

AN ACT

ENTITLED, An Act to establish one rate for the telephone gross receipts tax and to provide uniform methods to administer the tax.

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

Section 1. That § 10-33-21 be amended to read as follows:

10-33-21. All persons, corporations, cooperatives, and associations engaged in furnishing and providing telephone and exchange service comprising rental and toll service by means of wired circuits and otherwise and whose annual gross receipts are less than fifty million dollars shall be taxed on the basis of gross receipts at the rate of four percent. Any person, corporation, cooperative, association, or other entity subject to the tax imposed by this section may add the tax imposed, or the average equivalent thereof, to its bill for the service.

However, no telephone company operating in this state may be taxed less than an amount equal to fifty cents per year per telephone serviced. Further, each telephone company that was taxed in the five percent tax category for the calendar year 2001 shall pay an amount of tax to each school district of not less than the tax received by such school district in 2002 for the years 2003 and 2004.

Section 2. That § 10-33-22 be amended to read as follows:

10-33-22. The term, company, means any person, corporation, cooperative, association, or other entity providing telephone and exchange service, rental and toll service.

Section 3. That § 10-33-27 be amended to read as follows:

10-33-27. If the tax levied under § 10-33-21 is not paid on the due date a penalty of up to five percent of the amount of the tax may be imposed for each month of delinquency, and if any telephone company fails to report its gross receipts to the secretary of revenue and regulation, the company may be penalized up to twenty-five percent of the tax due. Such tax may be enforced and collected by distress and sale of the personal and real property of such company in the same manner as is now provided for the collection of real property taxes and mobile home taxes pursuant to

chapter 10-22. The tax levied under § 10-33-21 shall be administered pursuant to chapter 10-59, unless a contrary provision in this chapter applies.

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I certify that the attached Act originated in the

SENATE as Bill No. 29

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. 29
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