

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

770B0525

## SENATE BILL NO. 94

Introduced by: Senators Youngberg, Blare, Monroe, Nesiba, Otten (Ernie), and Soholt and Representatives Chase, Anderson, Duvall, Finck, Johnson (David), Lesmeister, and Zikmund

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding rule-making authority to  
2 establish certain fuel standards.

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

4 Section 1. That § 37-2-6 be amended to read:

5 37-2-6. The secretary may, pursuant to chapter 1-26, and in general conformity with current  
6 ASTM and, NIST, and United States Environmental Protection Agency (EPA) standards in  
7 effect on January 1, 2015, promulgate rules:

- 8 (1) Establishing standards for the maximum volume percentages of ethanol, methanol,  
9 ether, and cosolvents in alcohol blended fuels;
- 10 (2) Establishing a program for and prescribing the methods to be used for the inspection  
11 and testing of alcohol blended fuels, petroleum products, biodiesel, and biodiesel  
12 blends;
- 13 (3) Requiring labeling of devices dispensing alcohol blended fuels, biodiesel, and  
14 biodiesel blends;



- 1       (4)   Establishing standards setting the specifications and tolerance requirements for
- 2            petroleum products, biodiesel, and biodiesel blends; ~~and~~
- 3       (5)   Regulating the filtering system to be used on devices dispensing alcohol blended
- 4            fuels; and
- 5       (6)   Establishing seasonal volatility schedules for alcohol blended fuels that conform to
- 6            the vapor pressure class requirements and permissible seasonal adjustments set forth
- 7            by the EPA.

8       Section 2. That § 37-2-7 be amended to read:

9       37-2-7. Specifications and methods for the examination and test of petroleum products shall

10   be determined by the department and ~~shall~~ may be based upon current standards from ASTM

11   and NIST ~~as of January 1, 2015~~. If promulgated as rules of the department in accordance with

12   the provisions of chapter 1-26, the specifications shall be the specifications for such petroleum

13   products sold in this state and official tests of the petroleum products shall be based upon test

14   specifications so determined, adopted, and promulgated.