

REGISTER



South Dakota Legislative Research Council

Volume 38

Monday, 8:00 a.m., July 25, 2011

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

Department of Agriculture: Division of Agricultural Services: (July 18, 2011) intends to amend rules to require bulk storage facilities to anchor new and reinstalled bulk pesticide tanks in case the secondary containment fills with a liquid, record keeping requirements for each pesticide and repackaging of pesticides, to eliminate the minimum gallons required for operational area containment, revise the definition of triple rinse, and to dismiss outdated rules pertaining to commercial applicator's and open burning of containers. The general authority for these rules, as cited by the department, is SDCL 38-20A-36, 38-21-15, 38-21-15.1, and 38-21-51.

A public hearing will be held in the Department of Agriculture Conference Room, Foss Building, 523 East Capitol, Pierre, South Dakota, on August 16, 2011, at 1:30 p.m. CST. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Agriculture, Division of Agricultural Services, 523 E. Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must reach the department by August 16, 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) 773-4432 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Correction: 37 SDR 236, line 5 – ~~67:15:07:01~~

61:15:07:01.

DEPARTMENT OF LABOR AND

REGULATION: 47:06:02:08; 47:06:04:11, 47:06:04:11.01, 47:06:04:12 to 47:06:04:15, inclusive, 47:06:04:18, and 47:06:04:21.

History-Notice: 37 SDR 213, May 16, 2011
Hearing: June 7, 2011
Filed: July 20, 2011
Effective: August 9, 2011

Executive Appointments:

Walter O. Carlson, Sioux Falls, was appointed on July 14, 2011, to the **State Board of Medical and Osteopathic Examiners**, to replace Milton Mutch, effective July 1, 2011, and shall continue until June 30, 2014.

Bernard Christenson, Pierre, was reappointed on July 14, 2011, to the **State Board of Medical and Osteopathic Examiners**, effective immediately and shall continue until June 30, 2014.

Paul Goldhammer, Wall, was reappointed on July 14, 2011, to the **Board of Water and Natural Resources**, effective immediately and shall continue until June 30, 2015.

Bradley Johnson, Watertown, was reappointed on July 14, 2011, to the **Board of Water and Natural Resources**, effective immediately and shall continue until June 30, 2015.

Jacqueline A. Lanning, Brookings, was reappointed on July 14, 2011, to the **Board of Water and Natural Resources**, effective immediately and shall continue until June 30, 2015.

Brent Lindbloom, Pierre, was reappointed on July 14, 2011, to the **State Board of Medical and Osteopathic Examiners**, effective immediately and shall continue until June 30, 2014.

John C. Vanderwoude, Sioux Falls, was appointed on July 14, 2011, to the **State Board of Medical and Osteopathic Examiners**, to replace Alex Falk, effective July 1, 2011, and shall continue until June 30, 2014.

Carla A. Bachand, Pierre,
Gregory H. Dean, Pierre,
Catherine V. Piersol, Sioux Falls, and
Debra D. Watson, Rapid City
 were appointed on July 19, 2011, to the **Visitation Grant Advisory Group**, effective July 1, 2011, and shall continue until a date determined by drawing lots for terms of one, two, and three years at the first meeting.

Denise E. Muntefering, Dimock, was appointed on July 19, 2011, to the **State Fair Commission**, to replace Ed Goss, effective June 28, 2011.

Timothy L. Bachman, Sioux Falls, was reappointed on July 20, 2011, to the **State Board of Funeral Service**, effective immediately and shall continue until June 30, 2014.

Stuart W. Barns, Mitchell, was appointed on July 20, 2011, to the **State Board of Funeral Service**, to replace Jim Goglin, effective July 8, 2011, and shall continue until June 30, 2014.

Daryl L. Isburg, Ft. Pierre, was reappointed on July 20, 2011, to the **State Board of Funeral Service**, effective immediately and shall continue until June 30, 2014.

June C. Larson, Vermillion, was reappointed on July 20, 2011, to the **South Dakota Board of Nursing**, effective immediately and shall continue until June 30, 2014.

Nancy M. Nelson, Sturgis, was appointed on July 20, 2011, to the **State Board of Nursing**, to replace Linda Bunkers, effective July 14, 2011, and shall continue until June 30, 2014.

Jane Rasmussen, Sisseton, was reappointed on July 20, 2011, to the **State Arts Council**, effective immediately and shall continue until June 30, 2014.

Mary C. Schmidt, Sioux Falls, was appointed on July 20, 2011, to the **South Dakota Board of Nursing**, to replace Patricia Wagner, effective July 14, 2011, and shall continue until June 30, 2014.

Howard Sogn, Watertown, was reappointed on July 20, 2011, to the **State Board of Funeral Service**, effective immediately and shall continue until June 30, 2014.

James L. Walker, Bath, was reappointed on July 20, 2011, to the **State Arts Council**, effective immediately and shall continue until June 30, 2014.

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

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
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		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.
8-16-2011	Agriculture: Division of Agricultural Services	Amend rules to require bulk storage facilities to anchor new and reinstalled bulk pesticide tanks in case the secondary containment fills with a liquid, record keeping requirements for each pesticide and repackaging of pesticides, to eliminate the minimum gallons required for operational area containment, revise the definition of triple rinse, and to dismiss outdated rules pertaining to commercial applicator's and open burning of containers; 38 SDR 11.
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.
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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>.