

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.