



2026 South Dakota Legislature

Senate Bill 38

Introduced by: The Chair of the Senate Committee on Appropriations at the request of the Department of Agriculture and Natural Resources

1 **An Act to modify the annual fee imposed on certain concentrated animal feeding**
 2 **operations.**

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

4 **Section 1. That § 34A-2-125.1 be AMENDED:**

5 **34A-2-125.1.** In addition to any other tax or fee levied by law, there is hereby
 6 imposed on any concentrated animal feeding operation or any operation that processes or
 7 stores manure or process wastewater and is required to operate under a water pollution
 8 control permit pursuant to § 34A-2-36.2 or 34A-2-36.3 an annual fee as provided for in
 9 this section and § 34A-2-125.2.

10 In the case of an operation with a water pollution control permit that includes a
 11 nutrient management plan, other than a livestock auction, an operation located outside of
 12 this state, or an operation located in Indian country, as defined in 40 C.F.R § 122.2 (April
 13 21, 2020), the fee is based on the maximum permitted number of animals and is as
 14 follows:

- 15 (1) ~~\$0.172~~\$0.43 per mature dairy cow, milked or dry;
 16 (2) ~~\$0.12~~\$0.30 per other cattle or bison;
 17 (3) ~~\$0.24~~\$0.60 per horse;
 18 (4) ~~\$0.012~~\$0.03 per weaned swine less than fifty-five pounds;
 19 (5) ~~\$0.048~~\$0.12 per swine equal to or greater than fifty-five pounds;
 20 (6) ~~\$0.012~~\$0.03 per sheep or weaned lamb;
 21 (7) ~~\$0.0022~~\$0.0055 per turkey;
 22 (8) ~~\$0.0011~~\$0.0027 per chicken; and
 23 (9) ~~\$0.004~~\$0.01 per duck or goose.