

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

348R0299

HOUSE TAXATION ENGROSSED NO. **HB 1246** - 2/18/2010

Introduced by: Representatives Frerichs, Brunner, Burg, Cronin, Engels, Hunhoff (Bernie),
Killer, Kirkeby, Noem, Rausch, Rounds, Russell, and Verchio and Senators
Rhoden, Knudson, Merchant, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to revise the definition of new business facilities that are
2 eligible for certain tax refunds and to declare an emergency.

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

4 Section 1. That § 10-45B-1.1 be amended to read as follows:

5 10-45B-1.1. For the purposes of this chapter, the term, new business facility, means a new
6 building or structure or the expansion of an existing building or structure, including a power
7 generation facility, the construction of which is subject to the contractor's excise tax pursuant
8 to chapter 10-46A or 10-46B. A new business facility does not include any building or structure:

- 9 (1) Used predominantly for the sale of products at retail, other than the sale of electricity
10 at retail, to individual consumers;
- 11 (2) Used predominantly for residential housing or transient lodging;
- 12 (3) Used predominantly to provide health care services; ~~or~~
- 13 (4) That is not subject to ad valorem real property taxation or equivalent taxes measured
14 by gross receipts; or



1 (5) Used predominantly for the transportation or transmission of oil or crude oil by
2 means of a pipeline.

3 Section 2. The provisions of this Act apply to any project where the construction date is after
4 the effective date of this Act.

5 The provisions of chapter 10-45B in effect prior to the effective date of this Act apply to any
6 project where the construction date was before the effective date of this Act.

7 Section 3. Whereas, this Act is necessary for the support of the state government and its
8 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
9 full force and effect from and after its passage and approval.