

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

912I0347

HOUSE BILL NO. 1274

Introduced by: Representative Lange and Senator Kloucek

1 FOR AN ACT ENTITLED, An Act to repeal the contractor's excise tax.

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

3 Section 1. That § 10-46A-1 be repealed.

4 ~~— 10-46A-1. There is imposed an excise tax upon the gross receipts of all prime contractors~~
5 ~~engaged in realty improvement contracts, at the rate of two percent.~~

6 Section 2. That §§ 10-46A-1.1 to 10-46A-19, inclusive, be repealed.

7 Section 3. That § 10-46B-1 be repealed.

8 ~~— 10-46B-1. There is imposed an excise tax upon the gross receipts of all prime contractors~~
9 ~~and subcontractors engaged in realty improvement contracts for those persons subject to tax~~
10 ~~under chapter 10-28, 10-33, 10-34, 10-35, 10-36, or 10-36A or any municipal utility or~~
11 ~~telephone company subject to chapter 9-39, 9-41, 9-47, or 9-48 or any rural water system, at the~~
12 ~~rate of two percent.~~

13 Section 4. That §§ 10-46B-1.1 to 10-46B-18, inclusive, be repealed.

14 Section 5. That § 10-46C-1 be repealed.

15 ~~— 10-46C-1. Any commercial power production facility, utilizing renewable resources, such~~
16 ~~as sun, wind, geothermal, or biomass, that begins generating electricity after June 30, 2002, and~~



1 produces more than ten megawatts of electricity as measured by nameplate rating, and is owned
2 by a natural person, corporation, nonprofit or for-profit business organization, or tribal council
3 (if the facility is located outside the boundaries of the reservation), irrigation district, drainage
4 district, or other political subdivision or agency of the state authorized by statute to carry on the
5 business of developing, transmitting, utilizing, or distributing electric power is subject to the
6 provisions of this chapter for any new or expanded facility.

7 Section 6. That § 10-46C-4 be repealed.

8 ~~10-46C-4. Notwithstanding the rate of taxation imposed by §§ 10-46A-1 and 10-46B-1, the~~
9 ~~tax imposed under chapters 10-46A and 10-46B on a new or expanded facility shall be imposed~~
10 ~~at a rate of one percent, and remitted to the state by the holder of the permit issued pursuant to~~
11 ~~§ 10-46C-6.~~

12 Section 7. That §§ 10-46C-2 to 10-46C-10, inclusive, be repealed.