

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

483M0483

HOUSE BILL NO. 1207

Introduced by: Representatives Garnos, Glover, Hackl, Halverson, Jensen, Koistinen, and
Wick and Senators Koskan and Hundstad

1 FOR AN ACT ENTITLED, An Act to create a rebate program for installation of corn stove
2 heating systems and to make an appropriation therefor.

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

4 Section 1. There is hereby established the South Dakota made energy savings fund and the
5 South Dakota made energy savings program to be administered by the Department of Tourism
6 and State Development. The purpose of the program is to provide a rebate to any person who
7 intends to purchase and install a corn stove heating system. The corn stove heating system shall
8 be the primary heating source for the home or facility. Any application for a rebate that is
9 submitted after all the available funds have been obligated is denied.

10 Section 2. Terms used in this Act mean:

- 11 (1) "Corn stove heating system," any private home or commercial facility that utilizes
12 corn as a fuel for heating purposes;
- 13 (2) "Department," the Department of Tourism and State Development;
- 14 (3) "Person," any individual, firm, copartnership, joint venture, association, limited
15 liability company, limited liability partnership, corporation, estate, trust, business



1 trust, receiver, unit of government, or political subdivision of any state;

2 (4) "Project," the purchase installation of a corn stove heating system as the primary
3 heating source for a private home or commercial facility;

4 (5) "Project cost," the amount of money, credits, property, or other money's worth for a
5 project incurred and paid after July 1, 2006, for a project;

6 (6) "Secretary," the secretary of the Department of Tourism and State Development.

7 Section 3. Any person who is a South Dakota resident may apply for and obtain a rebate of
8 five hundred dollars for the purchase and installation of a corn stove heating system. However,
9 if the person has a countable income at or below one hundred fifty percent of the federal poverty
10 level, as updated annually by the Department of Social Services in administrative rules
11 promulgated pursuant to chapter 1-26, the person may apply for and obtain a rebate of one
12 thousand dollars.

13 Section 4. The rebate for a corn stove heating system pertains only to project costs incurred
14 and paid after July 1, 2006, and within eighteen months of the approval of the application
15 required by this Act. No rebate may be made unless the person has obtained prior approval from
16 the secretary for a rebate as set forth in this Act.

17 Section 5. Any person desiring to claim a rebate pursuant to this Act shall apply for a rebate
18 from the secretary at least thirty days prior to the purchase and installation date of the corn stove
19 heating system. The application for a rebate shall be submitted on a form prescribed by the
20 secretary. Upon approval of the application, the secretary shall issue a rebate entitling the
21 applicant to submit rebate claims as provided by this Act.

22 Section 6. Any claim for rebate shall be submitted on forms prescribed by the secretary and
23 shall be supported by such documentation as the secretary may require. The secretary may deny
24 any claim where the claimant has failed to provide information or documentation requested or

1 considered necessary by the secretary to determine the validity of the claim.

2 Section 7. If any claim has been fraudulently presented or supported as to any item in the
3 claim, or if the claimant fails to meet all the conditions of this Act, then the claim may be
4 rejected in its entirety and all sums previously rebated to the claimant shall constitute a debt to
5 the state and a lien in favor of the state upon all property and rights to property whether real or
6 personal belonging to the claimant and may be recovered in an action of debt.

7 Section 8. Any person, aggrieved by the denial in whole or in part of a rebate claimed under
8 this Act, may, within thirty days after service of the notice of such denial by the secretary,
9 demand a hearing, upon notice, before the secretary. The hearing shall be conducted pursuant
10 to chapter 1-26.

11 Section 9. Any person aggrieved by a decision of the secretary under this Act, may, within
12 thirty days of receipt of written notice of the secretary's decision, make written application to
13 the secretary for a hearing to be conducted pursuant to chapter 1-26. Hearings are to be
14 conducted and appeals taken pursuant to the provisions of chapters 1-26 and 1-26D. A copy of
15 the hearing examiner's proposed decision, findings of fact, and conclusions of law shall be
16 served on all parties when furnished to the secretary. If the secretary, pursuant to chapter 1-26D,
17 accepts the final decision of the hearing examiner, no appeal from a final decision of the
18 secretary upon any additional tax to be paid may be taken unless any amount ordered paid by
19 the secretary is paid or a bond filed to insure payment of the amount. However, if the final
20 decision of the secretary, pursuant to chapter 1-26D, rejects or modifies the decision of the
21 hearing examiner regarding the amount due, an appeal may be taken without payment of the
22 amount ordered to be paid and without filing of a bond. If the secretary's decision is affirmed
23 by the circuit court, no appeal may be taken unless any amount ordered to be paid by the
24 secretary is paid or a bond is filed to insure payment of such amount.

1 Section 10. The secretary may promulgate rules, pursuant to chapter 1-26, concerning the
2 procedures for filing rebate claims and the requirements necessary to qualify for a rebate.

3 Section 11. There is hereby appropriated from the general fund the sum of fifty thousand
4 dollars (\$50,000), or so much thereof as may be necessary, to the Department of Tourism and
5 State Development for the purpose of funding a rebate program for the South Dakota made
6 energy savings program.

7 Section 12. The secretary of the Department of Tourism and State Development shall
8 approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by
9 this Act.

10 Section 13. Any amounts appropriated in this Act not lawfully expended or obligated by
11 June 30, 2009, shall revert in accordance with § 4-8-21.