

REGISTER



South Dakota Legislative Research Council

Volume 38

Monday, 8:00 a.m., August 8, 2011

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 Securities: (August 4, 2011) is proposing to amend a rule to create an exemption from registering or reporting to South Dakota Division of Securities for certain private fund advisers. The general authority for this rule, as cited by the division, is SDCL 47-31B-403, 47-31B-404, 47-31B-410, 47-31B-412, 47-31B-605, and 47-31B-608.

A public hearing will be held in Room 109, Main Floor of the Anderson Building, 445 E. Capitol Avenue, Pierre, South Dakota, on September 2, 2011, at 10:00 a.m. Copies of the proposed rule may be obtained without charge from and written comments sent to the South Dakota Division of Securities, 445 E. Capitol Avenue, Pierre, South Dakota 57501-1234. Written comments must be received by September 12, 2011, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the division can make arrangements are asked to call (605) 773-4823 at least forty-eight hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Joleen M. Schaffer, Aberdeen, was appointed on August 3, 2011, to the **Board of Service to the Blind and Visually Impaired**, effective July 8, 2011, and shall continue until June 30, 2013.

Julie Ashworth, Sioux Falls, was reappointed on August 4, 2011, to the **Family Support Council**, effective immediately and shall continue until June 30, 2014.

Paul Aylward, Huron, was reappointed on August 4, 2011, to the **Workers' Compensation Advisory Council**, effective immediately and shall continue until June 30, 2014.

Lora Barthelman, Sioux Falls, was reappointed on August 4, 2011, to the **Family Support Council**, effective immediately and shall continue until June 30, 2014.

Michael Bartley, Brookings, was reappointed on August 4, 2011, to the **South Dakota Board of Hearing Aid Dispensers and Audiologists**, effective immediately and shall continue until June 30, 2014.

Guy Bender, Brookings, was reappointed on August 4, 2011, to the **Workers' Compensation Advisory Council**, effective immediately and shall continue until June 30, 2014.

Rebecca Carlson, Winner, was reappointed on August 4, 2011, to the **Planning Council on Developmental Disabilities**, effective immediately and shall continue until June 30, 2014.

Lyle W. Cook, Eagle Butte, was appointed on August 4, 2011, to the **Independent Living Council**, to replace Philomine Moran, effective July 13, 2011, and shall continue until June 30, 2014.

Steve Cutler, Sioux Falls, was reappointed on August 4, 2011, to the **Commission on Equal Access to Our Courts**, effective immediately and shall continue until June 30, 2014.

Patrick Czerny, Piedmont, was reappointed on August 4, 2011, to the **Independent Living Council**, effective immediately and shall continue until June 30, 2014.

Deborah A. Docken, Sioux Falls, was reappointed on August 4, 2011, to the **Family Support Council**, effective immediately and shall continue until June 30, 2014.

Louise French, Rapid City, was reappointed on August 4, 2011, to the **South Dakota Board of Hearing Aid Dispensers and Audiologists**, effective immediately and shall continue until June 30, 2014.

Annette R. Gamber, Watertown, was appointed on August 4, 2011, to the **Independent Living Council**, to replace Brad Konechne, effective July 14, 2011, and shall continue until June 30, 2014.

Teresa M. Geraets, Box Elder, was appointed on August 4, 2011, to the **Planning Council on Developmental Disabilities**, to replace Alexia Werdel, effective July 15, 2011, and shall continue until June 30, 2014.

Lois Gotheridge, Martin, was reappointed on August 4, 2011, to the **Family Support Council**, effective immediately and shall continue until June 30, 2014.

Marilyn Grossenburg, Winner, was reappointed on August 4, 2011, to the **Commission on Human Rights**, effective immediately and shall continue until June 30, 2015.

Christie L. Hainje, Dell Rapids, was appointed on August 4, 2011, to the **Family Support Council**, to replace Michele Greseth, effective July 1, 2011, and shall continue until June 30,

2014.

Arlene Ham-Burr, Rapid City, was reappointed on August 4, 2011, to the **Commission on Human Rights**, effective immediately and shall continue until June 30, 2015.

Bruce Hintz, Lead, was reappointed on August 4, 2011, to the **South Dakota Snowmobile Advisory Council**, effective immediately and shall continue until June 30, 2014.

Kris Kratovil, Martin, was reappointed on August 4, 2011, to the **Family Support Council**, effective immediately and shall continue until June 30, 2014.

Stacey Mancuso, Pierre, was reappointed on August 4, 2011, to the **Family Support Council**, effective immediately and shall continue until June 30, 2014.

Peggy G. Miller, Brookings, was appointed on August 4, 2011, to the **Commission on Human Rights**, to replace Bernie Hunhoff, effective July 20, 2011, and shall continue until June 30, 2015.

Greg Riley, Rapid City, was reappointed on August 4, 2011, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2014.

Cynthia Roan Eagle, Rapid City, was reappointed on August 4, 2011, to the **Planning Council on Developmental Disabilities**, effective immediately and shall continue until June 30, 2014.

Elaine Roberts, Sioux Falls, was reappointed on August 4, 2011, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2014.

Urania Roque-Vanyo, Brandon, was appointed on August 4, 2011, to the **Planning Council on Developmental Disabilities**, to replace Vikki Day, effective July 15, 2011, and shall continue until June 30, 2014.

Isabel Trobaugh, Elk Point, was reappointed on August 4, 2011, to the **Independent Living Council**, effective immediately and shall continue until June 30, 2014.

Monte Tschetter, Mitchell, was reappointed on August 4, 2011, to the **Independent Living Council**, effective immediately and shall continue until June 30, 2014.

Julie A. Westra, Sioux Falls, was appointed on August 4, 2011, to the **South Dakota Professional Administrators Practices and Standards Commission**, to replace Barry Eikamp, effective July 14, 2011, and shall

continue until December 31, 2012.

Todd Wilkinson, De Smet, was reappointed on August 4, 2011, to the **South Dakota Snowmobile Advisory 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

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.
8-18-2011	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.
8-25-2011	Veterans Affairs	Amend rules to align the existing rules with South Dakota Codified Laws affected by the Executive Reorganization Order 2011-01 creating the Department of Military and the Department of Veterans Affairs; address VA and Medicaid rules with regard to fees charged at the Michael J. Fitzmaurice Veterans Home; and clarify the number of days a resident can furlough at the Michael J. Fitzmaurice Veterans Home; 38 SDR 15.
8-25-2011	Transportation	Amend a speed zone in the town of Lake Norden in Hamlin County on State Highway 28 to create a 50 mile per hour reduced speed zone adjacent to commercial and residential areas in the city limits and the curves near the lake; 38 SDR 15.
9-2-2011	Labor and Regulation: Division of Securities	Amend a rule to create an exemption from registering or reporting to South Dakota Division of Securities for certain private fund advisers; 38 SDR 19.

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>.