

State of South Dakota

SPECIAL SESSION OF THE SEVENTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 1997

870A0009

SENATE BILL NO. 1

Introduced by: Senators Rounds, Aker, Benson, Daugaard, Dunn (Jim), Everist, Frederick, Hainje, Halverson, Ham, Johnson (William), Kleven, Shoener, Thompson, Vitter, and Whiting and Representatives Cutler, Apa, Belatti, Brooks, Brosz, Brown (Jarvis), Brown (Richard), Duenwald, Duniphan, Fiegen, Konold, Kooistra, Koskan, Kredit, Madden, Matthews, Monroe, Munson (Donald), Pederson (Gordon), Pummel, Putnam, Richter, Roe, Rost, Smidt, Van Gerpen, Weber, and Wetz

1 FOR AN ACT ENTITLED, An Act to increase the excise tax on certain motor fuels, to
2 appropriate money to assist counties and townships and to the special emergency and
3 disaster special revenue fund, to provide for the distribution of such funds, to appropriate
4 additional FTE, and to declare an emergency.

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

6 Section 1. That § 10-47B-4 be amended to read as follows:

7 10-47B-4. The fuel excise tax rates for the tax imposed by this chapter are as follows:

- 8 (1) Motor fuel (except ethanol blends, E85 and M85 blends, and aviation gasoline) - ~~\$.18~~
9 \$.20 per gallon;
- 10 (2) Special fuel (except jet fuel) - ~~\$.18~~ \$.20 per gallon;
- 11 (3) Ethanol blends - ~~\$.16~~ \$.18 per gallon;
- 12 (4) Aviation gasoline - \$.06 per gallon;

- 1 (5) Jet fuel - \$.04 per gallon;
- 2 (6) E85 and M85 - ~~\$.06~~ \$.08 per gallon;
- 3 (7) E85 and M85 used in aircraft - \$.04 per gallon;
- 4 (8) Liquid petroleum gas - ~~\$.16~~ \$.18 per gallon;
- 5 (9) Compressed natural gas - ~~\$.06~~ \$.08 per gallon.

6 Section 2. That chapter 10-47B be amended by adding thereto a NEW SECTION to read
7 as follows:

8 The tax liability of an interstate fuel user, licensed pursuant to § 10-47B-147, for the calendar
9 quarter of April, May, and June 1997, shall be computed at the average rate of taxation for all
10 three months in the period, multiplied times the total gallons of fuel attributable to South Dakota
11 operations for that quarter as calculated by § 10-47B-176.

12 Section 3. The effective date of sections 1 and 2 of this Act is May 1, 1997, and sections 1
13 and 2 of this Act are repealed on October 1, 1998.

14 Section 4. There is hereby appropriated from the state highway fund the sum of two million
15 four hundred thousand dollars (\$2,400,000), or so much thereof as may be necessary, to the
16 Office of the Governor to assist counties and townships in matching funds made available by the
17 Federal Emergency Management Agency for the period of time which was declared a disaster
18 for the blizzard of 1997.

19 Section 5. The commissioner of the Bureau of Finance and Management shall transfer from
20 the budget reserve fund created in § 4-7-31 to the general fund the sum of three million three
21 hundred thousand dollars (\$3,300,000).

22 Section 6. There is hereby appropriated from the general fund the sum of three million three
23 hundred thousand dollars (\$3,300,000), or so much thereof as may be necessary, to the special
24 emergency and disaster special revenue fund created in § 33-15-23.

25 Section 7. There is hereby appropriated from the funds appropriated to the special emergency

1 and disaster special revenue fund in section 6 of this Act, the sum of two million dollars
2 (\$2,000,000), or so much thereof as may be necessary, to the Office of the Governor to assist
3 counties in matching funds made available by the Federal Emergency Management Agency for
4 the period of time which was declared a disaster for the flood of 1997.

5 Section 8. There is hereby appropriated from the funds appropriated to the special emergency
6 and disaster special revenue fund in section 6 of this Act, the sum of one million dollars
7 (\$1,000,000), or so much thereof as may be necessary, to the Office of the Governor to assist
8 townships in matching funds made available by the Federal Emergency Management Agency for
9 the period of time which was declared a disaster for the flood of 1997.

10 Section 9. Funds appropriated by sections 4, 7, and 8 of this Act shall be made available to
11 counties or townships on a proportionate basis to the extent that funds have been allocated for
12 use by those political subdivisions.

13 Section 10. The Governor shall set a deadline for counties and townships to submit copies
14 of Federal Emergency Management Agency eligible bills to the state for reimbursement from the
15 funds made available to counties and townships under sections 4, 7, and 8 of this Act.

16 Section 11. The Governor shall approve vouchers and the state auditor shall draw warrants
17 to pay expenditures authorized by this Act.

18 Section 12. Any amounts appropriated in section 4, 7, or 8 of this Act not lawfully expended
19 or obligated by June 30, 1998, shall revert in accordance with § 4-8-21.

20 Section 13. There is hereby appropriated to the Department of Military and Veterans Affairs
21 five FTE per year for the period of one year to complete blizzard and flood project
22 administration for the 1997 Presidential Blizzard Disaster Declaration and 1997 Presidential
23 Flood Disaster Declaration.

24 Section 14. The Department of Military and Veterans Affairs may accept and expend for the
25 purposes of this Act, in addition to the amount in section 6 of this Act, any funds obtained from

1 federal sources, gifts, contributions, or any other source if the acceptance and expenditure are
2 approved in accordance with § 4-8B-10.

3 Section 15. The director of emergency management or the adjutant general, with the
4 approval of the Governor, shall approve vouchers and the state auditor shall draw warrants to
5 pay expenditures authorized by sections 6 and 14 of this Act.

6 Section 16. Whereas, this Act is necessary for the support of the state government and its
7 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
8 force and effect from and after its passage and approval.