

# REGISTER



## South Dakota Legislative Research Council

Volume 38

Monday, 8:00 a.m., July 18, 2011

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

**Department of Labor and Regulation: Division of Insurance:** (July 11, 2011) intends to amend a rule to require insurers to provide notice to policyholders about open enrollment and to include that information on their websites. The general authority for this rule, as cited by the department, is SDCL 58-17-87.

A public hearing will be held in the Main Floor Conference Room, Anderson Building, Pierre, South Dakota, on August 4, 2011, at 10:00 a.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the Division of Insurance, Administrative Rules, 445 E. Capitol Avenue, Pierre, South Dakota 57501-3185. Material sent by mail must reach the Division of Insurance by August 3, 2011, to be considered. The rules may also be obtained as a Microsoft Word attachment by emailing [melissa.klemann@state.sd.us](mailto:melissa.klemann@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) 773-3563 at least 48 hours before the hearing.

**Department of Environment & Natural Resources: Board of Minerals and Environment:** (July 14, 2011) intends to amend Solid Waste rules to include definitions related to medical waste; repeal Medical Waste rules to eliminate redundancy; and amend Regional Haze Program rules to revise the emission limits for sulfur dioxide and nitrogen oxides to include periods of startup and shutdown for coal fired power plants such as Ottertail Power Company's

Big Stone I facility, define a "30-day rolling average" and "operating day" for calculating emission rates, and revise monitoring, recordkeeping, reporting, and other miscellaneous requirements. The general authority for these rules, as cited by the board, is SDCL 34A-1-6, 34A-6-1.6, 34A-6-64, 34A-6-65, 34A-6-66, and 34A-10-2.4.

A public hearing will be held at the Matthew Environmental Education and Training Center, 523 East Capitol Avenue, Pierre, South Dakota, on August 18, 2011, at 10:15 a.m. Copies of the proposed rules may be obtained from and written comments sent to Rick Boddicker, Environmental Scientist III, Department of Environment and Natural Resources, 523 E. Capitol, Joe Foss Building, Pierre, South Dakota 57501 or by calling Lita Magedanz at 605-773-3151. Copies of the proposed rules can also be obtained by visiting the Department's web page at <http://denr.sd.gov/des/aq/airprogr.aspx>. Written comments must be received by close of business on August 17, 2011, 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) 773-3151 at least 48 hours before the public hearing.

**Department of Game, Fish and Parks:** (July 14, 2011) intends to amend Waterfowl Hunting Seasons (Duck Hunting Season) rules to increase the daily bag limit for redheads from 2 to 3 and the possession limit from 4 to 6 contingent upon the redhead harvest strategy at the Central Flyway level by the U.S. Fish and Wildlife Service; amend Waterfowl Hunting Seasons (Goose Hunting Season) rules to increase the Canada goose daily bag limit from 3 to 4 and the possession limit from 6 to

8 contingent upon approval from the Central Flyway Council and U.S. Fish and Wildlife Service; and amend a Furbearer Season (Nonresident restrictions) rule to establish a 28 consecutive day furbearer license for nonresidents which must be exercised between the first Saturday of December through March 15. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-8-20, and 41-11-5.

A public hearing will be held at the Best Western Ramkota Hotel (Watertown Event Center), 1901 9<sup>th</sup> Avenue SW, Watertown, South Dakota, on August 4, 2011, at 2:00 p.m. (CDT). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 p.m. three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by email to [Wildinfo@state.sd.us](mailto:Wildinfo@state.sd.us). All written and email comments must include the commenter's name and address. 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) 773-3387 before the hearing.

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

**BUREAU OF PERSONNEL: CAREER SERVICE COMMISSION:** 55:01:01:01; 55:01:07:02:02; 55:01:08:02; 55:01:13:04:01; 55:01:15:01:01, 55:01:15:01:02; 55:01:22:01, 55:01:22:02, 55:01:22:02.04, and 55:01:22:19.

History-Notice: 37 SDR 197, April 25, 2011  
 Hearing: May 25, 2011  
 Filed: July 12, 2011  
 Effective: August 1, 2011

**BUREAU OF PERSONNEL:** 55:07:01:01; 55:07:02:01, and 55:07:02:02.

History-Notice: 37 SDR 197, April 25, 2011  
 Hearing: May 26, 2011  
 Filed: July 12, 2011  
 Effective: August 1, 2011

#### **DEPARTMENT OF HEALTH: DIVISION OF HEALTH AND MEDICAL SERVICES:**

44:20:01:01, 44:20:01:03 to 44:20:01:06, inclusive; 44:20:02:01 to 44:20:02:09, inclusive; 44:20:03:01 to 44:20:03:06, inclusive, 44:20:03:08, and 44:20:03:09.

History-Notice: 37 SDR 221, May 23, 2011  
 Hearing: June 17, 2011  
 Filed: July 12, 2011  
 Effective: August 1, 2011

#### **DEPARTMENT OF TRANSPORTATION:**

70:01:02:00(1), 70:01:02:00(4), 70:01:02:00(5), 70:01:02:32(1), and 70:01:02:01(5).

History-Notice: 37 SDR 209, May 9, 2011  
 Hearing: May 26, 2011  
 Filed: July 14, 2011  
 Effective: August 3, 2011

#### **DEPARTMENT OF GAME, FISH AND PARKS:** 141:07:06:03.01.

History-Notice: 37 SDR 245, June 27, 2011  
 Hearing: July 7, 2011  
 Filed: July 14, 2011  
 Effective: July 14, 2011

#### **DEPARTMENT OF GAME, FISH AND PARKS:**

41:06:01:13; 41:06:02:03; 41:06:04:17; 41:06:14:02, 41:06:14:02.01; 41:06:16:07, 41:06:16:09; 41:06:19:02, 41:06:19:04; 41:06:20:02, 41:06:20:06; 41:06:22:01.01, 41:06:22:02; 41:06:24:01; 41:06:44:04; 41:06:45:02; 41:08:01:04; 41:08:01:08.01, 41:08:02:01; 41:09:01:02.01, 41:09:01:04, 41:09:01:04.01, 41:09:01:06, and 41:09:01:11.

History-Notice: 37 SDR 213, May 16, 2011  
 Hearing: June 2, 2011  
 Filed: July 14, 2011  
 Effective: August 3, 2011

Filed: July 15, 2011  
 Effective: August 4, 2011

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF WATER AND NATURAL RESOURCES:**  
 74:05:05:16 to 74:05:05:21.01, inclusive; and  
 74:05:13:01 to 74:05:13:23, inclusive.

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.

History-Notice: 37 SDR 231, June 6, 2011  
 Hearing: June 23, 2011

**REMINDER OF HEARINGS SCHEDULED**

7-19-2011	Public Safety: Office of Weights and Measures	Amend a rule to include permissive language that, during the period from September 16 to November 30 each year, will allow South Dakota's gasoline "schedule of seasonal and geographical volatility classes" to exhibit our existing volatility standards or the standards in use in Minnesota, North Dakota, and Iowa; 37 SDR 240.
7-28-2011	Agriculture: Division of Ag Development	Amend rules to make changes to certain agricultural finance programs to increase amounts, add new programs, and change criteria; 37 SDR 240.
8-4-2011	Labor and Regulation: Division of Insurance	Amend a rule to require insurers to provide notice to policyholders about open enrollment and to include that information on their websites; 38 SDR 7.
8-4-2011	Game, Fish and Parks	Amend Waterfowl Hunting Seasons (Duck Hunting Season) rules to increase the daily bag limit for redheads from 2 to 3 and the possession limit from 4 to 6 contingent upon the redhead harvest strategy at the Central Flyway level by the U.S. Fish and Wildlife Service; amend Waterfowl Hunting Seasons (Goose Hunting Season) rules to increase the Canada goose daily bag limit from 3 to 4 and the possession limit from 6 to 8 contingent upon approval from the Central Flyway Council and U.S. Fish and Wildlife Service; and amend a Furbearer Season (Nonresident restrictions) rule to establish a 28 consecutive day furbearer license for nonresidents which must be exercised between the first Saturday of

		December through March 15; 38 SDR 7.
8-18-2011	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2008 through June 30, 2010. Changes include establishing an alternative set of requirements for academic laboratories; rules that address transboundary movement of hazardous wastes and spent lead-acid batteries; and technical and typographical corrections to errors in the federal rules; 37 SDR 221.
8-18-11	Environment and Natural Resources: Board of Minerals and Environment	Amend Solid Waste rules to include definitions related to medical waste; repeal Medical Waste rules to eliminate redundancy; and amend Regional Haze Program rules to revise the emission limits for sulfur dioxide and nitrogen oxides to include periods of startup and shutdown for coal fired power plants such as Ottertail Power Company's Big Stone I facility, define a "30-day rolling average" and "operating day" for calculating emission rates, and revise monitoring, recordkeeping, reporting, and other miscellaneous requirements; 38 SDR 7.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 30, 2011. The committee chair has set the following tentative meeting schedule for the 2011 interim: September 27, November 15, and December 12.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

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