

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

480Y0557

HOUSE STATE AFFAIRS

ENGROSSED NO. **SB 106** - 3/6/2017

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senator Maher and Representative Peterson (Kent)

1 FOR AN ACT ENTITLED, An Act to assist in balancing the state's budget and fund rural
2 housing.

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

4 Section 1. That § 10-45-27.2 be amended to read:

5 10-45-27.2. Any person required to file a return and remit the tax imposed by chapter 10-45,
6 who holds a license issued pursuant to chapter 10-45, who timely files the return due, and who
7 timely remits the tax due, is allowed, as compensation for the expense of collecting and paying
8 the tax, a credit equal to one and ~~one-half~~ four-tenths percent of the gross amount of the tax due.
9 However, the credit may not exceed ~~seventy~~ sixty-five dollars per return period.

10 If a person is required to file a return and to remit tax more than once within a thirty day
11 period, the collection allowance credit may not exceed ~~seventy~~ sixty-five dollars for all returns
12 filed and all remittances made within the thirty day period.

13 The collection allowance credit authorized by this section only applies to taxes reported on
14 the sales and use tax return, including the taxes imposed by chapters 10-45, 10-45D, 10-46, 10-



1 46E, 10-52, 10-52A, 10-58, and 10-33A, and §§ 32-5B-20 and 10-62-2.

2 The collection allowance credit authorized by this section shall be granted for any return to
3 be filed and for any tax to be remitted after January 1, 2014.

4 The collection allowance credit authorized by this section shall only be granted to a person
5 who timely files the return due by electronic means and who timely remits the tax due by
6 electronic means.

7 For any tax collected by the department on behalf of another entity, upon which the
8 collection allowance credit is calculated, the entities shall negotiate in good faith to share in the
9 payment of the collection allowance credit. The department may implement such allocation of
10 collection allowance credit directly or through the adjustment of any administrative fee charged
11 pursuant to § 10-59-52.

12 No person that has selected a certified service provider as its agent as set forth in § 10-45C-1
13 is entitled to the collection allowance credit authorized by this section if the certified service
14 provider receives a monetary allowance as provided by the Streamlined Sales and Use Tax
15 Agreement authorized by chapter 10-45C for performing the retailer's sales and use tax
16 functions in this state.

17 No collection allowance credit authorized by this section may be granted to any person who
18 has outstanding tax returns due to the department or who has outstanding tax remittances due
19 to the department.

20 Section 2. That the code be amended by adding a NEW SECTION to read:

21 Any additional revenue available to the state general fund as a result of this Act shall be used
22 to either balance the state's fiscal year 2018 budget or fund the building South Dakota program.