

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

267T0616

## HOUSE BILL NO. 1228

Introduced by: Representatives Moser, Cronin, Rausch, Street, and Willadsen and Senators Hansen (Tom) and Begalka

1 FOR AN ACT ENTITLED, An Act to repeal the sunset concerning tax refunds for new or  
2 expanded agricultural facilities and new or expanded business facilities.

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

4 Section 1. That § 10-45B-2.3 be amended to read as follows:

5 10-45B-2.3. Notwithstanding any provision of this chapter, this section controls the amount  
6 of refunds payable under this chapter for any new agricultural processing facility or new  
7 business facility that has a construction date on or after January 1, 2010. For project cost  
8 incurred and paid ~~from~~ after July 1, 2010, ~~to December 31, 2012, inclusive,~~ the amount of the  
9 refund shall be determined by applying the provisions of this chapter in effect on July 1, 2010.  
10 The amount of the tax refund for a new agricultural processing facility or new business facility  
11 shall be a percentage of the taxes paid, as follows:

- 12 (1) For project costs of less than ten million dollars, there shall be no refund;
- 13 (2) For project costs of ten or more million dollars but less than forty million dollars,  
14 there shall be a refund of forty-five percent of the taxes paid;
- 15 (3) For project costs of forty or more million dollars but less than five hundred million



1           dollars, there shall be a refund of fifty-five percent of the taxes paid; and

2           (4) For projects costs of five hundred million or more dollars, there shall be no refund.

3 ~~— No tax refund may be given for any project cost incurred and paid on or after January 1,~~  
4  ~~2013, except for performance retainage amounts, not to exceed ten percent, related to the~~  
5  ~~project.~~

6           Section 2. That § 10-45B-17 be amended to read as follows:

7           10-45B-17. Notwithstanding any provision of this chapter, this section controls the amount  
8 of refunds payable under this chapter for any new business facility that is a wind energy facility  
9 and has a construction date on or after January 1, 2010. For project costs incurred and paid ~~from~~  
10 ~~after~~ July 1, 2010, ~~to December 31, 2012, inclusive,~~ the amount of the refund shall be  
11 determined by applying the provisions of this chapter in effect on July 1, 2010. The amount of  
12 the tax refund for a wind energy facility shall be a percentage of the taxes paid, as follows:

13           (1) For project costs of less than ten million dollars, there shall be no refund;

14           (2) For project costs of ten or more million dollars but less than forty million dollars,  
15 there shall be a refund of forty-five percent of the taxes paid; and

16           (3) For project costs of forty or more million dollars, there shall be a refund of fifty-five  
17 percent of the taxes paid.

18 ~~— No tax refund may be given for any project cost incurred and paid on or after January 1,~~  
19  ~~2013, except for performance retainage amounts, not to exceed ten percent, related to the~~  
20  ~~project.~~

21           Section 3. If the referred law, House Bill 1230, is not passed by the voters of this State on  
22 November 6, 2012, the provisions of this Act are effective on January 1, 2013.