

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

400U0229

## SENATE TAXATION ENGROSSED NO. **SB 55** - 01/18/2013

Introduced by: The Committee on State Affairs at the request of the Department of Revenue

1 FOR AN ACT ENTITLED, An Act to make certain form and style changes regarding the bank  
2 franchise tax.

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

4 Section 1. That § 10-43-29.1 be amended to read as follows:

5 10-43-29.1. If the apportionment methods included in §§ 10-43-22.1 to ~~10-43-25.7~~ 10-43-  
6 25.9, inclusive, do not fairly represent the financial institution's net income in this state, the  
7 financial institution may petition for, or the secretary may require, pursuant to criteria  
8 established by rule promulgated pursuant to chapter 1-26, with respect to all or any part of the  
9 taxpayer's business activity:

- 10 (1) Separate accounting;
- 11 (2) The exclusion of any one or more of the factors;
- 12 (3) The inclusion of one or more additional factors which will fairly represent the  
13 taxpayer's business activity in this state; or
- 14 (4) The employment of any other method to effectuate an equitable allocation and  
15 apportionment of the taxpayer's taxable income.



1 Section 2. That § 10-43-36 be amended to read as follows:

2 10-43-36. Any related corporation required to report under this chapter and owned or  
3 controlled either directly or indirectly by another corporation may ~~elect~~ petition the secretary of  
4 revenue, or may be required by the secretary of revenue, to make a consolidated report with  
5 related corporations that are required to report under this chapter showing the combined net  
6 income, such assets of the corporation as are required for the purpose of this chapter, and such  
7 other information as the secretary of revenue may require by rule promulgated pursuant to  
8 chapter 1-26.