# HOUSE BILL NO. 411

# INTRODUCED BY KADAS, GRINDE, COBB, JERGESON, KEATING, PAVLOVICH, SVRCEK BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

### IN THE HOUSE

	IN THE HOUSE
JANUARY 28, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
	FIRST READING.
FEBRUARY 6, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 7, 1991	PRINTING REPORT.
FEBRUARY 9, 1991	SECOND READING, DO PASS.
FEBRUARY 11, 1991	ENGROSSING REPORT.
FEBRUARY 12, 1991	THIRD READING, PASSED. AYES, 97; NOES, 0.
	TRANSMITTED TO SENATE.
	IN THE SENATE
	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
MARCH 12, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
	POSTED ON CONSENT CALENDAR.
MARCH 14, 1991	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
MARCH 15, 1991	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.
<u>:</u>	IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

MARCH 16, 1991

# REPORTED CORRECTLY ENROLLED.

1 Hall SE BILL NO. 411
2 INTRODUCED BY AFRICAN HOLD COMMITTEE Equiting
3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE Equiting

A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE PERMISSIVE THE REPORTS COMMON CARRIERS OF BEER AND CIGARETTES FILE WITH THE DEPARTMENT OF REVENUE; AND AMENDING SECTIONS 16-3-235 AND 16-11-104, MCA."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-3-235, MCA, is amended to read:

"16-3-235. Carriers' reports of beer transported. Every railroad and every motor carrier transporting beer manufactured out of this state from points without this state and delivering the same to points within this state shall, if requested by the department, on or before the 15th day of each month, make an exact return to the department of the amount of such beer so transported and delivered by such railroad or motor carrier during the previous month and shall state in such return the name and address of the consigner, the name and address of the date of delivery, and the amount delivered."

Section 2. Section 16-11-104, MCA, is amended to read:

\*16-11-104. Carriers to report cigarette shipments.

25 Every common carrier hauling, transporting, or shipping into



or out of the state of Montana from or to any other state
any cigarettes shall, if requested by the department, report
in writing such shipments or deliveries to the department on
forms furnished by the department, giving the date, the
person to whom the same was consigned and delivered, the
quantity as shown by the bill of lading, and such other
information as the department may require."

-End-

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# APPROVED BY COMM. ON BUSINESS AND ECONOMIC DEVELOPMENT

2	INTRODUCED BY KADAS, GRINDE, COBB, JERGESON, KEATING,
3	PAVLOVICH, SVRCEK
4	BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE PERMISSIVE THE
7	REPORTS COMMON CARRIERS OF BEER, TABLE WINE, AND CIGARETTES
8	FILE WITH THE DEPARTMENT OF REVENUE; TO REQUIRE
9	RECORDKEEPING: AND AMENDING SECTIONS 16-3-235, 16-3-405, AND
10	16-11-104, MCA."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 16-3-235, MCA, is amended to read:
14	"16-3-235. Carriers' reports of beer transported. Every
15	railroad and every motor carrier transporting beer
16	manufactured out of this state from points without this
17	state and delivering the same to points within this state
18	shall, if requested by the department, on or before the 15th
19	day of each month, make an exact return to the department of
20	the amount of such beer so transported and delivered by such
21	railroad or motor carrier during the previous month and
22	shall state in such return the name and address of the
23	consignor, the name and address of the consignee, the date
24	of delivery, and the amount delivered. A CARRIER SHALL
25	RETAIN FOR 30 MONTHS ALL PERTINENT AND RELEVANT RECORDS

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TODE THE	
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L Wontana Leg	islative Council

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NECESSARY FOR THE PREPARATION OF THIS REPORT AND ANY OTHER
INFORMATION THE DEPARTMENT MAY REQUIRE."

SECTION 2. SECTION 16-3-405, MCA, IS AMENDED TO READ:

"16-3-405. Carriers' reports of table wine transported.

5 Every railroad, motor carrier, and airline transporting table wine manufactured out of this state from points 7 outside this state and delivering to points within this 8 state shall, if requested by the department, on or before the fifteenth day of each month, make an exact return to the 10 department of revenue of the amount of such table wine so 11 transported and delivered by such railroad, motor carrier, 12 or airline during the previous month, and shall state in 13 such return the name and address of the consignor and 14 consignee, the date of delivery, and the amount delivered. A 15 carrier shall retain for 30 months all pertinent and 16 relevant records necessary for the preparation of this 17 report and any other information the department may 18 require."

Section 3. Section 16-11-104, MCA, is amended to read:

"16-11-104. Carriers to report cigarette shipments.

Every common carrier hauling, transporting, or shipping into or out of the state of Montana from or to any other state any cigarettes shall, if requested by the department, report in writing such shipments or deliveries to the department on

SECOND READING

forms furnished by the department, giving the date, the

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1	person to whom the same was consigned and delivered, the
2	quantity as shown by the bill of lading, and such other
3	information as the department may require. A CARRIER SHALL
4	RETAIN FOR 30 MONTHS ALL PERTINENT AND RELEVANT RECORDS
5	NECESSARY FOR THE PREPARATION OF THIS REPORT AND ANY OTHER
6	INFORMATION THE DEPARTMENT MAY REQUIRE."
7	NEW SECTION. SECTION 4. COORDINATION INSTRUCTION. IF
8	SENATE BILL NO. 116 IS PASSED AND APPROVED, INCLUDING A
9	SECTION EXTENDING THE STATUTE OF LIMITATIONS FOR ASSESSMENTS
10	BY THE STATE FROM 2 YEARS TO 5 YEARS, THE CODE COMMISSIONER
11	SHALL CHANGE THE LANGUAGE IN THE AMENDMENT TO 16-11-104,
12	REQUIRING THE RETENTION OF RECORDS REGARDING CIGARETTE
13	SHIPMENTS, FROM 30 MONTHS TO 66 MONTHS.
	-End-

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9	RECORDKEEPING; AND AMENDING SECTIONS 16-3-235, 16-3-405, AND
10	16-11-104, MCA."
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12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 16-3-235, MCA, is amended to read:
14	*16-3-235. Carriers' reports of beer transported. Every
15	railroad and every motor carrier transporting beer
15 16	manufactured out of this state from points without this
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16 17	manufactured out of this state from points without this state and delivering the same to points within this state
16 17 18	manufactured out of this state from points without this state and delivering the same to points within this state shall, if requested by the department, on or before the 15th
16 17 18 19	manufactured out of this state from points without this state and delivering the same to points within this state shall, if requested by the department, on or before the 15th day of each month, make an exact return to the department of
16 17 18 19 20	manufactured out of this state from points without this state and delivering the same to points within this state shall, if requested by the department, on or before the 15th day of each month, make an exact return to the department of the amount of such beer so transported and delivered by such
16 17 18 19 20 21	manufactured out of this state from points without this state and delivering the same to points within this state shall, if requested by the department, on or before the 15th day of each month, make an exact return to the department of the amount of such beer so transported and delivered by such railroad or motor carrier during the previous month and shall state in such return the name and address of the consignor, the name and address of the consignor, the name and address of the date
16 17 18 19 20 21	manufactured out of this state from points without this state and delivering the same to points within this state shall, if requested by the department, on or before the 15th day of each month, make an exact return to the department of the amount of such beer so transported and delivered by such railroad or motor carrier during the previous month and shall state in such return the name and address of the

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2	INFORMATION THE DEPARTMENT MAY REQUIRE."
3	SECTION 2. SECTION 16-3-405, MCA, IS AMENDED TO READ:
4	"16-3-405. Carriers' reports of table wine transported.
5	Every railroad, motor carrier, and airline transporting
6	table wine manufactured out of this state from points
7	outside this state and delivering to points within this
8	state shall, if requested by the department, on or before
9	the fifteenth day of each month, make an exact return to the
10	department of revenue of the amount of such table wine so
11	transported and delivered by such railroad, motor carrier,
12	or airline during the previous month, and shall state in
13	such return the name and address of the consignor and
14	consignee, the date of delivery, and the amount delivered. $\underline{\underline{\mathbf{A}}}$
15	carrier shall retain for 30 months all pertinent and
16	relevant records necessary for the preparation of this
17	report and any other information the department may
18	require."
19	Section 3. Section 16-11-104, MCA, is amended to read:
20	"16-11-104. Carriers to report cigarette shipments.
21	Every common carrier hauling, transporting, or shipping into
22	or out of the state of Montana from or to any other state
23	any cigarettes shall, if requested by the department, report
24	in writing such shipments or deliveries to the department on
25	forms furnished by the department, giving the date, the THIRD READING

NECESSARY FOR THE PREPARATION OF THIS REPORT AND ANY OTHER

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1	person to whom the same was consigned and delivered, the
2	quantity as shown by the bill of lading, and such other
3	information as the department may require. A CARRIER SHALL
4	RETAIN FOR 30 MONTHS ALL PERTINENT AND RELEVANT RECORDS
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7	NEW SECTION. SECTION 4. COORDINATION INSTRUCTION. I
8	SENATE BILL NO. 116 IS PASSED AND APPROVED, INCLUDING A
9	SECTION EXTENDING THE STATUTE OF LIMITATIONS FOR ASSESSMENTS
10	BY THE STATE FROM 2 YEARS TO 5 YEARS, THE CODE COMMISSIONER
11	SHALL CHANGE THE LANGUAGE IN THE AMENDMENT TO 16-11-104,
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13	SHIPMENTS, FROM 30 MONTHS TO 66 MONTHS.

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20	the amount of such beer so transported and delivered by such
21	railroad or motor carrier during the previous month and
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REFERENCE BILL

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