



## 2026 South Dakota Legislature

# House Bill 1288

Introduced by: **Representative** Jorgenson

1 **An Act to modify the authority of a political subdivision to adopt mining ordinances.**

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

3 **Section 1. That § 45-6-65 be AMENDED:**

4 **45-6-65.** An operator shall obtain a license to mine:

- 5 (1) Sand;
- 6 (2) Gravel;
- 7 (3) Rock to be crushed and used in construction;
- 8 (4) Pegmatite minerals;
- 9 (5) Limestone; and
- 10 (6) Iron ore, gypsum, shale, pozzolan, and other materials used in the process of  
11 making cement or lime.

12 The operator shall comply with the requirements of §§ 45-6-68, 45-6-69, 45-6-71,  
13 and 45-6-72, and section 2 of this Act, for each site to be mined. Failure to comply with  
14 these requirements for each site mined constitutes mining without a license.

15 The fee for the license is one hundred dollars annually, for each mine site  
16 authorized under the license. The department shall forward any fees collected under this  
17 section to the state treasurer for deposit in the environment and natural resources fee  
18 fund established in § 1-41-23.

19 **Section 2. That a NEW SECTION be added to chapter 45-6:**

20 Any county or first or second class municipality, which has adopted a  
21 comprehensive plan, may adopt ordinances or requirements that govern sand, gravel, and  
22 aggregate mining operations and are not inconsistent or in conflict with applicable state  
23 laws or administrative rules.

24 A county or first or second class municipality may not require additional bonds or  
25 sureties, if the same are required by state law or administrative rule. The Board of Minerals

1       and Environment may not grant a permit for a mining operation unless the applicant has  
2       complied with all county or city ordinances and requirements and obtained necessary  
3       county or city permits.

4       If the applicant has substantially complied with the procedure for obtaining any  
5       necessary county or city permits but has not obtained permits due to administrative delay,  
6       the Board of Minerals and Environment may grant a mining permit that is conditioned  
7       upon the issuance of all necessary county or city permits within sixty days of the date of  
8       the board's issuance of the conditioned mining permit.

9       If a county or municipality has adopted an ordinance governing mining operations,  
10       any proceedings of and any action taken by the county or municipality with regard to the  
11       proposed mining operation may be considered by the Board of Minerals and Environment  
12       before the issuance or denial of a permit pursuant to this chapter, including a permit  
13       conditioned upon the issuance of all necessary county or city permits.

14       No mining operations may be commenced under a permit conditioned upon the  
15       issuance of all necessary county or city permits until the Board of Minerals and  
16       Environment is notified by the applicant in writing that the required county or city permits  
17       have been obtained by the applicant.

18       **Section 3. That § 45-6B-4 be AMENDED:**

19       **45-6B-4.** Any county or first or second class municipality which has adopted a  
20       comprehensive planand zoning ordinances may adopt ordinances or requirements  
21       governing mining operations which are not inconsistent or in conflict with applicable state  
22       laws or administrative rules. However,such a county or municipality may not require  
23       additional bonds or sureties if the same are required by state law or administrative rule.  
24       The Board of Minerals and Environment may not grant a permit for a mining operation  
25       unless the applicant has complied with all county or city ordinances and requirements and  
26       obtained necessary county or city permits. However, if the applicant has substantially  
27       complied with the procedure for obtaining any necessary county or city permits but has  
28       not obtainedsuch permits due to administrative delay, the Board of Minerals and  
29       Environment may grant a mining permit which is conditioned upon the issuance of all  
30       necessary county or city permits within sixty days of the date of the board's issuance of  
31       the conditioned mining permit. If a county or municipality has adopted an ordinance  
32       governing mining operations, any proceedings of and any action taken by the county or  
33       municipality with regard to the proposed mining operation may be considered by the Board  
34       of Minerals and Environment before the issuance or denial of a permit pursuant to this

1 chapter, including a permit conditioned upon the issuance of all necessary county or city  
2 permits.

3 No mining operations may be commenced under a permit conditioned upon the  
4 issuance of all necessary county or city permits until the Board of Minerals and  
5 Environment is notified by the applicant in writing that the required county or city permits  
6 have been obtained by the applicant.