

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0365

CONFERENCE COMMITTEE

ENGROSSED NO. **HB 1060** - 3/12/2010

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

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

1 FOR AN ACT ENTITLED, An Act to provide certain tax refunds for new or expanded wind
2 energy facilities.

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

4 Section 1. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as
5 follows:

6 For the purposes of this chapter, the term, wind energy facility, means:

- 7 (1) Any new facility, or facility expansion, consisting of a commonly managed integrated
8 system of towers, wind turbine generators with blades, power collection systems, and
9 electric interconnection systems, that converts wind movement into electricity;
- 10 (2) Any new or upgraded electric transmission line and associated facilities; or
- 11 (3) Any new business facility that manufactures, assembles, or distributes wind or
12 transmission components.

13 Section 2. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as
14 follows:



1 Notwithstanding any provision of chapter 10-45B or section 8 of SB 195 as previously
2 enacted by the Eighty-fifth Legislature, this section controls the amount of refunds payable
3 under chapter 10-45B for any new business facility that is a wind energy facility and has a
4 construction date on or after January 1, 2010. For project costs incurred and paid from July 1,
5 2010, to December 31, 2012, inclusive, the amount of the refund shall be determined by
6 applying the provisions of chapter 10-45B in effect on July 1, 2010. The amount of the tax
7 refund for a wind energy facility shall be a percentage of the taxes paid, as follows:

8 (1) For project costs of less than ten million dollars, there shall be no refund;

9 (2) For project costs of ten or more million dollars but less than forty million dollars,
10 there shall be a refund of forty-five percent of the taxes paid; and

11 (3) For project costs of forty or more million dollars, there shall be a refund of fifty-five
12 percent of the taxes paid.

13 No tax refund may be given for any project cost incurred and paid on or after January 1,
14 2013, except for performance retainage amounts, not to exceed ten percent, related to the
15 project.