



## 2023 South Dakota Legislature

# Senate Bill 152

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,~~  
 18 ~~and 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 construction~~  
 20 ~~fund, twenty percent shall be deposited in the ethanol fuel fund, nineteen percent~~  
 21 ~~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-~~  
 23 ~~47B-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,~~

1           ~~eighteen percent shall be deposited in the petroleum release compensation fund,~~  
2           ~~and one percent 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,~~  
5           ~~seventeen percent shall be deposited in the petroleum release compensation fund,~~  
6           ~~and one percent shall be deposited in the ethanol infrastructure incentive fund;~~  
7           ~~and~~  
8           ~~(5) Beginning in fiscal year 2023~~2024 ~~and each year thereafter, eighty-one and one-~~  
9           ~~half percent shall~~ must ~~be deposited in the state capital construction fund,~~  
10           ~~seventeen percent shall~~ must ~~be deposited in the petroleum release compensation~~  
11           ~~fund, and one and one-half percent shall~~ must ~~be deposited in the ethanol~~  
12           ~~infrastructure incentive fund~~ water and environment fund, provided in § 46A-1-60.

13   **Section 2. That § 5-27-6 be AMENDED:**

14           ~~**5-27-6.** During fiscal year 2019, the Bureau of Finance and Management shall~~  
15           ~~transfer each month sixty four percent of the monthly state capital construction fund~~  
16           ~~revenues from the state capital construction fund to the water and environment fund. In~~  
17           ~~fiscal year 2020, the Bureau of Finance and Management shall transfer each month sixty-~~  
18           ~~two percent of the monthly state capital construction fund revenues from the state capital~~  
19           ~~construction fund to the water and environment fund. In fiscal year 2021, the Bureau of~~  
20           ~~Finance and Management shall transfer each month sixty one percent of the monthly state~~  
21           ~~capital construction fund revenues from the state capital construction fund to the water~~  
22           ~~and environment fund. In fiscal year 2022, the Bureau of Finance and Management shall~~  
23           ~~transfer each month sixty one percent of the monthly state capital construction fund~~  
24           ~~revenues from the state capital construction fund to the water and environment fund.~~

25           ~~Beginning in fiscal year 2023~~ 2024 ~~and each year thereafter, the Bureau of Finance~~  
26           ~~and Management shall transfer each month sixty four percent of the monthly state capital~~  
27           ~~construction fund revenues from the state capital construction fund to the water and~~  
28           ~~environment fund.~~ as follows:

- 29           ~~(1) Sixty-eight percent to the water and environment fund, provided in § 46A-~~  
30           ~~1-60; and~~
- 31           ~~(2) Thirty-two percent to the state highway fund.~~

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

1           ~~In fiscal year 2019, the Bureau of Finance and Management shall transfer each~~  
2 ~~month twenty one and one half percent of the monthly state capital construction fund~~  
3 ~~revenues from the state capital construction fund to the ethanol fuel fund. In fiscal year~~  
4 ~~2020, the Bureau of Finance and Management shall transfer each month fifteen percent~~  
5 ~~of the monthly state capital construction fund revenues from the state capital construction~~  
6 ~~fund to the ethanol fuel fund. In fiscal year 2021, the Bureau of Finance and Management~~  
7 ~~shall transfer each month ten percent of the monthly state capital construction fund~~  
8 ~~revenues from the state capital construction fund to the ethanol fuel fund. In fiscal year~~  
9 ~~2022, the Bureau of Finance and Management shall transfer each month five percent of~~  
10 ~~the monthly state capital construction fund revenues from the state capital construction~~  
11 ~~fund to the ethanol fuel fund.~~

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

13           ~~In fiscal year 2019, the Bureau of Finance and Management shall transfer each~~  
14 ~~month fourteen and one half percent of the monthly state capital construction fund~~  
15 ~~revenues from the state capital construction fund to the state highway fund. In fiscal year~~  
16 ~~2020, the Bureau of Finance and Management shall transfer each month twenty three~~  
17 ~~percent of the monthly state capital construction fund revenues from the state capital~~  
18 ~~construction fund to the state highway fund. In fiscal year 2021, the Bureau of Finance~~  
19 ~~and Management shall transfer each month twenty nine percent of the monthly state~~  
20 ~~capital construction fund revenues from the state capital construction fund to the state~~  
21 ~~highway fund. In fiscal year 2022, the Bureau of Finance and Management shall transfer~~  
22 ~~each month thirty four percent of the monthly state capital construction fund revenues~~  
23 ~~from the state capital construction fund to the state highway fund. Beginning in fiscal year~~  
24 ~~2023 and each year thereafter, the Bureau of Finance and Management shall transfer each~~  
25 ~~month thirty six percent of the monthly state capital construction fund revenues from the~~  
26 ~~state capital construction fund to the state highway fund.~~