

AN ACT

ENTITLED, An Act to provide tax refunds for certain energy projects.

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

Section 1. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as follows:

Notwithstanding any other provision of this chapter, a wind energy facility which installs wind turbines and operates them to create electrical energy is eligible for a refund of the sales and use taxes and contractors excise taxes paid on the project. The wind energy facility shall have a construction date on or after January 1, 2013, and the total project costs shall exceed fifty million dollars. For project costs incurred and paid after January 1, 2013, inclusive, the amount of the refund shall be determined by multiplying the nameplate capacity of the installed turbines by forty-five dollars per kilowatt. The refund is payable when construction is complete and the sales and use taxes and contractors excise taxes have been paid in full.

Section 2. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as follows:

Notwithstanding any other provision of this chapter, this section controls the amount of refunds payable under this chapter for any new business facility that is an environmental upgrade to an existing power generation facility. The environmental upgrade shall have a construction date on or after January 1, 2013, and the total project costs shall exceed fifty million dollars. For project costs incurred and paid after January 1, 2013, inclusive, the amount of the refund amount of the tax refund for an environmental upgrade to an existing power generation facility shall be fifty percent of the taxes paid. For project costs incurred after January 1, 2017, there is no refund. The refund is payable when construction is complete and the sales and use taxes and contractors excise taxes have been paid in full.

Section 3. That subdivision (6) of § 10-45B-1 be amended to read as follows:

- (6) "Power generation facility," a facility with one power unit that generates electricity with a nameplate capacity of no less than three hundred megawatts;

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I certify that the attached Act  
originated in the  
HOUSE as Bill No. 1228

\_\_\_\_\_  
Chief Clerk  
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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1228  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_ ,  
20\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
=====

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_

\_\_\_\_\_  
Governor

=====  
STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State