

AN ACT

ENTITLED, An Act to revise the financial assurance requirements for responding to accidental releases of chemical or biological ore leaching agents from certain permitted mines.

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

Section 1. That § 45-6B-20.1 be amended to read as follows:

45-6B-20.1. The board may require any operator whose mining operation employs cyanide leaching or any other chemical or biological leaching process to extract minerals from ore, in addition to the surety required by § 45-6B-20, to file or deposit an additional proof of financial assurance with the board before the issuance of the mining permit in such form as required by the board. The financial assurance may consist of insurance, cash, company net worth, or such other form of security as the board deems adequate to protect the interests of the public. The board shall set the amount of the financial assurance based on the cost of responding to and remediating accidental releases of cyanide or other chemical or biological leaching agents to the environment. In determining the assurance amount for responding to and remediating accidental releases, the board shall consider such factors as the distance to surface water and groundwater resources and their beneficial use classification, the financial and technical capability of the operator to respond to accidental releases, the type and amount of leaching agents to be used by the operator, contingencies and safeguards built into the operating and reclamation plans to lessen the likelihood of accidental releases, and any other site-specific factor related to protection of public health and safety or the environment. The amount of the financial assurance may not be more than one million dollars. Any operator whose proof of financial assurance is based on company net worth shall report to the board yearly the status of the company's net worth.

An Act to revise the financial assurance requirements for responding to accidental releases of chemical or biological ore leaching agents from certain permitted mines.

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I certify that the attached Act
originated in the

SENATE as Bill No. 40

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 40
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State