

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

674B0603

## HOUSE ENGROSSED NO. **HB1229** - 2/18/98

Introduced by: Representatives Cutler, Crisp, Diedrich, Haley, Johnson (Doug), Koetzle, Putnam, Schaunaman, Sperry, and Volesky and Senators Symens, Brown (Arnold), Flowers, and Munson (David)

1 FOR AN ACT ENTITLED, An Act to decrease the petroleum release compensation and tank  
2 inspection fee and to revise the distribution of revenue from the petroleum release  
3 compensation and tank inspection fee and from the capital construction fund.

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

5 Section 1. That § 34A-13-20 be amended to read as follows:

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

dollars per one thousand gallons of petroleum. Beginning on January 1, 2003, the fee is ten dollars per one thousand gallons of petroleum.

The revenue collected pursuant to this section shall be distributed monthly in the following manner:

- (1) ~~Forty percent shall be deposited to the state capital construction fund created in § 5-27-1 in fiscal year 1994 until five million six hundred thousand dollars is deposited. For fiscal year 1995 and each year thereafter, forty-two~~ During fiscal year 1999, forty-two percent shall be deposited to in the state capital construction fund created in § 5-27-1 until five million nine hundred thousand dollars is deposited. Beginning in fiscal year 2000 to December 31, 2002, inclusive, fifty percent shall be deposited in the state capital construction fund created in § 5-27-1. Beginning on January 1, 2003, seventy-eight and seven-tenths percent shall be deposited in the state capital construction fund; and
- (2) ~~The remaining balance~~ During fiscal year 1999, fifty-eight percent shall be deposited into the petroleum release compensation fund. Beginning in fiscal year 2000 to December 31, 2002, inclusive, fifty percent shall be deposited in the petroleum release compensation fund. Beginning on January 1, 2003, twenty-one and three-tenths percent shall be deposited in the petroleum release compensation fund.

Section 2. That § 5-27-4 be amended to read as follows:

~~5-27-4. During fiscal year 1996, the Bureau of Finance and Management shall transfer on a monthly basis one hundred eighty-three thousand three hundred thirty-three dollars from the state capital construction fund to the ethanol fuel fund. During fiscal year 1997 and each year after, the~~ During fiscal year 1999, the Bureau of Finance and Management shall transfer each month twenty and three-quarters twenty-four and two-tenths percent of the monthly state capital construction fund revenues from the state capital construction fund to the ethanol fuel fund.

1 Beginning in fiscal year 2000 to December 31, 2002, inclusive, the Bureau of Finance and  
2 Management shall transfer each month thirty-three and one-quarter percent of the monthly state  
3 capital construction fund revenues from the state capital construction fund to the ethanol fuel  
4 fund. Beginning on January 1, 2003, the Bureau of Finance and Management shall transfer each  
5 month twenty-five and six-tenths percent of the monthly state capital construction fund revenues  
6 from the state capital construction fund to the ethanol fuel fund.

7 Section 3. That § 5-27-5 be amended to read as follows:

8 5-27-5. ~~During fiscal year 1996, the Bureau of Finance and Management shall transfer on a~~  
9 ~~monthly basis thirty-three thousand three hundred thirty dollars from the state capital~~  
10 ~~construction fund to the public and special transportation assistance fund. During fiscal year~~  
11 ~~1997 and each year after, the~~ During fiscal year 1999, the Bureau of Finance and Management  
12 shall transfer each month ~~three and three-quarters~~ three and six-tenths percent of the monthly  
13 state capital construction fund revenues from the state capital construction fund to the public and  
14 special transportation fund. Beginning in fiscal year 2000 to December 31, 2002, inclusive, the  
15 Bureau of Finance and Management shall transfer each month three and one-half percent of the  
16 monthly state capital construction fund revenues from the state capital construction fund to the  
17 public and special transportation fund. Beginning on January 1, 2003, the Bureau of Finance and  
18 Management shall transfer each month two and six-tenths percent of the monthly state capital  
19 construction fund revenues from the state capital construction fund to the public and special  
20 transportation fund.

21 Section 4. That § 5-27-6 be amended to read as follows:

22 5-27-6. ~~During fiscal year 1996, the Bureau of Finance and Management shall transfer on a~~  
23 ~~monthly basis two hundred ninety-two thousand dollars from the capital construction fund to the~~  
24 ~~water and environment fund established pursuant to § 46A-1-60. During fiscal year 1997 and~~  
25 ~~each year after, the~~ During fiscal year 1999, the Bureau of Finance and Management shall

1 transfer each month ~~seventy-five and one-half~~ seventy-two and two-tenths percent of the monthly  
2 state capital construction fund revenues from the state capital construction fund to the water and  
3 environment fund. Beginning in fiscal year 2000 to December 31, 2002, inclusive, the Bureau  
4 of Finance and Management shall transfer each month sixty-three and one-quarter percent of the  
5 monthly state capital construction fund revenues from the state capital construction fund to the  
6 water and environment fund. Beginning on January 1, 2003, the Bureau of Finance and  
7 Management shall transfer each month seventy-one and eight-tenths percent of the monthly state  
8 capital construction fund revenues from the state capital construction fund to the water and  
9 environment fund.

1 **BILL HISTORY**

2 1/21/98 First read in House and referred to Commerce. H.J. 156

3 1/29/98 Scheduled for Committee hearing on this date.

4 1/29/98 Commerce Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 295

5 2/2/98 House of Representatives Do Pass Amended, Failed, AYES 40, NAYS 28. H.J. 351

6 2/2/98 Intent to reconsider. H.J. 351

7 2/3/98 House of Representatives Reconsidered, AYES 59, NAYS 8. H.J. 363

8 2/3/98 House of Representatives Deferred to another day. H.J. 363

9 2/10/98 Motion to Amend, Passed. H.J. 520

10 2/10/98 Tabled amendment. H.J. 521

11 2/10/98 House of Representatives Do Pass Amended, Passed, AYES 68, NAYS 2. H.J. 522

12 2/10/98 House of Representatives Title Amended Passed. H.J. 525

13 2/11/98 First read in Senate and referred to State Affairs. S.J. 460

14 2/14/98 State Affairs Do Pass, Passed, AYES 9, NAYS 0. S.J. 526

15 2/17/98 Senate Do Pass Amended, Passed, AYES 33, NAYS 0. S.J. 564