

AN ACT

ENTITLED, An Act to revise certain provisions concerning the filing of contractor's excise tax returns and to declare an emergency.

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

Section 1. That § 10-46A-8 be amended to read as follows:

10-46A-8. The tax imposed shall be reported and paid pursuant to sections 2 and 3 of this Act upon the receipts received under the contract during the period.

Section 2. That chapter 10-46A be amended by adding thereto a NEW SECTION to read as follows:

Any person who is the holder of a contractor's excise tax license or is a contractor whose receipts are subject to contractor's excise tax in this state during the periods specified by this section shall make a return and remittance to the Department of Revenue on forms prescribed and furnished by the department in the following manner:

- (1) Any person whose tax liability is one thousand dollars or more annually, shall file the return and remit the tax on or before the twentieth day of the month following each monthly period;
- (2) Any person whose tax liability is less than one thousand dollars annually, shall file the return and remit the tax on or before the last day of the month following each two-month period;
- (3) Any person whose tax liability is one thousand dollars or more annually and who remits the tax by electronic transfer to the state, shall file the return and remit the tax on or before the last day of the month following each monthly period.

The secretary of revenue may grant an extension of not more than five days for filing a return and remittance. Unless an extension is granted, the person with the tax liability shall pay the penalty or interest as provided by § 10-59-6 if a return or remittance is not made on time.

Section 3. That chapter 10-46A be amended by adding thereto a NEW SECTION to read as follows:

The secretary of revenue may require or allow a return and remittance to be filed on a monthly, bimonthly, semiannual, or annual basis. The return and remittance is due the last day of the month following the reporting period. For any person issued a temporary or seasonal contractor's excise tax license, the return and remittance may be required at a time determined by the secretary. Section 10-59-6 applies to any return and remittance under the provisions of this section.

Section 4. That § 10-46B-7 be amended to read as follows:

10-46B-7. The tax imposed shall be reported and paid pursuant to sections 5 and 6 of this Act upon the receipts received under the contract during the period.

Section 5. That chapter 10-46B be amended by adding thereto a NEW SECTION to read as follows:

Any person who is the holder of a contractor's excise tax license or is a contractor whose receipts are subject to contractor's excise tax in this state during the periods specified by this section shall make a return and remittance to the Department of Revenue on forms prescribed and furnished by the department in the following manner:

- (1) Any person whose tax liability is one thousand dollars or more annually, shall file the return and remit the tax on or before the twentieth day of the month following each monthly period;
- (2) Any person whose tax liability is less than one thousand dollars annually, shall file the return and remit the tax on or before the last day of the month following each two-month period;
- (3) Any person whose tax liability is one thousand dollars or more annually and who remits the tax by electronic transfer to the state, shall file the return and remit the tax on or before the last day of the month following each monthly period.

The secretary of revenue may grant an extension of not more than five days for filing a return and remittance. Unless an extension is granted, the person with the tax liability shall pay the penalty or interest as provided by § 10-59-6 if a return or remittance is not made on time.

Section 6. That chapter 10-46B be amended by adding thereto a NEW SECTION to read as follows:

The secretary of revenue may require or allow a return and remittance to be filed on a monthly, bimonthly, semiannual, or annual basis. The return and remittance is due the last day of the month following the reporting period. For any person issued a temporary or seasonal contractor's excise tax license, the return and remittance may be required at a time determined by the secretary. Section 10-59-6 applies to any return and remittance under the provisions of this section.

Section 7. 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 revise certain provisions concerning the filing of contractor's excise tax returns and to declare an emergency.

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I certify that the attached Act originated in the

SENATE as Bill No. 69

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 69  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_ ,

19\_\_ at \_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 19\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 19\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State