

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0208

SENATE BILL NO. 30

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the issuance of tax
2 refunds for the construction of agricultural processing or new business facilities.

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

4 Section 1. That § 10-45B-11.1 be amended to read as follows:

5 10-45B-11.1. Any amount refunded pursuant to this chapter for a project that is not
6 completed within the time frames prescribed by ~~§ 10-45B-4.1~~ in this chapter, including any
7 extensions granted by the secretary, shall be returned to the state without interest. Any refunded
8 amounts not returned pursuant to this section and all sums previously refunded to the claimant
9 constitute a debt to the state and a lien in favor of the state upon all property and rights to
10 property whether real or personal belonging to the claimant and may be recovered in an action
11 of debt.

12 Section 2. That § 10-45B-8 be amended to read as follows:

13 10-45B-8. Any person issued a permit pursuant to this chapter shall submit a claim for
14 refund to the department no more frequently than on or before the last day of each month and
15 no less frequently than on or before the last day of each month following each calendar quarter.



1 The secretary shall determine and pay the amount of the tax refund within ninety days of receipt
2 of the claim for refund. However, no refund claim may be paid until on or after the construction
3 date. Ninety-five percent of the amount of refund shall be paid to the claimant in accordance
4 with §§ 10-59-22 and 10-59-23, and five percent shall be withheld by the department. No
5 interest may be paid on the refund amount. If electronic funds transfer is available to the
6 secretary, the secretary shall pay the refund by electronic funds transfer if requested by the
7 claimant.