

Committee: House Agriculture and Natural Resources Thursday, February 03, 2022 7:45 AM

Roll Call

Present: Rep. Blare, Rep. Chase, Rep. Finck, Rep. Goodwin, Rep. Lesmeister, Rep. Marty, Rep. Overweg, Rep. York, Rep. Schneider, Rep. Vasgaard, Rep. Wink, Rep. Hoffman, and Rep. Ladner

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Overweg

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 01ST

Moved by: Finck
Second by: Hoffman
Action: Prevailed by voice vote

HB 1072 : revise the safety zone within which a firearm may be discharged or trapping activities may occur.

Presented by: Representative Caleb Finck, District 21

Proponents: Justin Bell, South Dakota Landowner and Outfitter Alliance, Pierre (Handout(s) 1,2)
Jeromy John Pankratz, Landowners and Hunters Association for South Dakota, Cypress
Matthew McCaulley, South Dakota Upland Outfitters Association, Seneca
Matthew M Bogue, South Dakota Farm Bureau Federation, Huron
Brenda Forman, South Dakota Cattlemen's Association, Pierre
Opponents: George Van Del, Self, Pierre, SD
Zachery T Hunke, South Dakota Wildlife Federation Camo Coalition, Pierre
Paul Lepisto, South Dakota Division of the Izaak Walton League of America, McCook Lake

MOTION: DEFER HB 1072 TO THE 41ST LEGISLATIVE DAY

Moved by: Chase
Second by: Hoffman
Action: Failed by Majority Members Elect (4-8-1-0)

Voting Yes: Chase, York, Schneider, and Hoffman

Voting No: Blare, Finck, Goodwin, Lesmeister, Marty, Overweg, Wink, and Ladner

Excused: Vasgaard

MOTION: DO PASS HB 1072

Moved by: Finck
Second by: Blare
Action: Prevailed by Majority Members Elect (9-3-1-0)

Voting Yes: Blare, Finck, Goodwin, Lesmeister, Marty, Overweg, Schneider, Wink, and Ladner

Voting No: Chase, York, and Hoffman

Excused: Vasgaard

HB 1131 : provide for a revocation of hunting, trapping, or fishing privileges.

Presented by: Representative Spencer Gosch, District 23

Proponents: Doug Abraham, South Dakota Landowner and Outfitter Alliance, Pierre
Jeromy John Pankratz, Landowners and Hunters Association for South Dakota, Cypress
Matthew McCaulley, South Dakota Upland Outfitters Association, Seneca
Zachery T Hunke, South Dakota Wildlife Federation Camo Coalition, Pierre

MOTION: DO PASS HB 1131

Moved by: Chase

Second by: Finck

Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Blare, Chase, Finck, Goodwin, Lesmeister, Marty, Overweg, York, Schneider, Vasgaard, Wink, Hoffman, and Ladner

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1131 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1181 : prohibit the use of cyanide for the purpose of mining for uranium.

Presented by: Representative Shawn Bordeaux, District 26A

Proponents: Chase Jensen, Dakota Rural Action, Brookings

Opponents: Mark Hollenbeck, Powertech (USA), Greenwood Village

Larry Mann, South Dakota Mineral Industries Association, Rapid City

MOTION: AMEND HB 1181

1181A

On page 1, line 1, of the Introduced bill, delete " the use of cyanide for the purpose of mining for uranium" and insert " uranium mining in South Dakota"

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That chapter 45-6B be amended with a NEW SECTION:

Uranium mining is prohibited in this state.

Section 2. That § 45-6B-36 be AMENDED:

45-6B-36. Within sixty days prior to the anniversary date of the permit each year, the operator shall submit a map on the scale provided for by subdivision 45-6B-10(3) showing the reclamation accomplished and any deviations from the originally approved operating and reclamation plans. Except for operators which are units of state or local government, the operator shall submit, in

addition to the map, an annual fee of one hundred dollars or an annual fee of fifty thousand dollars if the operation is a large scale precious metal, ~~or coal,~~ ~~or uranium~~ mine that was permitted after January 1, 2009. The annual fee for any large scale coal ~~or uranium~~ mine permit shall be reduced by any tax paid in accordance with chapter 10-39B during the year preceding the date the annual fee is due.

Section 3. That § 45-6B-81 be AMENDED:

45-6B-81. The board may promulgate rules, pursuant to chapter 1-26, consistent with the provisions of this chapter, to provide for:

- (1) The procedure for filing and departmental review of mining permit applications;
- (2) The procedure for amending mining permits;
- (3) The procedure for transfer of permits;
- (4) The reclamation of mills proposed to be operated in conjunction with a mining operation;
- (5) The prehearing procedure for determining the type of reclamation to be performed on affected land;
- (6) The minimum requirements for each type of reclamation;
- (7) The reclamation activities required to be performed concurrent with mining activity;
- (8) The procedure to be followed to address reclamation before or during a temporary cessation of mining activity pursuant to subdivision 45-6B-3(6);
- (9) The procedure for determining special, exceptional, critical, or unique land in accordance with § 45-6B-33; and
- (10) The requirements for construction, operation, monitoring, and closure of uranium and other mineral mines and the monitoring and closure of uranium mines using in situ leach processes.

Section 4. That § 45-6D-2 be REPEALED:

~~The relatively unknown and as yet largely undeveloped uranium resources of this state consist in major proportion of uranium below the surface. The exploration for and discovery of uranium by means of drilling and other methods of detecting such deposits are important to the economic development of the state and the nation. Every effort should be used to prevent the waste and spoilage of the land which would deny its future use and productivity. Proper safeguards must be provided by the state to ensure that the health and safety of the people are not endangered and that upon completion of a uranium exploration operation the affected land is usable and productive to the extent possible for agricultural or recreational pursuits or future resource development; that both during and after a uranium exploration operation, water and other natural resources are not endangered; and that esthetics and a tax base are maintained, all for the health, safety, and general welfare of the people of the state.~~

Section 5. That § 45-6D-4 be REPEALED:

~~No governmental office of any political subdivision of the state has the authority to require or issue a permit or to require any surety for a uranium exploration operation.~~

Section 6. That § 45-6D-5 be REPEALED:

~~All uranium exploration operations on state-owned land shall comply with the applicable prospecting and exploration permit requirements of chapter 5-7 and this chapter.~~

Section 7. That § 45-6D-6 be REPEALED:

~~Any person desiring to conduct a uranium exploration operation shall, prior to entry on the land, file with the Board of Minerals and Environment an application and receive a permit to conduct a uranium exploration operation on a form~~

~~approved by the board. Each uranium exploration operation application shall be limited to sixteen contiguous townships.~~

~~An application for a permit shall include the following:~~

- ~~(1) An application form pursuant to § 45-6D-7;~~
- ~~(2) A plan of reclamation pursuant to § 45-6D-9;~~
- ~~(3) A map pursuant to § 45-6D-10; and~~
- ~~(4) A fee pursuant to § 45-6D-18.~~

~~Any person conducting uranium exploration activities that are not included within the scope of a uranium exploration operation is not required to file an application or receive an exploration operation permit required by this chapter.~~

Section 8. That § 45-6D-7 be REPEALED:

~~The application form shall contain:~~

- ~~(1) The name of the operator who intends to conduct the uranium exploration operation;~~
- ~~(2) The operator's address and principle place of business;~~
- ~~(3) The name and address of the resident agent for the service of process on the operator;~~
- ~~(4) A statement that the uranium exploration operation will be conducted pursuant to the terms and conditions listed on the approved permit;~~
- ~~(5) A brief description of the type of uranium exploration operation to be conducted;~~
- ~~(6) The legal description of the land to be explored by section, township, and range;~~
- ~~(7) The approximate date upon which the uranium exploration operation will commence;~~
- ~~(8) A statement that the applicant has the authority to conduct a uranium operation on the lands described in the application;~~
- ~~(9) The written consent, duly acknowledged, of the applicant and such other persons, if any, necessary to grant such access to the Board of Minerals and Environment or its agents to the area under application from the date of the application and thereafter for such time as is necessary to assure compliance with all provisions of this chapter or any rule, order, or decision promulgated hereunder.~~

Section 9. That § 45-6D-8 be REPEALED:

~~The applicant shall submit a plan of reclamation which shall be approved by the Board of Minerals and Environment before a uranium exploration operation permit may be issued.~~

Section 10. That § 45-6D-9 be REPEALED:

~~The reclamation plan shall be based on provision for, or satisfactory explanation of, all general requirements for the type of reclamation proposed to be implemented by the operator. Reclamation is mandatory on all affected lands. The reclamation plan shall include the following:~~

- ~~(1) A description of the type of reclamation the operator proposes to achieve in the reclamation of the affected land;~~
- ~~(2) A proposed timetable for seeding and replanting indicating when and how the reclamation plan will be implemented. Such timetable shall be developed after consulting the local conservation district as to the nature of the soils and native vegetation in the area of the proposed exploration operation. The recommendations of the local conservation district shall be followed if any are provided;~~
- ~~(3) A narrative description of how the reclamation plan will rehabilitate the affected land;~~

- ~~(4) A narrative description of the temporary and permanent plugging and capping procedure to be used;~~
- ~~(5) The estimated cost of implementing and completing the proposed reclamation and the estimated cost of plugging and sealing each test hole pursuant to the provisions of §§ 45-6D-33 and 45-6D-34.~~

Section 11. That § 45-6D-10 be REPEALED:

~~The applicant shall submit with the application a map, topographic map if available, of the proposed permit area and of the adjacent one-half mile area surrounding the proposed permit area. The map shall identify the location of all known natural springs, lakes, ponds, reservoirs, water pipelines, earthen dams, private and public water wells, buildings, proposed or existing roads or trails, and the tentative test hole locations within one-fourth of one-fourth of a section. Where closely placed test holes are anticipated, an outline of that area shall be indicated in lieu of identifying each test hole location. The scale of such map shall be not more than one to twenty-five thousand. Such map shall clearly present the required information. Submission of the most recent United States geological survey maps, if available, is adequate and the operator shall clearly identify the information required by this section on the map.~~

Section 12. That § 45-6D-11 be REPEALED:

~~The applicant shall file a copy of the application required by § 45-6D-6 with the register of deeds in each county within which the uranium exploration operation is intended to be located. The register of deeds shall make the application available to public inspection for seventy-five days after filing. At the completion of such time, the application may be returned to the applicant or destroyed. Confidential information exempted by § 45-6D-15 shall be deleted by the applicant from all copies available for public inspection.~~

Section 13. That § 45-6D-12 be REPEALED:

~~The applicant shall cause notice of the filing of his application to be published in a newspaper of general circulation in the locality of the proposed uranium exploration operation once a week for two consecutive weeks, commencing not more than ten days after the filing of his application with the Board of Minerals and Environment. Such notice, prepared by the Department of Agriculture and Natural Resources, shall contain the identity and address of the applicant and resident agent, the general location of the proposed uranium exploration operation, the proposed dates of commencement and completion of the operation, the location where additional information about the operation may be obtained, and the location and final date for filing objections with the board.~~

Section 14. That § 45-6D-13 be REPEALED:

~~The Board of Minerals and Environment shall notify the Department of Game, Fish and Parks of the area proposed for the uranium exploration operation and any modifications proposed in a renewal application. The board shall include any restrictions concerning riparian habitat or threatened or endangered species as notified, in writing, by that department within the terms and conditions of an approved or renewed permit. The operator shall abide by any reasonable restrictions, subject to review and approval by the board at the request of the operator, concerning riparian habitat as notified by that department. Restrictions concerning riparian habitat for exploration operation activities are limited to such habitat located within one hundred feet of each stream bank. Further, restrictions concerning riparian habitat may include temporarily diverting the stream flow, bank restoration, and revegetation of the riparian habitat area. Revegetation of the riparian habitat area shall be agreed upon~~

~~by both the Department of Game, Fish and Parks and the Department of Agriculture and Natural Resources before notifying the operator.~~

Section 15. That § 45-6D-14 be REPEALED:

~~The Board of Minerals and Environment shall notify the state archaeologist of the Department of Education of the area proposed for the uranium exploration operation and any modifications proposed in a renewal application. The board shall include any restrictions concerning site disturbances as notified, in writing, by the state archaeologist within the terms and conditions of an approved or renewed permit.~~

Section 16. That § 45-6D-15 be REPEALED:

~~Information provided to the Board of Minerals and Environment in an application for an exploration operation permit relating to the location of test holes and marked confidential by the operator shall be protected as confidential information by the board and not be a matter of public record in the absence of a written release from the operator. A person who knowingly violates the provisions of this section is guilty of a Class 2 misdemeanor.~~

Section 17. That § 45-6D-16 be REPEALED:

~~During the preparation of the reclamation plan required by § 45-6D-8, the applicant shall consult with the surface owner and person in possession of the surface, if other than the owner, and provide such persons with the opportunity to designate, in writing, preferences for the reclamation of the affected land. A copy of such preferences shall be submitted with the application and be considered by the applicant and the Board of Minerals and Environment. The owner may also specify, in writing, reasonable restriction regarding travel areas on the property which will result in minimal soil erosion and further specify that travel under extreme moisture conditions will be avoided. A copy of such reasonable restrictions shall be filed with the application and become part of the terms and conditions of an approved permit. If the applicant does not receive any such written material from the owner, the applicant shall execute an affidavit stating that consultation with the land owner was conducted and that no written materials have been received. Such affidavit shall be filed with the application.~~

Section 18. That § 45-6D-17 be REPEALED:

~~The Board of Minerals and Environment may require the operator, prior to commencing a uranium exploration operation, to provide water quality information concerning designated domestic water wells within the proposed permit area or within one half mile of the proposed permit area. If the operator is refused access to any water well, the operator shall notify, in writing, the board of such refusal and may not be required thereafter to provide any information concerning such well.~~

Section 19. That § 45-6D-18 be REPEALED:

~~The application fee for a uranium exploration operation permit is five hundred dollars and shall accompany the application.~~

Section 20. That § 45-6D-19 be REPEALED:

~~Prior to the issuance of a uranium exploration operation permit or renewal of a uranium exploration operation permit the Board of Minerals and Environment shall cause an inspection to be made of the area proposed to be explored. Based upon this inspection, the criteria established in § 45-6D-20, and the submitted reclamation plan, the board shall set the level of the surety necessary to guarantee the costs of plugging all of the proposed test holes and reclamation of affected public and private lands. The surety shall be filed or deposited with the board before the issuance of the uranium exploration operation permit in such form as required by the board.~~

Section 21. That § 45-6D-20 be REPEALED:

~~Criteria which shall be considered to determine the amount of surety necessary to guarantee the costs of reclamation of affected public and private lands and facilities include:~~

- ~~(1) Potential damages to unique and natural historical sites, springs, natural or man-made water storage and transport facilities, domestic and public water wells and water supply, waste water transport, storage and treatment facilities or crops;~~
- ~~(2) Topography;~~
- ~~(3) Climatic, soil, and vegetative conditions;~~
- ~~(4) Estimated costs per test hole site to reclaim disturbed surface areas; and~~
- ~~(5) Estimated cost per test hole site to plug each test hole.~~

Section 22. That § 45-6D-21 be REPEALED:

~~In determining whether the surety of an operator shall be guaranteed by a corporate surety bond and in determining the form of surety to be provided by the operator if other than a bond, the Board of Minerals and Environment shall consider, with respect to the operator, such factors as the operator's financial status, assets within the state, past performance on contractual agreements, and facilities available to carry out the planned work. The operator shall supply evidence of financial responsibility for all surety other than a bond.~~

Section 23. That § 45-6D-22 be REPEALED:

~~In lieu of the required surety, the operator may deposit cash or government securities with the Board of Minerals and Environment in an amount equal to that of the required surety on the conditions prescribed in § 45-6D-23.~~

Section 24. That § 45-6D-23 be REPEALED:

~~The surety provided for by § 45-6D-19 shall be payable to the State of South Dakota and conditioned upon the operator's faithful performance of all requirements of this chapter and comply with the terms of the test hole plugging and reclamation plans approved by the Board of Minerals and Environment. If a corporate surety bond is required, such bond shall be signed by the operator as principal and by a surety insurer certified under chapter 58-21. Such surety shall remain in effect until the test hole plugging and reclamation are approved by the board and the surety is released by the board. At least thirty days prior to the release of the surety, the board shall notify the board of county commissioners of the affected county and surface owner or lessee of the affected area, if other than the mineral owner, of the proposed surety release.~~

Section 25. That § 45-6D-24 be REPEALED:

~~Liability of an operator under surety provisions shall continue until such time as released in part or in its entirety by the Board of Minerals and Environment. The surety may not be held more than twelve months after completion of reclamation.~~

Section 26. That § 45-6D-25 be REPEALED:

~~The penalty of the required surety shall be in an amount sufficient to cover the cost of plugging all of the proposed test holes and reclamation as determined pursuant to § 45-6D-19.~~

Section 27. That § 45-6D-26 be REPEALED:

~~Any person may file written objections to or statements in support of an application for a uranium exploration operation permit with the Board of Minerals and Environment. The material for intervention shall be filed with the board not more than twenty days after the date of last publication of notice pursuant to § 45-6D-12. The board shall hold a hearing pursuant to § 45-6D-28 on the question of whether the permit should be granted. The applicant shall be notified by the board or Department of Agriculture and Natural Resources~~

~~within five days of receipt of any objections to the application and shall be provided a copy of the written objections.~~

Section 28. That § 45-6D-27 be REPEALED:

~~The board of county commissioners of a county containing affected land may request that the hearing on the application for a uranium exploration operation permit be held in that county. Such request shall be filed with the Board of Minerals and Environment not more than twenty days after the date of last publication of notice pursuant to § 45-6D-12. Such request shall contain the reason for requesting the hearing and the location where the hearing is to be held. The board of county commissioners shall pay travel and per diem costs as established by state statute or rule to the board's staff if the request designates the hearing at a location other than Pierre.~~

Section 29. That § 45-6D-28 be REPEALED:

~~Upon receipt of an application for a permit and all fees due from the operator, the Board of Minerals and Environment shall set a date for the hearing on such application not more than sixty days after the date of filing. Prior to the holding of such hearing, the board shall provide notice to any person previously filing a protest or petition for a hearing or statement in support of an application pursuant to § 45-6D-26, and shall publish notice of the time, date, and location of the hearing in a newspaper of general circulation in the locality of the proposed uranium exploration operation once a week for two consecutive weeks immediately prior to the hearing. The hearing shall be conducted in a manner pursuant to chapter 1-26. A final decision on the application shall be made within ninety days of the receipt of the application. In the event of serious unforeseen circumstances or significant snow cover on the affected land that prevents on site inspection, the board may reasonably extend the maximum time sixty days.~~

Section 30. That § 45-6D-29 be REPEALED:

~~The Board of Minerals and Environment shall grant a permit to an operator if the application complies with the requirements of this chapter and all applicable local, state, and federal laws. The board may not deny a permit, except for one or more of the following reasons:~~

- ~~(1) The application is incomplete or the surety has not been posted;~~
- ~~(2) The applicant has not paid the required fee;~~
- ~~(3) The adverse effects of the proposed uranium exploration operation on the historic, archaeologic, geologic, scientific, or recreational aspects of affected or surrounding land outweigh the benefits of the proposed uranium exploration operation;~~
- ~~(4) The proposed uranium exploration operation will result in the loss or reduction of long range productivity of watershed lands, public and domestic water wells, aquifer recharge areas, or significant agricultural areas; or~~
- ~~(5) The proposed uranium exploration operation will adversely affect threatened or endangered wildlife indigenous to the area.~~

Section 31. That § 45-6D-30 be REPEALED:

~~A uranium exploration operation permit shall be issued for a period of three years and may be renewed triennially pursuant to the provisions of §§ 45-6D-43 to 45-6D-50, inclusive.~~

Section 32. That § 45-6D-31 be REPEALED:

~~The Board of Minerals and Environment shall transmit notice of the approval or denial of a new or renewed uranium exploration operation permit to the appropriate board of county commissioners within thirty days of final board action.~~

Section 33. That § 45-6D-32 be REPEALED:

~~Every operator to whom a permit is issued pursuant to the provisions of this chapter may engage in the uranium exploration operation upon the affected lands described in the permit, upon the performance of and subject to §§ 45-6D-33 to 45-6D-39, inclusive, with respect to such lands.~~

Section 34. That § 45-6D-33 be REPEALED:

~~The operator shall cap, seal, and plug each test hole sunk for exploratory purposes on all public and private lands within the state immediately following the drilling and probing. An operator may apply, in writing, to the Board of Minerals and Environment for permission to temporarily keep the test hole open. The board may, in its discretion, allow the operator a temporary delay, if the test hole is securely covered in a manner which will prevent injury to persons or animals and marked with a sturdy steel fence post at a minimum height of forty two inches above the ground surface.~~

Section 35. That § 45-6D-34 be REPEALED:

~~The Board of Minerals and Environment shall promulgate rules, pursuant to chapter 1-26, to regulate the capping, sealing, and plugging of all test holes drilled pursuant to a permit issued under this chapter. Such rules shall provide for the capping, sealing, and plugging of all such test holes, the prevention of any artesian flow of groundwater toward the surface, and the prevention of fluid communication between aquifers.~~

Section 36. That § 45-6D-36 be REPEALED:

~~If any test holes drilled are to be ultimately used or are to be converted to water wells, the user shall comply with the provisions of chapter 46-6.~~

Section 37. That § 45-6D-37 be REPEALED:

~~The operator shall construct all roads and trails developed for the uranium exploration project to minimize sedimentation and erosion by the placement of water bars and similar structures, road placement on the contour, revegetation of roadwork and embankment slopes, or by using other necessary methods.~~

Section 38. That § 45-6D-38 be REPEALED:

~~The operator shall restore each drill site and other affected land as nearly as possible to its original condition including backfilling all mudpits, scattering any drill cuttings left on the surface, reseeding the drill site and approach trails, removing shot wire, or other action as may be necessary.~~

Section 39. That § 45-6D-39 be REPEALED:

~~The operator shall notify, in writing, the Board of Minerals and Environment of the penetration of an aquifer and the location of the test hole penetrating such aquifer as soon as practically possible, but not more than ninety days after penetration.~~

Section 40. That § 45-6D-40 be REPEALED:

~~Thirty days prior to the renewal date of a uranium exploration operation permit, if the operator intends on renewing the permit, the operator shall submit a clear and complete report identifying all test holes which have penetrated an aquifer, the depth of the aquifer, and the method used to plug each such test hole. The information contained in the report is public information. However the source of the information shall be held confidential by the Board of Minerals and Environment and the Department of Agriculture and Natural Resources. Further, the operator shall submit a report identifying the location of all test holes with sufficient information to allow the department to locate such test holes.~~

~~Failure to provide the required report is grounds for not renewing a uranium exploration operation permit.~~

Section 41. That § 45-6D-41 be REPEALED:

~~Within six months after the expiration of a uranium exploration operation permit, the operator shall submit a clear and complete report concerning the geological conditions in the permit area, including information required by § 45-6D-40. Additional information in the report may include mechanical logs, geologic logs, core sections, cuttings samples, or other information concerning test holes drilled pursuant to the expired permit. Where numerous closely spaced test holes have been drilled, the Board of Minerals and Environment may require such reports on representative test holes. Information provided shall be identified as to the operator, well name, location, and depth of sample or core. Any material required shall be shipped free of cost to the board.~~

~~Reports made pursuant to §§ 45-6D-39 and 45-6D-40 are not required to be duplicated in the final report. The operator may incorporate such reports by reference.~~

Section 42. That § 45-6D-42 be REPEALED:

~~Information contained in the reports required by § 45-6D-41 that may damage the operator's competitive position if made public shall be held confidential. Such information shall be designated confidential by the operator. Any person who knowingly violates the provisions of this section is guilty of a Class 2 misdemeanor.~~

Section 43. That § 45-6D-43 be REPEALED:

~~In addition to the report required by § 45-6D-40, the operator applying for the renewal of a uranium exploration operation permit shall submit an application thirty days prior to the expiration date of his existing permit. Such application shall provide current information regarding the application form required by § 45-6D-7, any modifications of the reclamation plan required by § 45-6D-9, and a revised map containing the information required by § 45-6D-10. A renewal fee of two hundred dollars shall accompany the application.~~

Section 44. That § 45-6D-44 be REPEALED:

~~The operator shall cause one notice of his application for permit renewal in a newspaper of general circulation in the locality of the exploration operation within ten days of submitting his application for permit renewal. Such notice shall contain the identity and address of the operator and resident agent, the general location of the uranium exploration operation, a general description of proposed modifications of the original approved application, the proposed date of completion of the uranium exploration operation, that the original application and renewal application are available for public inspection at the department in Pierre, and the location and final date for filing objections to such modifications with the Board of Minerals and Environment.~~

Section 45. That § 45-6D-45 be REPEALED:

~~Information required by § 45-6D-43 is subject to the same confidentiality as provided for original applications in § 45-6D-15.~~

Section 46. That § 45-6D-46 be REPEALED:

~~Any person has the right to file written objections to or statements in support of modifications contained within the renewal application. Such material for intervention in the hearing concerning such modifications shall be filed with the Department of Agriculture and Natural Resources not more than ten days after the publication of notice pursuant to § 45-6D-44. The Board of Minerals and Environment shall hold a hearing pursuant to § 45-6D-47 on only the question of whether the modifications contained in the renewal application would be reasons for denying an original application. The applicant shall be notified by the board within five days of receipt of any objections to the modifications and be supplied a copy of the written objections.~~

Section 47. That § 45-6D-47 be REPEALED:

~~Upon receipt of an application for the renewal of an exploration operation permit and all fees due from the operator, the Board of Minerals and Environment shall set a date for the hearing of such application not more than twenty five days after the date of filing. Prior to the holding of any such hearing, the board shall provide notice to any person previously filing a protest or petition for a hearing or statement in support of an application pursuant to § 45-6D-46, and shall publish notice of the time, date, and location of the hearing in a newspaper of general circulation in the locality of the proposed uranium exploration operation once a week for two consecutive weeks immediately prior to the hearing. The hearing shall be conducted in a manner pursuant to chapter 1-26. A final decision on the application shall be made within sixty days of the receipt of the application.~~

Section 48. That § 45-6D-48 be REPEALED:

~~Pending the final determination on a renewal application, the operator may continue the uranium exploration operation under the terms and conditions of the original permit. If the proposed modifications are not approved by the Board of Minerals and Environment, the board shall automatically renew the original permit as originally issued, except as provided in § 45-6D-50. Implementation of a nonapproved modification proposed in the renewal application is sufficient justification for the board to revoke any existing permits of the operator and deny the renewal application.~~

Section 49. That § 45-6D-49 be REPEALED:

~~Modifications contained in the renewal application may be denied on the basis of the grounds provided in § 45-6D-29.~~

Section 50. That § 45-6D-50 be REPEALED:

~~The Board of Minerals and Environment shall renew an exploration operation permit if the application complies with the requirements of this chapter. The board may not deny a permit renewal except for one or more of the following reasons:~~

- ~~(1) The renewal application is incomplete or the surety has not been posted;~~
- ~~(2) The operator has not paid the required renewal fee;~~
- ~~(3) The operator has not complied with the terms and conditions of the original exploration operation permit;~~
- ~~(4) The operator has failed to provide the reports required by § 45-6D-39.~~

Section 51. That § 45-6D-59 be REPEALED:

~~No permit of new uranium exploration operations or renewal of an existing uranium exploration operation permit may be granted to any operator who is currently found to be in violation of the provisions of this chapter with respect to any uranium exploration operation in this state.~~

Section 52. That § 45-6D-60 be REPEALED:

~~Any person who violates any provision of any permit issued under this chapter is subject to a civil penalty of not less than one hundred dollars per day nor more than one thousand dollars per day for each day which such violation occurs, is liable for damages to the environment of this state, or both. This penalty may be in addition to any other penalties authorized.~~

Section 53. That § 45-6D-62 be REPEALED:

~~It is a violation of a uranium exploration operation permit's terms and conditions to refuse entry or access to any authorized representative of the Board of Minerals and Environment who, after presenting appropriate credentials requests entry for the purpose of inspection under this chapter; nor may any person obstruct, hamper, or interfere with any such investigation. If requested, the operator of the uranium exploration site shall receive a report setting forth the observations made by the person making the inspection which relate to compliance with this chapter.~~

Section 54. That § 45-6D-66 be REPEALED:

~~Permits for uranium exploration operations shall be obtained as specified below:~~

- ~~(1) After July 1, 1982, any operator proposing to engage in a new uranium exploration operation must first obtain a permit pursuant to the provisions of this chapter;~~
- ~~(2) Applications for exploration operation permits filed under the provisions of chapter 45-6A prior to and pending on July 1, 1982, shall be processed in accordance with the provisions of this chapter;~~
- ~~(3) Exploration permits granted under the provisions of chapter 45-6A prior to July 1, 1982, are valid permits for purposes of this chapter and are subject to the provisions of this chapter for the purpose of renewal.~~

Section 55. That § 45-6D-67 be REPEALED:

~~Any written geologic report, aquifer penetration report, map, test hole log, or other information relative to the geologic data, size, extent, or economic value of a mineral deposit filed with the state by a person who conducted a mineral exploration operation which was initiated or permitted before July 1, 1982, is confidential for a period of six months following July 1, 2008. Any person who filed such reports or information may request the secretary of agriculture and natural resources, in writing, to extend the six month confidentiality period by up to five years. The information becomes public following the confidentiality period."~~

Moved by: Finck
Second by: Hoffman
Action: Prevailed by voice vote

MOTION: DO PASS HB 1181 AS AMENDED

Moved by: Lesmeister
Second by: Ladner
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HB 1181 TO THE 41ST LEGISLATIVE DAY

Moved by: Hoffman
Second by: Finck
Action: Prevailed by Majority Members Elect (10-3-0-0)

Voting Yes: Blare, Chase, Finck, Goodwin, Overweg, York, Schneider, Vasgaard, Wink, and Hoffman

Voting No: Lesmeister, Marty, and Ladner

HB 1090 : require an annual report on nonmeandered waters.

Presented by: Representative Tom Pischke, District 25
Proponents: Zachery T Hunke, South Dakota Wildlife Federation Camo Coalition, Pierre
Opponents: Jon Kotilnek, Department of Game, Fish and Parks

MOTION: DEFER HB 1090 TO THE 41ST LEGISLATIVE DAY

Moved by: Chase
Second by: Finck

Action: Prevailed by Majority Members Elect (12-1-0-0)

Voting Yes: Blare, Chase, Finck, Goodwin, Lesmeister, Marty, Overweg, Schneider, Vasgaard, Wink, Hoffman, and Ladner

Voting No: York

MOTION: ADJOURN

Moved by: Finck

Second by: Vasgaard

Action: Prevailed by voice vote

Mary Kirk, Committee Secretary

/s/ MARTY OVERWEG
Marty Overweg, Chair