

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

372M0014 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. SB 106 - 01/24/2006

Introduced by: Senators McNenny, Duenwald, Greenfield, Lintz, McCracken, and Peterson
(Jim) and Representatives Jensen, Brunner, Buckingham, Dennert, Howie,
and Rhoden

1 FOR AN ACT ENTITLED, An Act to exempt certain small sand, gravel, and other extraction
2 operations from license fees and surety requirements.

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

4 Section 1. That chapter 45-6 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any operator is exempt from paying any license fee under §§ 45-6-65 and 45-6-72 and
7 exempt from paying any surety under § 45-6-71 if the operator submits to the department a
8 notarized statement that, under the penalty of perjury, the operator complies with the following
9 criteria:

- 10 (1) At least two-thirds of the operator's total family gross income is derived from
11 agriculture;
- 12 (2) The operator is the owner of the affected land;
- 13 (3) The affected land lies within or is contiguous with parcels of agricultural land owned
14 by the operator on which a portion of the operator's agricultural income is generated;



1 (4) The affected land is less than ten acres; and

2 (5) The operator extracts from the affected land an average of less than twenty-five

3 thousand tons per year of sand, gravel, and any other material specified in § 45-6-65.

4 The average shall be calculated using the total annual amounts of sand, gravel, and

5 other materials specified in § 45-6-65 that were extracted during the three

6 immediately preceding calendar years.

7 The exemptions provided under this section do not exempt the operator from the

8 requirements to obtain a license pursuant to § 45-6-65 and to file annual reports pursuant to

9 § 45-6-72.