

AN ACT

ENTITLED, An Act to provide certain contractor's excise, sales, and use tax refunds.

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

Section 1. That section 2 of House Bill 1261 as previously enacted by the 2005 South Dakota Legislature be amended to read as follows:

For the purposes of this Act, the term, new business facility, means a new building or structure or the expansion of an existing building or structure, including a power generation facility, the construction of which is subject to the contractor's excise tax pursuant to chapter 10-46A or 10-46B.

A new business facility does not include any building or structure:

- (1) Used predominantly for the sale of products at retail, other than the sale of electricity at retail, to individual consumers;
- (2) Used predominantly for residential housing or transient lodging;
- (3) Used predominantly to provide health care services; or
- (4) That is not subject to ad valorem real property taxation or equivalent taxes measured by gross receipts.

Section 2. That § 10-45B-6 be amended to read as follows:

10-45B-6. Any person desiring to claim a refund pursuant to this chapter shall apply for a permit from the secretary at least thirty days prior to the construction date. However, any project with a construction date between February 1, 2005, and July 1, 2005, that would otherwise qualify for a refund shall apply for a permit by August 1, 2005. The application for a permit shall be submitted on a form prescribed by the secretary. A separate application shall be made and submitted for each project. Upon approval of the application, the secretary shall issue a permit entitling the applicant to submit refund claims as provided by §§ 10-45B-7 and 10-45B-8. Such permit or refund claims are not assignable or transferable except as collateral or security pursuant to chapter 57A-9.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1122

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1122
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor
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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