



2026 South Dakota Legislature
Senate Bill 38
ENROLLED

AN ACT

ENTITLED An Act to modify the annual fee imposed on certain concentrated animal feeding operations.

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

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

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

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

- (1) \$0.43 per mature dairy cow, milked or dry;
- (2) \$0.30 per other cattle or bison;
- (3) \$0.60 per horse;
- (4) \$0.03 per weaned swine less than fifty-five pounds;
- (5) \$0.12 per swine equal to or greater than fifty-five pounds;
- (6) \$0.03 per sheep or weaned lamb;
- (7) \$0.0055 per turkey;
- (8) \$0.0027 per chicken; and
- (9) \$0.01 per duck or goose.

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

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 38

2026 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2026

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Chief Clerk of the House

Secretary of State

Senate Bill No. 38
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State