

State of South Dakota

EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

552N0610

HOUSE BILL NO. 1225

Introduced by: Representatives Vanneman, Brunner, Deadrick, Dreyer, Halverson, Hargens, Juhnke, Nelson, Noem, Pitts, Rounds, Street, Turbiville, Vehle, and Willadsen and Senators Hansen (Tom), Duenwald, Gant, McNenny, and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to revise the title of the coordinated soil and water
2 conservation fund and coordinated soil and water conservation plan.

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

4 Section 1. That § 38-7-25 be amended to read as follows:

5 38-7-25. There is hereby created a special fund known as the coordinated ~~soil and water~~
6 natural resources conservation fund. All money in the coordinated ~~soil and water~~ natural
7 resources conservation fund is dedicated for the purposes identified in the South Dakota
8 ~~Coordinated Soil and Water Conservation Plan~~ coordinated natural resources plan. Interest
9 earned on money in the fund shall be deposited in the fund.

10 Section 2. That § 38-7-26 be amended to read as follows:

11 38-7-26. The coordinated ~~soil and water~~ natural resources conservation fund ~~shall consist~~
12 consists of money transferred from the unclaimed tax refunds from the sale of motor fuel for
13 nonhighway agricultural uses in the motor fuel tax fund as provided in § 10-47A-11, and all
14 public and private sources including legislative appropriations or federal grants.



Section 3. That § 38-7-27 be amended to read as follows:

38-7-27. The ~~Coordinated Soil and Water Conservation Program~~ coordinated natural resources conservation program is hereby established. Under this program, the State Conservation Commission may grant funds from the coordinated ~~soil and water~~ natural resources conservation fund. The Conservation Commission shall promulgate rules pursuant to chapter 1-26 for administration, terms, and conditions for the disbursement of grants to conservation districts and to establish criteria for the selection of projects to receive grants through the ~~Coordinated Soil and Water Conservation Program~~ coordinated natural resources conservation program.

Section 4. That § 38-7-28 be amended to read as follows:

38-7-28. The Division of Resource Conservation and Forestry of the Department of Agriculture shall implement and administer the ~~Coordinated Soil and Water Conservation Program~~ coordinated natural resources conservation program. Expenses associated with administration of this program and other purposes as authorized by chapter 38-7 and chapter 38-8 shall be expended from the coordinated ~~soil and water~~ natural resources conservation fund as determined in the general appropriations act according to Title 4.

Section 5. That § 10-47B-149 be amended to read as follows:

10-47B-149. At the beginning of each month, the secretary shall make adjustments to the motor fuel tax fund balance in the following manner:

- (1) Each July transfer an amount to the snowmobile trails' fund equal to the product of multiplying the number of licensed snowmobiles as of July first, times one hundred twenty-five gallons, times the rate of tax provided for motor fuel under this chapter;
- (2) Transfer to the motor fuel tax refund fund an amount to pay motor fuel tax refunds for the current month;

- (3) Transfer to the motor fuel tax administration account two percent of the deposits made to the motor fuel tax fund during the preceding month to cover the expenses incurred in administering all motor fuel and special fuel tax laws of this state. On or about August first of each year, the preceding year's remaining motor fuel tax administration account balance, less an amount to provide cash flow within the account, shall be transferred to the state highway fund. The remaining balance is to be calculated by subtracting from the total of monthly deposits, the amount of corresponding expenses. The expense of administering the chapters relating to motor and special fuel taxation shall be paid out of appropriations made by the Legislature;
- (4) Transfer to the coordinated ~~soil and water~~ natural resources conservation fund an amount equal to thirty-five percent of the claimed refunds authorized by § 10-47B-119 for the preceding month, not to exceed a cumulative total of one million five hundred thousand dollars in any single fiscal year;
- (5) Each July transfer to the parks and recreation fund an amount equal to the product of multiplying the number of licensed motorized boats as of the previous December thirty-first, times one hundred forty gallons, times the rate of tax provided for motor fuels under this chapter;
- (6) Transfer to the member jurisdictions taxes collected under the provisions of the international fuel tax agreement; and
- (7) Transfer the remaining cash balance to the state highway fund.

Section 6. That § 10-47B-154 be amended to read as follows:

10-47B-154. The Legislature finds that not all motor fuel taxes which qualify for the nonhighway agricultural motor fuel tax refund are, in fact, refunded under the procedure set forth in this chapter. The Legislature further finds that a certain amount of these unclaimed tax

1 refunds from the sale of motor fuel for nonhighway agricultural uses should be utilized for
2 agricultural purposes in a manner which benefits both agriculture and the citizens of the state
3 by preserving its natural resources. Therefore, the Legislature declares that an amount equal to
4 thirty-five percent of the claimed refunds authorized by § 10-47B-119, not to exceed one million
5 five hundred thousand dollars in any single fiscal year, represents the amount of unclaimed tax
6 refunds from the sale of motor fuel tax for nonhighway agricultural uses. The Legislature further
7 declares that it is the policy of this state to use these funds, representing the unclaimed tax
8 refunds from the sale of motor fuel for nonhighway agricultural purposes, to implement the
9 ~~Coordinated Soil and Water Conservation Program~~ coordinated natural resources conservation
10 program.