

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0266

HOUSE BILL NO. 1044

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

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 § 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 in
6 the Internal Revenue Code, as amended, and in effect on January 1, ~~2000~~ 2001, 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.

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

14 (6) "Income," the sum of adjusted gross income as defined in the United States Internal
15 Revenue Code, as amended, and in effect on January 1, ~~2000~~ 2001, and all nontaxable

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

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

14 (5) "Income," the sum of adjusted gross income as defined in the United States Internal
15 Revenue Code, as amended, and in effect on January 1, ~~2000~~ 2001, and all nontaxable
16 income, including but not limited to the amount of capital gains excluded from
17 adjusted gross income, alimony, support money, nontaxable strike benefits, cash
18 public assistance and relief, not including relief granted under this chapter, the gross
19 amount of any pension or annuity, including Railroad Retirement Act benefits and
20 veterans' disability pensions, all payments received under the federal social security
21 and state unemployment insurance laws, nontaxable interest received from the federal
22 government or any of its instrumentalities, workers' compensation, and the gross
23 amount of loss of time insurance, but not including gifts from nongovernmental
24 sources, food stamps, or surplus foods, or other relief in kind provided by a public

1 agency, less real estate taxes payable or ten percent of rent paid on the applicant's
2 principal residence for the year in which application is made. However, the reduction
3 in the individual's income may not exceed four hundred dollars;

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

5 (7) "Internal Revenue Code," the federal Internal Revenue Code, as amended, and in
6 effect on January 1, ~~2000~~ 2001;

7 Section 5. That § 10-40-23.3 be amended to read as follows:

8 10-40-23.3. Property subject to the tax imposed by this chapter by § 10-40-23.2 which:

- 9 (1) Was exempt from taxation under § 10-40-23.1; and
10 (2) Constitutes a qualified terminable interest in property under the Internal Revenue
11 Code, as amended, and in effect on January 1, ~~1999~~ 2001; is subject to the tax
12 imposed by this chapter on the death of the testator's or grantor's spouse. The tax
13 shall be based on the relationship between the testator or grantor of the qualified
14 terminable interest in the property and the beneficiaries of the property.