

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0663

SENATE BILL NO. 200

Introduced by: The Committee on Appropriations at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to provide certain provisions relating to the transfer of a
2 portion of the former Homestake Mine to the Science and Technology Authority, to make
3 appropriations for certain costs associated with maintaining the mine, and to declare an
4 emergency.

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

6 Section 1. There is hereby appropriated from the state general fund to the Science and
7 Technology Authority the sum of ten million dollars (\$10,000,000) for the purpose of funding
8 an indemnification fund which is to be included as a part of an agreement between the owners
9 of the former Homestake Mine and the authority whereby the owners will agree to convey
10 portions of the former mine to the authority and the authority will agree to indemnify the owners
11 of the former mine upon the terms and conditions to be set forth in the agreement.

12 Section 2. There is hereby appropriated from the state general fund to the Science and
13 Technology Authority the sum of eight hundred thousand dollars (\$800,000) for the purpose of
14 funding a mine closure fund which is to be included as a part of an agreement between the
15 owners of the former Homestake Mine and the authority whereby the owners will agree to
16 convey portions of the former mine to the authority, and the authority will agree to contribute



1 to the creation of a mine closure fund.

2 Section 3. There is hereby appropriated the sum of ten million dollars (\$10,000,000) of
3 federal fund expenditure authority, or so much thereof as may be necessary, to the Science and
4 Technology Authority to be expended only for the payment of expenses necessary to maintain
5 the physical integrity of the portions of the former mine which will be conveyed to the authority,
6 and only after the former mine is conveyed to the authority. These costs may include dewatering
7 the former mine and maintaining its structure. This appropriation may not be used for the
8 payment of expenses necessary to provide indemnification protection to the owners of the
9 former mine.

10 Section 4. The ten million dollars (\$10,000,000) of federal funds authority approved by the
11 special committee on June 25, 2003, for the Office of the Governor in FY 2004 for the use of
12 the Homestake laboratory conversion project is hereby repealed.

13 Section 5. The Legislature finds that the appropriation provided for by this Act is for public
14 use or benefit.

15 Section 6. The provisions of § 4-8-21 do not apply to the funds appropriated by this Act. If
16 by June 30, 2008, the state funds appropriated by this Act are not contractually obligated by a
17 written agreement as provided by this Act, or if by June 30, 2008, the state funds are
18 contractually obligated but the written agreement is thereafter terminated by mutual agreement
19 of the authority and the owners of the former mine, the state funds appropriated by this Act shall
20 revert to the state general fund.

21 Section 7. Whereas, this Act is necessary for the support of the state government and its
22 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
23 full force and effect from and after its passage and approval.