

AN ACT

ENTITLED, An Act to sunset certain tax refund claims for an economic development incentive program that has been previously terminated and to declare an emergency.

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

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

Notwithstanding any other provision of this chapter, this section and this Act controls the winding-up of tax refunds for construction of agricultural processing and new business facilities system set forth in this chapter.

Any entity that holds a permit issued pursuant to § 10-45B-6 shall file its final claim for refund for the project set forth in the permit with the department before May 1, 2014. When filing its final claim for refund, the entity shall file all documents and records necessary to process the final claim for refund. If an entity does not file its final claim for refund before May 1, 2014, the claim is barred from any future refund eligibility, including any future payment of the five percent refund withheld as required by § 10-45B-8.

Upon receipt of the final claim for refund pursuant to this section, the department shall review the final claim for refund within sixty days of filing. If the department requests any additional document or record from the entity on or after May 1, 2014, the entity shall provide the additional document or record within thirty days. No document or record received after this thirty day period may be considered by the department, and any such document or record is barred from any future consideration. If the department requests any additional document or record from the entity on or after May 1, 2014, the department shall review the final claim for refund within sixty days of receipt of the additional document or record.

No final claim for refund may be submitted or paid pursuant to this section if the claim for refund

has otherwise been barred from payment by the provisions of this chapter.

The department has no legal authority to issue any refund pursuant to chapter 10-45B or this Act on or after September 1, 2014, except for the authority to pay the five percent refund withheld as required by § 10-45B-8 and except for the authority to pay any refund that is subject to pending litigation.

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

All money remaining in any account or fund to make the payment of any refund required by chapter 10-45B or this Act on September 1, 2014, except for any funds necessary to pay the five percent refund withheld as required by § 10-45B-8 and except for any funds necessary to pay any refund that is subject to pending litigation, shall be transferred to the state general fund.

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

The provisions of chapter 10-45B and this Act shall be repealed on July 1, 2015.

Section 4. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to sunset certain tax refund claims for an economic development incentive program that has been previously terminated and to declare an emergency.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1070

\_\_\_\_\_  
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. 1070  
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

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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