

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

934B0693

## HOUSE BILL NO. 1223

Introduced by: Representatives Peterson (Kent), Anderson, Borglum, Chase, Duvall, Finck, Miskimins, Post, Qualm, Reed, Reimer, Schoenfish, and Zikmund and Senators Klumb, Cammack, and Cronin

1 FOR AN ACT ENTITLED, An Act to modify the distribution of taxes on concentrated animal  
2 feeding operations.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 For purposes of this Act, concentrated animal feeding operation, is defined according to 40  
6 C.F.R. Part 122.23, dated January 1, 2019.

7 Section 2. That the code be amended by adding a NEW SECTION to read:

8 The secretary of the Department of Revenue shall distribute fifty percent of any contractor's  
9 excise tax paid under chapter 10-46A on realty improvement contracts for concentrated animal  
10 feeding operations to the treasurer of the county in which the concentrated animal feeding  
11 operation is located.

12 Section 3. That the code be amended by adding a NEW SECTION to read:

13 The secretary of the Department of Revenue shall distribute fifty percent of any use tax paid  
14 under § 10-46-5 in performance of a contract to build a concentrated animal feeding operation



1 to the treasurer of the county in which the concentrated animal feeding operation is located.

2 Section 4. That the code be amended by adding a NEW SECTION to read:

3 The secretary of the Department of Revenue shall distribute fifty percent of any sales tax  
4 paid under chapter 10-45 in the performance of a contract to build a concentrated animal feeding  
5 operation to the treasurer of the county in which the concentrated animal feeding operation is  
6 located.

7 Section 5. That the code be amended by adding a NEW SECTION to read:

8 The county treasurer upon receipt of the funds remitted to the county under sections 2 to 4  
9 of this Act, inclusive, shall apportion and distribute the funds as deemed appropriate for the  
10 overall benefit and function of the county.

11 Section 6. That the code be amended by adding a NEW SECTION to read:

12 The secretary of the Department of Revenue shall promulgate rules pursuant to chapter 1-26  
13 to separate the tax paid on concentrated animal feeding operations from the tax paid for other  
14 purposes.