

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

400J0228

## SENATE BILL NO. 29

Introduced by: The Committee on Taxation at the request of the Department of Revenue and Regulation

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

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

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

5 10-33-21. All persons, corporations, cooperatives, and associations engaged in furnishing  
6 and providing telephone and exchange service comprising rental and toll service by means of  
7 wired circuits and otherwise and whose annual gross receipts are less than fifty million dollars  
8 shall be taxed on the basis of gross receipts, ~~according to one of the two following schedules~~  
9 at the rate of four percent. ~~Whichever schedule provides the lesser percentage of tax shall be~~  
10 ~~applied by the Department of Revenue:~~

11 ~~————— SCHEDULE A~~

	Percentage of
	Tax on
	Gross Revenue
12	
13 Average Number of Customers	
14 Per Mile of Line (Density)	
15 Not more than 1	2
16 More than 1, but not more than 2	3





1        10-33-27. If the tax levied under § 10-33-21 is not paid on the due date a penalty of up to  
2        five percent of the amount of the tax ~~shall~~ may be imposed for each month of delinquency, and  
3        if any telephone company ~~shall fail~~ fails to report its gross receipts to the secretary of revenue  
4        and regulation, ~~said the~~ the company ~~shall~~ may be penalized up to twenty-five percent of the tax  
5        due. ~~Provided, further, that such~~ Such tax may be enforced and collected by distress and sale  
6        of the personal and real property of such company in the same manner as is now provided for  
7        the collection of real property taxes and mobile home taxes pursuant to chapter 10-22. The tax  
8        levied under § 10-33-21 shall be administered pursuant to chapter 10-59, unless a contrary  
9        provision in this chapter applies.