

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

372M0014

SENATE BILL NO. 106

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:

- 8 (1) At least two-thirds of the operator's total family gross income is derived from
9 agriculture;
- 10 (2) The operator is the owner of the affected land;
- 11 (3) The affected land lies within or is contiguous with parcels of agricultural land owned
12 by the operator on which a portion of the operator's agricultural income is generated;
- 13 (4) The affected land is less than ten acres; and
- 14 (5) The operator extracts from the affected land an average of less than twenty-five
15 thousand tons per year of sand, gravel, and any other material specified in § 45-6-65.



1 The average shall be calculated using the total annual amounts of sand, gravel, and
2 other materials specified in § 45-6-65 that were extracted during the three
3 immediately preceding calendar years.