

REGISTER



South Dakota Legislative Research Council

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Monday, 8:00 a.m., August 8, 2005

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

Department of Revenue and Regulation:

August 2, 2005) has filed rules to update the edition of the manuals used to value and assess property; to provide greater flexibility in how credits are counted for assessor school instructors; to revise the requirements for renewal of property assessor certificates; to update definitions that relate to the determination of agricultural income value; to revise the formula to determine agricultural land value when there are insufficient sales; to list the information a Director of Equalization must base adjustments; to require the department to review adjustments made to valuation and any evidence submitted in support of an adjustment; to tax a retail sale made by one florist, delivered by another florist, where the delivery is made, beginning January 1, 2006; to remove references to the special tax rate for farm machines, attachments and irrigation equipment; to include boats in the damage disclosure requirements and clarify what information is required in a damage disclosure statement; to change the circumstances that require a report from an alcohol licensee about a stock transfer and to specify how that report will be used; and to repeal a provision requiring employees to report any attempted solicitation of bribery, repeal a provision requiring employees to acknowledge their awareness of the requirements of the rule, and specify that the rule applies to all members of the distilled

spirits industry. The general authority for these rules, as cited by the department, is SDCL 10-1-16.1, 10-3-1.2, 10-45-47.1, 10-46-35.1, 32-3-57, 32-3A-38.4, and 35-10-1.

A public hearing will be held in Room 413, 4th floor, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota, on August 26, 2005, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Revenue and Regulation, Legal Services, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185, or by emailing Beth.Christie@state.sd.us. Copies of the rules are also available at the department's website: www.state.sd.us/drr. Material sent by mail must reach the department by August 25, 2005, 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.

FILINGS IN THE SECRETARY OF STATES OFFICE: (None)

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 Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

8-4-2005	Game, Fish and Parks	<p>Adopt, amend and repeal rules regarding: private shooting preserves – modify tagging requirements (placement and time of placement) for harvested birds, define tracts of land which do not constitute a "contiguous" tract of land for purposes of issuance of a permit and inclusion within a preserve, repeal reference to public hearings on applications, require division investigations and reporting of findings to the department, and require the department to consider certain factors in issuance of permits for preserves located within 1 mile of a publicly owned shooting area; waterfowl (duck/goose) hunting seasons – modify the daily limit on scaup from 3 to 2, modify the hunting season dates for certain ducks in the High Plains Zone, modify and define areas previously in a Special Goose Unit to be included within Goose Hunting Unit 2, modify the hunting season dates in certain Goose Hunting Units, reduce the daily bag limit on white-fronted geese from 2 to 1, and (by reason of yet to be determined federal regulations within the federal framework relating to migratory birds which will not be known until time of Hearing) the Commission will possibly consider and make other modifications to the daily bag limits and possession limits of certain waterfowl and hunting season dates and length of applicable seasons for certain waterfowl in the various areas and applicable zones (all to be in compliance with and inclusive of regulations permitted within the adopted Federal framework); public water zoning – in Marshall County create a "no boating zone" on certain waters within Piyas Lake during certain periods of time; mountain lion hunting season and license fees – establish a mountain lion hunting season and the license fee for issuance of the applicable licenses; continued hearing on park concession leases – modification of regulations relative to the park concession leases: definitions, general provisions, expiration or amendment of lease, and sale of interest in lease; 32 SDR 11.</p>
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8-16-2005	Agriculture: Veterinary Medical Examining Board This hearing has been cancelled.	Amend rules to provide for a single Exam Board member to conduct interviews of veterinary technician applicants for registration; to provide for the national exam to be the sole written examination for veterinary technician applicants; and to provide for waiving continuing education requirements for retired licensees when the Board determines the licensee is no longer practicing; 32 SDR 21.
8-25-2005	Revenue and Regulation: Real Estate Commission	Adopt and amend rules to clarify appointed agent procedures regarding disclosure and confidentiality, to repeal forms in appendices by establishing contents of forms prescribed by the Real Estate Commission, and to update materials incorporated by reference; 32 SDR 11.
8-26-2005	Revenue and Regulation	Amend rules to update the edition of the manuals used to value and assess property; to provide greater flexibility in how credits are counted for assessor school instructors; to revise the requirements for renewal of property assessor certificates; to update definitions that relate to the determination of agricultural income value; to revise the formula to determine agricultural land value when there are insufficient sales; to list the information a Director of Equalization must base adjustments; to require the department to review adjustments made to valuation and any evidence submitted in support of an adjustment; to tax a retail sale made by one florist, delivered by another florist, where the delivery is made, beginning January 1, 2006; to remove references to the special tax rate for farm machines, attachments and irrigation equipment; to include boats in the damage disclosure requirements and clarify what information is required in a damage disclosure statement; to change the circumstances that require a report from an alcohol licensee about a stock transfer and to specify how that report will be used; and to repeal a provision requiring employees to report any attempted solicitation of bribery, repeal a provision requiring employees to acknowledge their awareness of the requirements of the rule, and specify that the rule applies to all members of

		the distilled spirits industry; 32 SDR 27.
8-30-2005	Revenue and Regulation: Gaming Commission	Amend racing rules as follows: provide a new basis for summary suspension of licensure – when a licensee fails to pay a fine imposed by the deadline allowed, require permission of the Board of Stewards before payment of another licensee's fine is allowed, require a mandatory suspension of licensure for individuals who do not pay fines within established deadlines, eliminate reference to the Association of Racing Commission International in the reinstatement procedure rule and to recognize that there are more than one pari-mutuel associations for racing, and eliminate the reference to the Association of Racing Commissioners International from the rule regarding procedures for denied licenses, recognizing the expansion of pari-mutuel regulatory associations. Regarding the Deadwood Gambling rules, adopt a variation of play of the game of poker known as Heads Up Poker Challenge; 32 SDR 21.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 9, 2005, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2005 interim: September 20, October 18, December 6, and January 9, 2006.

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

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