

AN ACT

ENTITLED, An Act to repeal and revise certain obsolete and unnecessary statutes and rules relating to the Department of Environment and Natural Resources.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 34A-1-6.1 be repealed.

Section 2. That § 34A-1-7 be repealed.

Section 3. That § 34A-1-8 be repealed.

Section 4. That § 34A-1-24 be repealed.

Section 5. That § 34A-1-25 be repealed.

Section 6. That § 34A-1-26 be repealed.

Section 7. That § 34A-1-27 be repealed.

Section 8. That § 34A-1-29 be repealed.

Section 9. That § 34A-1-30 be repealed.

Section 10. That § 34A-1-31 be repealed.

Section 11. That § 34A-1-32 be repealed.

Section 12. That § 34A-1-33 be repealed.

Section 13. That § 34A-1-34 be repealed.

Section 14. That § 34A-1-35 be repealed.

Section 15. That ARSD 74:36:04:03.01 be repealed.

Section 16. That § 34A-2-3 be repealed.

Section 17. That § 34A-2-4 be repealed.

Section 18. That § 34A-2-5 be repealed.

Section 19. That § 34A-2-7 be repealed.

Section 20. That § 34A-2-8 be repealed.

Section 21. That § 34A-2-47 be repealed.

Section 22. That § 34A-2-80 be repealed.

Section 23. That § 34A-2-80.1 be repealed.

Section 24. That § 34A-2-81 be repealed.

Section 25. That § 34A-2-86 be repealed.

Section 26. That § 34A-2-87 be repealed.

Section 27. That § 34A-3-6 be repealed.

Section 28. That § 34A-3-10 be repealed.

Section 29. That § 34A-3-16 be repealed.

Section 30. That § 34A-3-17 be repealed.

Section 31. That § 34A-3A-21 be repealed.

Section 32. That ARSD 74:21:01:05 be repealed.

Section 33. That § 34A-13-2 be repealed.

Section 34. That § 34A-13-3 be repealed.

Section 35. That § 34A-13-6 be repealed.

Section 36. That § 34A-13-9 be amended to read as follows:

34A-13-9. A responsible person is liable for the cost of the corrective action taken by the board or the department, including the cost of investigating the release and administrative and legal expenses of the fund. This chapter does not create any new cause of action for damages on behalf of third parties for release of petroleum products against the fund, petroleum marketer, or covered parties. Reimbursement shall be made to a covered party who qualifies pursuant to the criteria set forth in this chapter.

No reimbursement from the fund may be made to a covered party if:

(1) Corrective action has been taken in an emergency pursuant to §§ 34A-13-3 and 34A-13-4,

and the responsible person failed to report the existence of the emergency;

- (2) The board has taken corrective action because a responsible person could not be identified or a tank has not been registered as required by law; or
- (3) The conditions of § 34A-13-8.5 have not been met.

Section 37. That § 34A-13-13 be repealed.

Section 38. That § 34A-13-21 be repealed.

Section 39. That § 34A-13-27 be amended to read as follows:

34A-13-27. Money in the fund may only be expended or obligated:

- (1) To administer the petroleum release compensation program established in this chapter;
- (2) For any administrative costs and costs of corrective action taken by the fund, including investigations, legal actions, consulting costs, and other necessary costs;
- (3) For any costs of recovering any expenses associated with corrective actions;
- (4) For training, testing, and certification of those who perform services to be reimbursed under this chapter;
- (5) For any costs paid to any state agency for services;
- (6) For research and studies designed to reduce releases and improve petroleum industry methods for storage and to develop information and knowledge to aid in cleanup;
- (7) To carry out inspections of tanks and to certify inspection persons who may perform approved inspections of tanks;
- (8) To purchase insurance for the purpose of limiting certain risks associated with providing fund coverage as deemed appropriate by the secretary of environment and natural resources;
- (9) For any service provider unless the director has determined that a conflict of interest exists between the consultant and the contractor that could affect the integrity of the

cleanup activities;

(10) For rule making; and

(11) For training of board members and staff employed by the secretary of environment and natural resources.

Section 40. That § 34A-13-37 be repealed.

Section 41. That § 34A-13-44 be repealed.

Section 42. That § 34A-14-1 be repealed.

Section 43. That § 34A-14-2 be repealed.

Section 44. That § 34A-14-3 be repealed.

Section 45. That § 34A-14-4 be repealed.

Section 46. That § 34A-14-5 be repealed.

Section 47. That § 34A-14-6 be repealed.

Section 48. That § 34A-14-7 be repealed.

Section 49. That § 34A-14-8 be repealed.

Section 50. That § 34A-14-9 be repealed.

Section 51. That § 34A-14-10 be repealed.

Section 52. That § 34A-14-11 be repealed.

Section 53. That § 34A-14-12 be repealed.

Section 54. That § 34A-14-13 be repealed.

Section 55. That § 34A-14-14 be repealed.

Section 56. That § 34A-14-15 be repealed.

Section 57. That § 34A-14-16 be repealed.

Section 58. That § 34A-14-17 be repealed.

Section 59. That § 34A-14-18 be repealed.

Section 60. That § 34A-14-19 be repealed.

Section 61. That § 34A-14-20 be repealed.

Section 62. That § 34A-14-21 be repealed.

Section 63. That § 34A-14-22 be repealed.

Section 64. That § 34A-14-23 be repealed.

Section 65. That § 34A-14-24 be repealed.

Section 66. That § 34A-14-25 be repealed.

Section 67. That § 34A-14-26 be repealed.

Section 68. That § 34A-14-27 be repealed.

Section 69. That ARSD 74:33:01:01 be repealed.

Section 70. That ARSD 74:33:01:02 be repealed.

Section 71. That ARSD 74:33:02:01 be repealed.

Section 72. That ARSD 74:33:02:02 be repealed.

Section 73. That ARSD 74:33:02:03 be repealed.

Section 74. That ARSD 74:33:02:04 be repealed.

Section 75. That ARSD 74:33:02:05 be repealed.

Section 76. That ARSD 74:33:02:06 be repealed.

Section 77. That ARSD 74:33:02:07 be repealed.

Section 78. That ARSD 74:33:02:08 be repealed.

Section 79. That ARSD 74:33:02:09 be repealed.

Section 80. That ARSD 74:33:02:10 be repealed.

Section 81. That ARSD 74:33:02:11 be repealed.

Section 82. That ARSD 74:33:02:12 be repealed.

Section 83. That ARSD 74:33:02:13 be repealed.

Section 84. That ARSD 74:33:02:14 be repealed.

Section 85. That ARSD 74:33:02:15 be repealed.

Section 86. That ARSD 74:33:02:16 be repealed.

Section 87. That ARSD 74:33:03:01 be repealed.

Section 88. That ARSD 74:33:03:02 be repealed.

Section 89. That ARSD 74:33:03:03 be repealed.

Section 90. That ARSD 74:33:03:04 be repealed.

Section 91. That ARSD 74:33:03:05 be repealed.

Section 92. That ARSD 74:33:03:06 be repealed.

Section 93. That ARSD 74:33:03:07 be repealed.

Section 94. That ARSD 74:33:03:08 be repealed.

Section 95. That ARSD 74:33:03:09 be repealed.

Section 96. That ARSD 74:33:03:10 be repealed.

Section 97. That ARSD 74:33:03:11 be repealed.

Section 98. That ARSD 74:33:03:12 be repealed.

Section 99. That § 46A-1-13.1 be repealed.

Section 100. That § 45-6B-58 be repealed.

Section 101. That § 45-6B-86 be repealed.

Section 102. That § 45-6B-89 be repealed.

Section 103. That § 45-6B-93 be amended to read as follows:

45-6B-93. Any operator of a large-scale gold or silver surface mining operation shall submit an annual report by January first of each year including an oral presentation to the Board of Minerals and Environment explaining the information in the written annual report. The annual report shall include the following information:

- (1) The total and previous year's amount of affected land;
- (2) The total and previous year's amount of surface mining disturbed land;
- (3) The total and previous year's amount of land that has undergone interim reclamation;
- (4) The total and previous year's amount of land that has undergone final reclamation and which meets the required post-mining land use;
- (5) The total and previous year's amount of land that has undergone final reclamation but which does not meet the required post-mining land use;
- (6) The total amount of groundwater withdrawn during the previous year;
- (7) The total amount of surface water withdrawn during the previous year;
- (8) The total amount of ore mined during the previous year;
- (9) The total amount of ore processed during the previous year;
- (10) The total amount of waste rock mined during the previous year;
- (11) The total amount of gold and silver produced during the previous year;
- (12) The total amount of cyanide used during the previous year; and
- (13) A brief discussion of the coming year's operational plans including any anticipated revisions that might require department or board approval.

Section 104. That § 45-6C-30 be repealed.

Section 105. That § 45-6C-50 be repealed.

Section 106. That § 45-6D-35 be repealed.

Section 107. That § 45-10-1 be repealed.

Section 108. That § 45-10-2 be repealed.

Section 109. That § 45-10-3 be repealed.

Section 110. That § 45-10-4 be repealed.

Section 111. That § 45-10-5 be repealed.

Section 112. That § 45-10-6 be repealed.

Section 113. That § 46A-1-13.3 be repealed.

Section 114. That § 46A-1-13.5 be repealed.

Section 115. That § 46A-1-13.9 be repealed.

Section 116. That § 46A-1-90 be repealed.

Section 117. That § 46A-2-9 be repealed.

Section 118. That § 46A-2-10 be repealed.

Section 119. That § 46A-7A-1 be repealed.

Section 120. That § 46A-7A-2 be repealed.

Section 121. That § 46A-7A-3 be repealed.

Section 122. That § 46A-7A-4 be repealed.

Section 123. That § 46A-7A-5 be repealed.

Section 124. That § 46A-7A-6 be repealed.

Section 125. That § 46A-7A-7 be repealed.

Section 126. That § 46A-7A-8 be repealed.

Section 127. That § 46A-7A-9 be repealed.

Section 128. That § 46A-7A-10 be repealed.

Section 129. That § 46A-7A-11 be repealed.

Section 130. That § 46A-7A-12 be repealed.

Section 131. That § 46A-7A-13 be repealed.

Section 132. That § 46A-7A-14 be repealed.

Section 133. That § 46A-7A-15 be repealed.

Section 134. That § 46A-7A-16 be repealed.

Section 135. That § 46A-7A-17 be repealed.



Section 136. That § 46A-7A-18 be repealed.

Section 137. That § 46A-7A-19 be repealed.

Section 138. That § 46A-7A-20 be repealed.

Section 139. That § 46A-7A-21 be repealed.

Section 140. That § 46A-7A-22 be repealed.

Section 141. That § 46A-7A-23 be repealed.

Section 142. That § 46A-7A-24 be repealed.

Section 143. That § 46A-7A-25 be repealed.

Section 144. That § 46A-7A-26 be repealed.

Section 145. That § 46A-7A-27 be repealed.

Section 146. That § 46A-7A-28 be repealed.

Section 147. That § 46A-7A-29 be repealed.

Section 148. That § 46A-7A-30 be repealed.

Section 149. That § 46A-7A-31 be repealed.

Section 150. That § 46A-7A-32 be repealed.

Section 151. That § 46A-7A-33 be repealed.

Section 152. That § 46A-7A-34 be repealed.

Section 153. That § 46A-7A-35 be repealed.

Section 154. That § 46A-7A-36 be repealed.

Section 155. That § 46A-7A-37 be repealed.

Section 156. That § 46A-7A-38 be repealed.

Section 157. That § 46A-7A-39 be repealed.

Section 158. That § 46A-7A-41 be repealed.

Section 159. That § 46A-7A-42 be repealed.

Section 160. That § 46A-7A-43 be repealed.

Section 161. That § 46A-7A-44 be repealed.

Section 162. That § 46A-7A-45 be repealed.

Section 163. That § 46A-7A-46 be repealed.

Section 164. That § 46A-7A-47 be repealed.

Section 165. That § 46A-7A-48 be repealed.

Section 166. That § 46A-7A-49 be repealed.

Section 167. That § 46A-7A-51 be repealed.

Section 168. That § 46A-7A-52 be repealed.

Section 169. That § 46A-7A-53 be repealed.

Section 170. That § 46A-7A-54 be repealed.

Section 171. That § 46A-7A-54.1 be repealed.

Section 172. That § 46A-7A-55 be repealed.

Section 173. That § 46A-7A-56 be repealed.

Section 174. That § 46A-7A-57 be repealed.

Section 175. That § 46A-7A-58 be repealed.

Section 176. That § 46A-7A-59 be repealed.

Section 177. That § 46A-7A-60 be repealed.

Section 178. That § 46A-7A-61 be repealed.

Section 179. That § 46A-7A-62 be repealed.

Section 180. That § 46A-7A-63 be repealed.

Section 181. That § 46A-7A-64 be repealed.

Section 182. That § 46A-7A-65 be repealed.

Section 183. That § 46A-7A-66 be repealed.

Section 184. That § 46A-7A-67 be repealed.

Section 185. That § 46A-7A-68 be repealed.

Section 186. That § 46A-7A-69 be repealed.

Section 187. That § 46A-7A-70 be repealed.

Section 188. That § 46A-7A-71 be repealed.

Section 189. That § 46A-7A-72 be repealed.

Section 190. That § 46A-7A-73 be repealed.

Section 191. That § 46A-7A-74 be repealed.

Section 192. That § 46A-7A-75 be repealed.

Section 193. That § 46A-7A-76 be repealed.

Section 194. That § 46A-7A-77 be repealed.

Section 195. That § 46A-7A-78 be repealed.

Section 196. That § 46A-7A-79 be repealed.

Section 197. That § 46A-7A-80 be repealed.

Section 198. That § 46A-7A-81 be repealed.

Section 199. That § 46A-7A-82 be repealed.

Section 200. That § 46A-7A-83 be repealed.

Section 201. That § 46A-7A-84 be repealed.

Section 202. That § 46A-7A-85 be repealed.

Section 203. That § 46A-7A-86 be repealed.

Section 204. That § 46A-7A-87 be repealed.

Section 205. That § 46A-7A-88 be repealed.

Section 206. That § 46A-7A-89 be repealed.

Section 207. That § 46A-7A-90 be repealed.

Section 208. That § 46A-7A-91 be repealed.

Section 209. That § 46A-7A-92 be repealed.

Section 210. That § 46A-7A-93 be repealed.

Section 211. That § 46A-7A-94 be repealed.

Section 212. That § 46A-7A-95 be repealed.

Section 213. That § 46A-7A-96 be repealed.

Section 214. That § 46A-7A-97 be repealed.

Section 215. That § 46A-7A-98 be repealed.

Section 216. That § 46A-7A-99 be repealed.

Section 217. That § 46A-7A-100 be repealed.

Section 218. That § 46A-7A-101 be repealed.

Section 219. That § 46A-7A-102 be repealed.

Section 220. That § 46A-7A-103 be repealed.

Section 221. That § 46A-7A-104 be repealed.

Section 222. That § 46A-7A-105 be repealed.

Section 223. That § 46A-7A-106 be repealed.

Section 224. That § 46A-7A-107 be repealed.

Section 225. That § 46A-7A-108 be repealed.

Section 226. That § 46A-7A-109 be repealed.

Section 227. That § 46A-7A-110 be repealed.

Section 228. That § 46A-7A-111 be repealed.

Section 229. That § 46A-7A-112 be repealed.

Section 230. That § 46A-7A-113 be repealed.

Section 231. That § 46A-7A-114 be repealed.

Section 232. That § 46A-7A-115 be repealed.

Section 233. That § 46A-7A-116 be repealed.

Section 234. That § 46A-7A-117 be repealed.

Section 235. That § 46A-7A-118 be repealed.

Section 236. That § 46A-7A-119 be repealed.

Section 237. That § 46A-7A-120 be repealed.

Section 238. That § 46A-7A-121 be repealed.

Section 239. That § 46A-7A-122 be repealed.

Section 240. That § 46A-7A-123 be repealed.

Section 241. That § 46A-7A-124 be repealed.

Section 242. That § 46A-7A-125 be repealed.

Section 243. That § 46A-7A-126 be repealed.

Section 244. That § 46A-7A-127 be repealed.

Section 245. That § 46A-7A-128 be repealed.

Section 246. That § 46A-7A-129 be repealed.

Section 247. That § 46A-7A-130 be repealed.

Section 248. That § 46A-7A-131 be repealed.

Section 249. That § 46A-7A-132 be repealed.

Section 250. That § 46A-7A-133 be repealed.

Section 251. That § 46A-7A-134 be repealed.

Section 252. That § 46A-7A-135 be repealed.

Section 253. That § 46A-7A-136 be repealed.

Section 254. That § 46A-7A-137 be repealed.

Section 255. That § 46A-7A-138 be repealed.

Section 256. That § 46A-7A-139 be repealed.

Section 257. That § 46A-7A-140 be repealed.

Section 258. That § 46A-7A-141 be repealed.

Section 259. That § 46A-7A-142 be repealed.

Section 260. That § 46A-7A-143 be repealed.

Section 261. That § 46A-7A-144 be repealed.

Section 262. That § 46A-7A-145 be repealed.

Section 263. That § 46A-7A-146 be repealed.

Section 264. That § 46A-7A-147 be repealed.

Section 265. That § 46A-7A-148 be repealed.

Section 266. That § 46A-7A-149 be repealed.

Section 267. That § 46A-7A-150 be repealed.

Section 268. That § 46A-7A-151 be repealed.

Section 269. That § 46A-7A-152 be repealed.

Section 270. That § 46A-7A-153 be repealed.

Section 271. That § 46A-7A-154 be repealed.

Section 272. That § 46A-7A-155 be repealed.

Section 273. That § 46A-7A-156 be repealed.

Section 274. That § 46A-7A-157 be repealed.

Section 275. That § 46A-7A-158 be repealed.

Section 276. That § 46A-7A-159 be repealed.

Section 277. That § 46A-7A-160 be repealed.

Section 278. That § 46A-7A-161 be repealed.

Section 279. That § 46A-7A-162 be repealed.

Section 280. That § 46A-7A-163 be repealed.

Section 281. That § 46A-7A-164 be repealed.

Section 282. That § 46A-7A-165 be repealed.

Section 283. That § 46A-7A-166 be repealed.

Section 284. That § 46A-7A-167 be repealed.

Section 285. That § 46A-7A-168 be repealed.

Section 286. That § 46A-7A-169 be repealed.

Section 287. That § 46A-7A-170 be repealed.

Section 288. That § 46A-7A-171 be repealed.

Section 289. That § 46A-7A-172 be repealed.

Section 290. That § 46A-7A-173 be repealed.

Section 291. That § 46A-7A-174 be repealed.

Section 292. That § 46A-7A-175 be repealed.

Section 293. That § 46A-7A-176 be repealed.

Section 294. That § 46A-7A-177 be repealed.

Section 295. That § 46A-7A-178 be repealed.

Section 296. That § 46A-7A-179 be repealed.

Section 297. That § 46A-7A-180 be repealed.

Section 298. That § 46A-7A-181 be repealed.

Section 299. That § 46A-7A-182 be repealed.

An Act to repeal and revise certain obsolete and unnecessary statutes and rules relating to the Department of Environment and Natural Resources.

=====

I certify that the attached Act originated in the

HOUSE as Bill No. 1059

\_\_\_\_\_  
Chief Clerk

=====

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1059  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

=====

Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

=====

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

=====

STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State