

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

168V0639

HOUSE BILL NO. 1190

Introduced by: Representatives Solum and Parsley and Senators Jones (Chuck) and Rave

1 FOR AN ACT ENTITLED, An Act to revise the gross receipts tax imposed on wind farms.

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

3 Section 1. That § 10-35-19 be amended to read as follows:

4 10-35-19. Any company owning or holding under lease, or otherwise, real or personal
5 property used, or intended for use, as a wind farm producing power for the first time on or after
6 July 1, 2007, shall pay an annual tax of two percent of the gross receipts of the wind farm. ~~For~~
7 ~~purposes of this section, the gross receipts of the wind farm is its production of electricity in~~
8 ~~kilowatt hours multiplied by the South Dakota electricity base rate of \$0.0475 per kilowatt hour~~
9 ~~in 2008, with the electricity base rate of \$0.0475 per kilowatt hour increasing by 2.5 percent on~~
10 ~~an annual basis thereafter, as determined by the secretary.~~ The owner of a wind farm subject to
11 tax under this section shall file a report with the secretary detailing the amount of electricity in
12 kilowatt-hours that was produced by the wind farm for the previous calendar year. The secretary
13 shall prescribe the form of the report. The tax for the gross receipts generated in a calendar year
14 shall become due and be payable to the secretary on the first day of February of the following
15 year. Except as otherwise provided in §§ 10-35-16 to 10-35-22, inclusive, the provisions of



1 chapter 10-59 apply to the administration of the tax.