

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

735R0749

SENATE BILL NO. 195

Introduced by: Senators Gray, Dempster, Knudson, and Rhoden and Representatives Faehn, Rave, and Tidemann

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to tax refunds.

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

3 Section 1. That § 10-45B-4 be amended to read as follows:

4 10-45B-4. The refund of taxes for a new agricultural processing facility pertains only to
5 project costs incurred and paid after April 1, 1997, and within thirty-six months of the
6 construction date as stated on the application required by § 10-45B-6. ~~No refund may be made~~
7 ~~unless~~ The amount of the tax refund for the facility shall be a percentage of the taxes paid, as
8 follows:

9 (1) ~~The~~ For project cost exceeds the sum of four million five hundred thousand dollars;
10 ~~and~~ costs of less than ten million dollars, there shall be no refund;

11 (2) ~~The~~ For project costs of ten or more million dollars but less than fifteen million
12 dollars there shall be a refund of twenty-five percent of the taxes paid;

13 (3) ~~For~~ For project costs of fifteen or more million dollars but less than twenty million
14 dollars there shall be a refund of thirty-three percent of the taxes paid;

15 (4) ~~For~~ For project costs of twenty or more million dollars but less than forty million dollars



1 there shall be a refund of fifty percent of the taxes paid; and

2 (5) For project costs of forty million or more dollars, there shall be no refund.

3 No refund may be made unless the person applying for the refund obtains a permit from the
4 secretary as set forth in § 10-45B-6.

5 Section 2. That § 10-45B-5 be repealed.

6 —10-45B-5. If the project cost for a new agricultural processing facility exceeds four million
7 five hundred thousand dollars, the refund shall be one hundred percent of the taxes attributed
8 to the project cost.

9 Section 3. That § 10-45B-5.1 be amended to read as follows:

10 10-45B-5.1. The amount of the tax refund for a new business facility shall be a percentage
11 of the taxes paid, as follows:

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

13 (2) For project costs of ten or more million dollars but less than fifteen million dollars
14 there shall be a refund of twenty-five percent of the taxes paid;

15 (3) For project costs of fifteen or more million dollars but less than twenty million
16 dollars there shall be a refund of thirty-three percent of the taxes paid;

17 (4) For project costs of twenty or more million dollars but less than forty million dollars
18 there shall be a refund of fifty percent of the taxes paid; and

19 (5) ~~For project costs of forty or more million dollars but less than sixty million dollars~~
20 ~~there shall be a refund of sixty-seven percent of the taxes paid;~~

21 —(6)—~~For project costs of sixty million dollars or more but less than six hundred million~~
22 ~~dollars there shall be a refund of seventy-five percent of the taxes paid; and~~

23 —(7)—~~For project costs of six hundred million dollars and greater there shall be a refund of~~
24 ~~ninety percent of the taxes paid~~ For project costs of forty million or more dollars,

1 there shall be no refund.