

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

267T0616

SENATE STATE AFFAIRS

ENGROSSED NO. **HB 1228** - 2/27/2012

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

Introduced by: Representatives Moser, Cronin, Rausch, Street, and Willadsen and Senators Hansen (Tom) and Begalka

1 FOR AN ACT ENTITLED, An Act to provide tax rebates for certain energy projects.

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

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

5 Any wind energy facility which installs wind turbines and operates the turbines to create  
6 electrical energy is eligible for a rebate of the sales and use taxes and contractors' excise taxes  
7 paid on the project. The wind energy facility is eligible for the rebate if the project has a  
8 construction date on or after January 1, 2013, and the total project costs exceeds fifty million  
9 dollars. For project costs incurred and paid after January 1, 2013, inclusive, the amount of the  
10 rebate for the wind energy facility shall be determined by multiplying the nameplate capacity,  
11 in megawatts, of the installed turbines by forty-five thousand dollars. The rebate is payable  
12 when construction is complete and the sales and use taxes and contractors' excise taxes have  
13 been paid in full.

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



1 follows:

2 Any new business facility that is an environmental upgrade to an existing electric generation  
3 facility is eligible for a rebate of the sales and use taxes and contractors' excise taxes paid on the  
4 project. The new business facility is eligible for the rebate if the project has a construction date  
5 on or after January 1, 2013, and the total project costs exceeds fifty million dollars. For project  
6 costs incurred and paid after January 1, 2013, inclusive, the amount of the rebate for an  
7 environmental upgrade shall be fifty percent of the total sales and use taxes and contractors'  
8 excise taxes paid. The rebate is payable when construction is complete and the sales and use  
9 taxes and contractors' excise taxes have been paid in full.