediately and shall continue until June 30, 2004.

**Zach Word**, Rapid City, was appointed on April 25, 2003, to the **Housing Development Authority**, to replace Thomas Schramm, effective August 1, 2003, and shall continue until June 30, 2008.

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**

5-7-2003	Environment and Natural Resources: Water Management Board	Amend rules for concentrated animal feeding operations; 29 SDR 143.
5-8-2003	Health	Amend rules under the Health Professional Recruitment Incentive Program; 29 SDR 135.
5-12-2003	Personnel	Create a prescription drug discount program and establish fees for participating pharmacies; 29 SDR 143.
5-13-2003	Labor: Cosmetology Commission	Adopt rules to reflect HB 1046 and to update safety and sanitation procedures; 29 SDR 143.
5-15-2003	Secretary of State: Board of Elections	Adopt rules to comply with the requirements of the Help America Vote Act, implement statutory changes in voter residency and registration requirements, provide additional instruction to voters, streamline the information provided on a ballot, clarify how to handle recount discrepancies, change DRE certification requirements, prevent ineligible municipal candidates from filing a petition, provide for voter identification prior to voting and provide secrecy for all absentee ballots; 29 SDR 144.
5-16-2003	Labor: Labor & Management	Update the workers' compensation fee schedule; 29 SDR 139.
5-16-2003	Revenue and Regulation: South Dakota Lottery Commission	Update video lottery and Powerball rules; 29 SDR 149.

5-22-2003	Transportation	Prohibit parking on the north side of U.S. Highway 212 in the city of Doland and correct Appendix A; 29 SDR 151.
5-22-2003	Revenue and Regulation: Business Tax, Motor Vehicles, Property and Special Taxes	Adopt, amend and repeal rules regarding appraisers, assessors, business taxes, motor vehicles, property tax, and Streamlined Sales Tax; 29 SDR 151.
5-22-2003	Health: Board of Dentistry	Amend license for dental radiographers; 29 SDR 152.

### *Rules Review Committee Meetings*

The next meeting of the Interim Rules Review Committee will be held Tuesday, May 13, 2003, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2003 interim: June 10, August 5, September 8, October 6, and November 19.

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 available at the LRC office and on the LRC web site.

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