

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

483T0730

HOUSE BILL NO. 1262

Introduced by: Representatives Romkema, Tulson, and Turbiville and Senator Nelson (Tom)

1 FOR AN ACT ENTITLED, An Act to provide a license for certain small scale mechanized
2 mining operations.

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

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

6 An operator shall obtain a license to conduct small scale mechanized mining in accordance
7 with the provisions of chapter 45-6. However, the operator may only:

- 8 (1) Use a high banker, spiral pans, trommel, dredge, or other earth-moving equipment
9 that has less than eight horsepower which is cable of processing a maximum of three
10 cubic yards of material per day per person;
- 11 (2) Use a dredge that has suction hose that is three inches or less in diameter and has less
12 than eight horsepower;
- 13 (3) Operate a dredge between June first and September first;
- 14 (4) Use mechanized equipment, except a dredge, above the high water mark of a stream
15 channel; and



1 (5) Operate a dredge on the channel bottom. The dredge may not undercut the stream
2 bank or disturb the shoreline vegetation.

3 If the operator is licensed under chapter 45-6, such activities do not require permitting under
4 chapter 45-6B.

5 Section 2. That § 45-6B-71.1 be amended to read as follows:

6 45-6B-71.1. Any operator mining within one hundred feet of a lake or stream of this state
7 without a permit issued pursuant to this chapter or without a license issued pursuant to chapter
8 45-6 is guilty of a Class 2 misdemeanor.