

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0158

SENATE BILL NO. 18

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.

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

4 Section 1. That subdivision (8) of § 10-6A-1 be amended to read as follows:

5 (8) "Income," the sum of adjusted gross income as defined in the United States Internal
6 Revenue Code of 1954, as amended, and in effect on ~~December 31, 1989~~ January 1,
7 2007, and all nontaxable income, including but not limited to the amount of capital
8 gains excluded from adjusted gross income, alimony, support money, nontaxable
9 strike benefits, cash public assistance and relief, the gross amount of any pension or
10 annuity, including Railroad Retirement Act benefits and veterans disability pensions,
11 all payments received under the federal social security and state unemployment
12 insurance laws, nontaxable interest received from the federal government or any of
13 its instrumentalities, workers' compensation, and the gross amount of "loss of time"
14 insurance, but not including gifts from nongovernmental sources, food stamps, or
15 surplus foods or other relief in kind provided by a public agency;



1 Section 2. That subdivision (5) of § 10-6B-1 be amended to read as follows:

2 (5) "Income," the sum of adjusted gross income as defined in the United States Internal
3 Revenue Code of 1954, as amended, and in effect on ~~December 31, 1986~~ January 1,
4 2007, and all nontaxable income, including but not limited to the amount of capital
5 gains excluded from adjusted gross income, alimony, support money, nontaxable
6 strike benefits, cash, public assistance and relief, not including relief granted under
7 this chapter, the gross amount of any pension or annuity, including Railroad
8 Retirement Act benefits and veterans' disability pensions, all payments received
9 under the federal social security and state unemployment insurance laws, nontaxable
10 interest received from the federal government or any of its instrumentalities, workers'
11 compensation, and the gross amount of "loss of time" insurance, but not including
12 gifts from nongovernmental sources, food stamps, or surplus foods or other relief in
13 kind provided by a public agency less real estate taxes payable on the applicant's
14 principal residence for the year in which application is made;

15 Section 3. That § 10-43-10.1 be amended to read as follows:

16 10-43-10.1. Net income, in the case of a financial institution, is taxable income as defined
17 in the Internal Revenue Code, as amended, and in effect on January 1, ~~2007~~ 2008, and reportable
18 for federal income tax purposes for the taxable year, but subject to the adjustments as provided
19 in §§ 10-43-10.2 and 10-43-10.3. If a financial institution has elected to file its federal tax return
20 pursuant to 26 USC § 1362(a), as amended, and in effect on January 1, 1997, net income shall
21 be computed in the same manner and in the same amount as if that institution had continued to
22 file its federal tax return without making the election and the financial institution shall continue
23 to be treated as a separate corporation for the purposes of this chapter. If a financial institution
24 is organized as a limited liability company, the limited liability company shall be treated as a

1 separate corporation for the purpose of this chapter.