

AN ACT

ENTITLED, An Act to provide for the taxation of wind energy property in South Dakota.

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

Section 1. That chapter 10-4 be amended by adding thereto a NEW SECTION to read as follows:

Any wind energy property of a commercial wind power production facility shall be assessed under the provisions of this chapter.

Section 2. That chapter 10-4 be amended by adding thereto a NEW SECTION to read as follows:

All real property used or constructed for the purpose of producing electricity for commercial purposes that utilizes the wind as an energy source is classified for tax purposes as wind energy property and shall be assessed and taxed in the same manner as other real property and shall be locally assessed by the county director of equalization pursuant to § 10-3-16. For the purposes of this Act, real property includes the base, foundation, tower, and substations. Real property does not include the wind turbine or blades attached thereto.

Section 3. That chapter 10-4 be amended by adding thereto a NEW SECTION to read as follows:

Wind energy property is not subject to any discretionary formulas authorized by Title 10.

Section 4. That § 49-34A-81 be repealed.

Section 5. That § 10-46C-2 be repealed.

An Act to provide for the taxation of wind energy property in South Dakota.

I certify that the attached Act originated in the

HOUSE as Bill No. 1235

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1235

File No. _____

Chapter No. _____

Received at this Executive Office this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 20__

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State