State of South Dakota

EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

400R0365

CONFERENCE COMMITTEE ENGROSSED NO. $HB\ 1060\ -\ 3/12/2010$

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on Appropriations at the request of the Department of Revenue and Regulation

1 FOR AN ACT ENTITLED, An Act to provide certain tax refunds for new or expanded wind 2 energy facilities. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA: 3 4 Section 1. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as 5 follows: 6 For the purposes of this chapter, the term, wind energy facility, means: 7 (1) Any new facility, or facility expansion, consisting of a commonly managed integrated 8 system of towers, wind turbine generators with blades, power collection systems, and 9 electric interconnection systems, that converts wind movement into electricity; 10 (2) Any new or upgraded electric transmission line and associated facilities; or 11 (3) Any new business facility that manufactures, assembles, or distributes wind or 12 transmission components. 13 Section 2. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as

14

follows:

- 2 - HB 1060

Notwithstanding any provision of chapter 10-45B or section 8 of SB 195 as previously

- 2 enacted by the Eighty-fifth Legislature, this section controls the amount of refunds payable
- 3 under chapter 10-45B for any new business facility that is a wind energy facility and has a
- 4 construction date on or after January 1, 2010. For project costs incurred and paid from July 1,
- 5 2010, to December 31, 2012, inclusive, the amount of the refund shall be determined by
- 6 applying the provisions of chapter 10-45B in effect on July 1, 2010. The amount of the tax
- 7 refund for a wind energy facility shall be a percentage of the taxes paid, as follows:
- 8 (1) For project costs of less than ten million dollars, there shall be no refund;
- 9 (2) For project costs of ten or more million dollars but less than forty million dollars,
- there shall be a refund of forty-five percent of the taxes paid; and
- 11 (3) For project costs of forty or more million dollars, there shall be a refund of fifty-five
- percent of the taxes paid.
- No tax refund may be given for any project cost incurred and paid on or after January 1,
- 14 2013, except for performance retainage amounts, not to exceed ten percent, related to the
- 15 project.