



2022 South Dakota Legislature

House Bill 1046

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

1 **An Act to revise the disposal fee for large-scale solid waste disposal facilities**
 2 **operated by political subdivisions.**

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

4 **Section 1. That § 34A-6-1.17 be AMENDED:**

5 **34A-6-1.17.** Because of the additional environmental risks attending large-scale
 6 solid waste disposal facilities, a solid waste disposal fee of three dollars per ton or part
 7 thereof is hereby levied and imposed upon the disposal of solid waste, other than mine
 8 wastes, at any solid waste disposal facility in this state, permitted for more than two
 9 hundred fifty thousand tons of solid waste per annum. The fee imposed by this section
 10 ~~shall be~~ is in addition to all other fees and taxes levied by law and ~~shall~~ must be added to
 11 and constitute part of any other fee charged by the operator or owner of the solid waste
 12 disposal facility. Neither this fee nor any fees authorized by § 34A-6-1.38 may be imposed
 13 upon the disposal of waste by the state ~~or any of its institutions~~. In the case of any solid
 14 waste disposal facility that receives solid waste only from entities that have implemented
 15 a solid waste source reduction and recycling program, the fees provided for in this section
 16 ~~shall only be~~ are required if the facility receives more than two hundred fifty thousand
 17 tons of solid waste per year. Solid waste disposal facilities owned or operated by political
 18 subdivisions are exempt from this section.

19 The owner of the solid waste disposal facility shall pay the disposal fee ~~herein~~
 20 ~~imposed shall be paid by the owner of the solid waste disposal facility and remitted to the~~
 21 ~~state treasury~~. The obligation of the owner to pay the fee accrues at the time solid waste
 22 is disposed of at a solid waste facility. The fee imposed by this section ~~shall be~~ is due and
 23 payable on or before the fifteenth day of the month next succeeding the month in which
 24 the fee accrued, together with a return on such form or forms as may be prescribed by
 25 the secretary of revenue. Each owner of a facility who is required to pay the fee imposed

1 by this section shall keep complete and accurate records in such form as the board or the
2 secretary of revenue, by rule promulgated pursuant to chapter 1-26, may require.

3 Fees collected under this section ~~shall~~ must be deposited in the South Dakota
4 environment and water resources trust fund established pursuant to § 46A-1-82.