

AN ACT

ENTITLED, An Act to establish an ethanol blender pump incentive grant program, to make an appropriation therefor, and to declare an emergency.

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

Section 1. The ethanol blender pump incentive grant program is hereby established and shall be administered by the Department of Tourism and State Development. Under the program, the department shall award incentive grants to motor fuel retail dealers as defined in § 10-47B-3 for the purpose of entering into contracts for the purchase or installation of ethanol blender pumps and associated above-ground piping and storage systems and related equipment to be used at facilities operated by the retail dealers for the sale of motor fuel to the public. No grant under the program may exceed ten thousand dollars. However, a retail dealer may receive more than one grant under the program. To be eligible for a grant, a retail dealer shall be located in South Dakota. Grants may be made under the program during the period beginning on April 1, 2010, and ending on May 28, 2010, if funds are available in the ethanol blender pump incentive grant fund established pursuant to section 3 of this Act. The department may use up to five percent of any amount appropriated to the ethanol blender pump incentive fund for administration, the dissemination of information related to the ethanol blender pump incentive program, and the dissemination of information related to the benefits of ethanol.

Section 2. For purposes of this Act, the term, ethanol blender pump, refers to a mechanism provided by the retail dealer for the dispensing at retail of ethanol blend as defined in § 10-47B-3 so that the end user may select the ratio of ethanol to gasoline to be dispensed. The pump shall be the type that:

- (1) Dispenses at retail a blend of gasoline and ethanol in the ratio selected by the purchaser;
- (2) Is manufactured to an industry standard and carries a warranty for compatibility with

dispenser components and storage and piping systems;

- (3) Has at least four hoses and dispenses the following:
 - (a) Either a blend of ten percent ethanol or the minimum blend percentage approved for all vehicles by the United States Environmental Protection Agency;
 - (b) A blend of at least fifteen percent ethanol; and
 - (c) E85 fuel; and
- (4) Complies with all alternative fuel, biofuel, and flexible fuel requirements established by law.

Section 3. There is hereby created a special fund within the Department of Tourism and State Development known as the ethanol blender pump incentive grant fund. Money in the fund may only be used to provide incentive grants pursuant to this Act and as otherwise provided in section 1 of this Act. The fund consists of legislative appropriations, donations, interest on investments, and moneys from all legal public and private sources, including federal grants. All funds received in the ethanol blender pump incentive grant fund shall be set forth in an informational budget as described in § 4-7-7.2.

Section 4. There is hereby appropriated the sum of one million dollars (\$1,000,000), or so much thereof as may be necessary, in federal fund expenditure authority, to the Department of Tourism and State Development for the expenditure of funds received through the American Recovery and Reinvestment Act of 2009, P.L. 111-5 to implement the ethanol blender pump incentive grant program as provided in this Act.

Section 5. The secretary of tourism and state development shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 6. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and

effect from and after its passage and approval.

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I certify that the attached Act originated in the HOUSE as Bill No. 1192

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1192
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____, 20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby approved this _____ day of _____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State