



2024 South Dakota Legislature

Senate Bill 78

SENATE COMMERCE AND ENERGY ENGROSSED

Introduced by: **Senator Crabtree**

1 **An Act to provide for an E15 fuel tax refund.**

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

3 **Section 1. That chapter 10-47B be amended with a NEW SECTION:**

4 Beginning in fiscal year 2025 and ending in fiscal year 2030, any money deposited
 5 in the ethanol infrastructure incentive fund must be used to provide fuel tax refunds in
 6 accordance with this section. A licensed marketer that has demonstrated compliance with
 7 alternative fuel compatibility requirements with the Department of Agriculture and Natural
 8 Resources may claim a fuel tax refund in an amount equal to five cents multiplied by the
 9 total number of gallons of ethanol blended gasoline classified as E15 sold and dispensed
 10 by the licensed marketer during the preceding calendar year through motor fuel pumps
 11 located on its retail premises in this state. A licensed marketer may claim a refund for
 12 calendar years 2025 through 2029. The licensed marketer must apply for the refund on a
 13 form provided by the Governor's Office of Economic Development. The Governor's Office
 14 of Economic Development shall publish the application form on its website. The licensed
 15 marketer must complete the application form and file it with the Governor's Office of
 16 Economic Development within ninety days after the end of the calendar year for which the
 17 refund is claimed. The commissioner of the Governor's Office of Economic Development
 18 shall approve or deny the application within thirty days after it is filed. Upon approval of
 19 the application, the commissioner shall approve vouchers and the state auditor shall draw
 20 warrants to pay expenditures authorized by this Act. If the amount of money on deposit
 21 in the ethanol infrastructure fund is not sufficient to pay in full all the allowable tax refunds
 22 for the calendar year, the payments must be prorated among the applicants. The
 23 Governor's Office of Economic Development shall promulgate rules pursuant to chapter 1-
 24 26 prescribing the information that must be included in the application form, the procedure
 25 for filing the form, and the process for appealing a denial of an application.