

## 2026 South Dakota Legislature

**Senate Bill 38****AMENDMENT 38B  
FOR THE INTRODUCED BILL**

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~~\$0.343~~ per mature dairy cow, milked or dry;  
16 (2) ~~\$0.12~~\$0.30~~\$0.24~~ per other cattle or bison;  
17 (3) ~~\$0.24~~\$0.60~~\$0.48~~ per horse;  
18 (4) ~~\$0.012~~\$0.03~~\$0.024~~ per weaned swine less than fifty-five pounds;  
19 (5) ~~\$0.048~~\$0.12~~\$0.096~~ per swine equal to or greater than fifty-five pounds;  
20 (6) ~~\$0.012~~\$0.03~~\$0.024~~ per sheep or weaned lamb;  
21 (7) ~~\$0.0022~~\$0.0055~~\$0.0044~~ per turkey;  
22 (8) ~~\$0.0011~~\$0.0027~~\$0.0022~~ per chicken; and  
23 (9) ~~\$0.004~~\$0.01~~\$0.008~~ per duck or goose.