



2022 South Dakota Legislature  
**House Bill 1046**  
**ENROLLED**

AN ACT

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

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

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

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

The owner of the solid waste disposal facility shall pay the disposal fee. The obligation of the owner to pay the fee accrues at the time solid waste is disposed of at a solid waste facility. The fee imposed by this section is due and payable on or before the fifteenth day of the month next succeeding the month in which the fee accrued, together with a return on such form or forms as may be prescribed by the secretary of revenue. Each owner of a facility who is required to pay the fee imposed by this section shall keep complete and accurate records in such form as the board or the secretary of revenue, by rule promulgated pursuant to chapter 1-26, may require.

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

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

I certify that the attached Act originated in the:  
House as Bill No. 1046

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_, 2022 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_ for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2022

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2022 at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1046  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State