

State of South Dakota

EIGHTIETH
LEGISLATIVE ASSEMBLY, 2005

400L0342

SENATE TAXATION COMMITTEE ENGROSSED NO.

SB 47 - 01/19/2005

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

1 FOR AN ACT ENTITLED, An Act to revise certain dates pertaining to references to the
2 Internal Revenue Code and to revise certain cross references.

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

4 Section 1. That § 10-43-10.1 be amended to read as follows:

5 10-43-10.1. Net income, in the case of a financial institution, is taxable income as defined
6 in the Internal Revenue Code, as amended, and in effect on January 1, ~~2004~~ 2005, and reportable
7 for federal income tax purposes for the taxable year, but subject to the adjustments as provided
8 in §§ 10-43-10.2 and 10-43-10.3. If a financial institution has elected to file its federal tax return
9 pursuant to 26 USC § 1362(a), as amended, and in effect on January 1, 1997, net income shall
10 be computed in the same manner and in the same amount as if that institution had continued to
11 file its federal tax return without making the election and the financial institution shall continue
12 to be treated as a separate corporation for the purposes of this chapter. If a financial institution
13 is organized as a limited liability company, the limited liability company shall be treated as a
14 separate corporation for the purpose of this chapter.

15 Section 2. That subdivision (6) of § 10-18A-1 be amended to read as follows:



1 (6) "Income," the sum of adjusted gross income as defined in the United States Internal
2 Revenue Code, as amended, and in effect on January 1, ~~2004~~ 2005, and all
3 nontaxable income, including but not limited to the amount of capital gains excluded
4 from adjusted gross income, alimony, support money, nontaxable strike benefits,
5 cash public assistance and relief, not including relief granted under this chapter, the
6 gross amount of any pension or annuity, including Railroad Retirement Act benefits
7 and veterans' disability pensions, all payments received under the federal social
8 security and state unemployment insurance laws, nontaxable interest received from
9 the federal government or any of its instrumentalities, workers' compensation, and
10 the gross amount of loss of time insurance, but not including gifts from
11 nongovernmental sources, food stamps, or surplus foods, or other relief in kind
12 provided by a public agency less real estate taxes payable on the applicant's principal
13 residence for the year in which application is made. However, the reduction in the
14 applicant's income for real estate taxes payable may not exceed four hundred dollars;

15 Section 3. That subdivision (5) of § 10-45A-1 be amended to read as follows:

16 (5) "Income," the sum of adjusted gross income as defined in the United States Internal
17 Revenue Code, as amended, and in effect on January 1, ~~2004~~ 2005, and all
18 nontaxable income, including but not limited to the amount of capital gains excluded
19 from adjusted gross income, alimony, support money, nontaxable strike benefits,
20 cash public assistance and relief, not including relief granted under this chapter, the
21 gross amount of any pension or annuity, including Railroad Retirement Act benefits
22 and veterans' disability pensions, all payments received under the federal social
23 security and state unemployment insurance laws, nontaxable interest received from
24 the federal government or any of its instrumentalities, workers' compensation, and

1 the gross amount of loss of time insurance, but not including gifts from
2 nongovernmental sources, food stamps, or surplus foods, or other relief in kind
3 provided by a public agency, less real estate taxes payable or ten percent of rent paid
4 on the applicant's principal residence for the year in which application is made.
5 However, the reduction in the individual's income may not exceed four hundred
6 dollars;

7 Section 4. That subdivision (7) of § 10-40A-1 be amended to read as follows:

8 (7) "Internal Revenue Code," the federal Internal Revenue Code, as amended, and in
9 effect on January 1, ~~2004~~ 2005;

10 Section 5. That § 10-43-76 be amended to read as follows:

11 10-43-76. Upon the receipt of the funds referred to in this chapter, the secretary of revenue
12 and regulation shall deposit ninety-five percent of the taxes paid by banks organized under
13 §§ ~~51-16-40 to 51-16-44~~ 51A-2-38 to 51A-2-43, inclusive, and twenty-six and two-thirds
14 percent of all other revenue to the general fund. The secretary of revenue and regulation shall
15 remit the remainder, on or before February first of each year, to the county treasurer of the
16 county wherein is situated the bank or financial institution remitting the tax. However, the
17 remittance of tax from all branch banks, branch offices, or branches of other financial
18 institutions subject to this tax shall be separated from the remittance of the parent bank or
19 financial institution and shall be remitted to the county treasurer of the county wherein said
20 branch bank, branch office, or financial institution is located.