

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

663Q0038

SENATE BILL NO. 86

Introduced by: Senators Hundstad, Abdallah, Ahlers, Bartling, Bradford, Brown, Fryslic, Gant, Gillespie, Gray, Hanson (Gary), Haverly, Heidepriem, Howie, Hunhoff (Jean), Jerstad, Kloucek, Maher, Merchant, Miles, Nesselhuf, Novstrup (Al), Olson (Russell), Peterson, Schmidt, and Turbak Berry and Representatives Feickert, Blake, Hunhoff (Bernie), Solberg, and Vanderlinde

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions concerning the application of
2 the inventory tax on certain fuels in storage on January 1, 1996.

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

4 Section 1. That § 10-47B-14 be repealed.

5 ~~10-47B-14. Any person having title to undyed special fuel and jet fuel in storage on January~~
6 ~~1, 1996, is subject to an inventory tax based on the gallons in storage as of the close of the~~
7 ~~business day preceding the effective date of the increased tax rate.~~

8 Section 2. That § 10-47B-15 be repealed.

9 ~~10-47B-15. Any person subject to the tax imposed by § 10-47B-14 shall:~~

10 ~~(1) Take an inventory to determine the gallons in storage for purposes of determining the~~
11 ~~inventory tax;~~

12 ~~(2) Report the gallons listed in § 10-47B-14 on forms provided by the secretary; and~~

13 ~~(3) Pay the tax due not more than thirty days after the prescribed inventory date.~~



1 Section 3. That § 10-47B-16 be repealed.

2 ~~10-47B-16. In determining the amount of special fuel tax due under §§ 10-47B-14 and 10-~~
3 ~~47B-15, the person may exclude the amount of special fuel that will not be pumped out of the~~
4 ~~storage tank because the special fuel is below the mouth of the draw pipe. For this purpose, the~~
5 ~~person may deduct two hundred gallons for a storage tank with a capacity of more than one~~
6 ~~thousand gallons and less than ten thousand gallons, and four hundred gallons for a storage tank~~
7 ~~with a capacity of ten thousand gallons or more.~~

8 Section 4. That § 10-47B-17 be repealed.

9 ~~10-47B-17. The amount of the inventory tax imposed by § 10-47B-14 is equal to the special~~
10 ~~fuel tax rate indicated in § 10-47B-4 times the gallons in storage as determined under § 10-47B-~~
11 ~~15.~~