



2023 South Dakota Legislature

Senate Bill 152

SENATE AGRICULTURE AND NATURAL RESOURCES ENGROSSED

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: **Senator Duhamel**

1 **An Act to provide increased funding for the water and environment fund.**

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

3 **Section 1. That § 34A-13-20 be AMENDED:**

4 **34A-13-20.** A petroleum release compensation and tank inspection fee is imposed
 5 upon any petroleum products upon which the fuel excise tax is imposed by §§ 10-47B-5
 6 to 10-47B-10, inclusive, 10-47B-9.1, and 10-47B-13. None of the exemptions from fuel
 7 excise tax allowed in § 10-47B-19 apply to this fee. The parties required to pay the fuel
 8 excise tax pursuant to the provisions of §§ 10-47B-21 to 10-47B-26, inclusive, and 10-
 9 47B-29 and 10-47B-31 are liable for payment of the petroleum release and tank inspection
 10 fee. In cases where the fuel is exempt from the fuel excise tax under the provisions of
 11 subdivisions 10-47B-19(1), (3), and (5), the supplier shall pay the fee. Responsibility for
 12 payment of the fee ceases if the petroleum product is sold and delivered by a licensed
 13 exporter outside of the state. The amount of the fee imposed is twenty dollars per one
 14 thousand gallons of petroleum. ~~The revenue collected pursuant to this section shall be~~
 15 ~~distributed monthly in the following manner:~~

16 ~~(1) In fiscal year 2019, fifty five percent shall be deposited in the state capital~~
 17 ~~construction fund, twenty five percent shall be deposited in the ethanol fuel fund, and~~
 18 ~~twenty percent shall be deposited in the petroleum release compensation fund;~~

19 ~~(2) In fiscal year 2020, sixty percent shall be deposited in the state capital~~
 20 ~~construction fund, twenty percent shall be deposited in the ethanol fuel fund, nineteen~~
 21 ~~percent shall be deposited in the petroleum release compensation fund, and one percent~~
 22 ~~shall be deposited in the ethanol infrastructure incentive fund as created in § 10-47B-~~
 23 ~~164.1;~~

24 ~~(3) In fiscal year 2021, sixty six percent shall be deposited in the state capital~~
 25 ~~construction fund, fifteen percent shall be deposited in the ethanol fuel fund, eighteen~~

1 ~~percent shall be deposited in the petroleum release compensation fund, and one percent~~
2 ~~shall be deposited in the ethanol infrastructure incentive fund;~~

3 ~~(4) In fiscal year 2022, seventy two percent shall be deposited in the state capital~~
4 ~~construction fund, ten percent shall be deposited in the ethanol fuel fund, seventeen~~
5 ~~percent shall be deposited in the petroleum release compensation fund, and one percent~~
6 ~~shall be deposited in the ethanol infrastructure incentive fund; and~~

7 ~~(5) Beginning in fiscal year 2023 and each year thereafter, eighty-one and one-~~
8 ~~half percent shall must be deposited in the state capital construction fund, seventeen~~
9 ~~percent shall must be deposited in the petroleum release compensation fund, and one-~~
10 ~~and one-half percent shall must be deposited in the ethanol infrastructure incentive fund~~
11 ~~water and environment fund, provided in § 46A-1-60.~~

12 **Section 2.** The state treasurer must transfer all funds in the ethanol infrastructure incentive
13 fund, provided in § 10-47B-164.1, into the water and environment fund, provided in § 46A-
14 1-60.

15 **Section 3. That § 5-27-4 be REPEALED:**

16 ~~In fiscal year 2019, the Bureau of Finance and Management shall transfer each~~
17 ~~month twenty one and one half percent of the monthly state capital construction fund~~
18 ~~revenues from the state capital construction fund to the ethanol fuel fund. In fiscal year~~
19 ~~2020, the Bureau of Finance and Management shall transfer each month fifteen percent~~
20 ~~of the monthly state capital construction fund revenues from the state capital construction~~
21 ~~fund to the ethanol fuel fund. In fiscal year 2021, the Bureau of Finance and Management~~
22 ~~shall transfer each month ten percent of the monthly state capital construction fund~~
23 ~~revenues from the state capital construction fund to the ethanol fuel fund. In fiscal year~~
24 ~~2022, the Bureau of Finance and Management shall transfer each month five percent of~~
25 ~~the monthly state capital construction fund revenues from the state capital construction~~
26 ~~fund to the ethanol fuel fund.~~