

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

395B0564

SENATE BILL NO. 159

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

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

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

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

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

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

1 manner:

2 (1) ~~Forty percent shall be deposited to the state capital construction fund created in~~
3 ~~§ 5-27-1 in fiscal year 1994 until five million six hundred thousand dollars is~~
4 ~~deposited. For fiscal year 1995 and each year thereafter, forty-two~~ Fifty percent shall
5 be deposited to the state capital construction fund created in § 5-27-1 ~~until five~~
6 ~~million nine hundred thousand dollars is deposited; and~~

7 (2) ~~The remaining balance~~ Fifty percent shall be deposited into the petroleum release
8 compensation fund.