SENATE BILL NO. 70

INTRODUCED BY GAGE BY REQUEST OF THE DEPARTMENT OF REVENUE

IN THE SENATE

JANUARY 11, 1991

JANUARY 23, 1991

JANUARY 25, 1991

JANUARY 26, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION.

FIRST READING.

JANUARY 22, 1991 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.

PRINTING REPORT.

ON MOTION, CONSIDERATION PASSED FOR THIS LEGISLATIVE DAY.

JANUARY 24, 1991 ON MOTION, CONSIDERATION PASSED FOR THIS LEGISLATIVE DAY.

SECOND READING, DO PASS.

ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 43; NOES, 3.

TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 26, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION.

FIRST READING.

991 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 99; NOES, 1.

RETURNED TO SENATE.

FEBRUARY 6, 1991

FEBRUARY 9, 1991

FEBRUARY 11, 1991

IN THE SENATE

FEBRUARY 11, 1991

RECEIVED FROM HOUSE. SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 0625/01

INTRODUCED BY AM 1 2 3 BY REODEST OF THE DEPARTMENT OF REVENUE 4 A BILL FOR AN ACT ENTITLED: 5 "AN ACT PROVIDING THAT THE 6 PERSON RESPONSIBLE FOR COLLECTING, TRUTHFULLY ACCOUNTING FOR, AND PAYING WITHHOLDING TAX WHO FAILS TO COLLECT, 7 8 TRUTHFULLY ACCOUNT FOR, AND PAY THE TAX IS LIABLE TO THE 9 STATE FOR THE TAX, INCLUDING PENALTY AND INTEREST; AMENDING 10 SECTION 15-30-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE 11 DATE AND A RETROACTIVE APPLICABILITY DATE." 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 13 Section 1. Section 15-30-203, MCA, is amended to read: 14 15 *15-30-203. Employer liable for withholding. (1) Every Each employer shall--be is liable for the amounts 16 17 hereinbefore required to be deducted and withheld under this 18 part, and such the amounts plus interest due thereon-shall 19 be-considered-as on the amounts are a tax7--and--with. With 20 respect thereto to the tax, the employer shall-be is 21 considered-a the taxpayer. 22 (2) The-officer-or-employee-of-a-corporation-whose-duty 23 it-is A person required to collect, truthfully account for,

23 it-is <u>A person required</u> to collect, truthfully account for,
 24 and pay over to the state <u>the</u> amounts withheld from the
 25 corporation's employer's employees and who willfully fails

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to pay over the withholdings is liable to the state for the
 amounts so withheld and the amount-of penalty and interest
 due thereon on the amounts.

4 (3) If the employer fails to deduct and withhold the 5 amounts specified in 15-30-202 and thereafter the tax 6 against which such the deducted and withheld amounts would 7 have been credited is paid, the amounts so required to be 8 deducted and withheld shall may not be collected from the 9 employer."

- 10 NEW SECTION, Section 2. Effective date. [This act] is
- 11 effective on passage and approval.
- 12 NEW SECTION. Section 3. Retroactive applicability.
- 13 [Section 1] applies retroactively, within the meaning of

52nd Legislature

SB 0070/02

APPROVED BY COMMITTEE ON TAXATION

1	SENATE BILL NO. 70	
2	INTRODUCED BY GAGE	
3	BY REQUEST OF THE DEPARTMENT OF REVENUE	
4		

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING CLARIFYING 6 THAT THE PERSON OFFICER OR EMPLOYEE OF A CORPORATION 7 RESPONSIBLE FOR COLLECTING, TRU'HFULLY ACCOUNTING FOR, AND PAYING WITHHOLDING TAX WHO FAILS TO COLLECT, TRUTHFULLY 8 9 ACCOUNT FOR, AND PAY THE TAX IS LIABLE TO THE STATE FOR THE TAX. INCLUDING PENALTY AND INTEREST: AMENDING SECTION 10 11 15-30-203, MCA: AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE." 12

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

15 Section 1. Section 15-30-203, MCA, is amended to read: 16 "15-30-203. Employer liable for withholding. (1) Every 17 Each employer shall---be is liable for the amounts 18 hereinbefore required to be deducted and withheld under this part, and such the amounts plus interest due thereon--shall 19 20 be--considered--as on the amounts are a tax7-and-with. With 21 respect thereto to the tax, the employer shall-be is 22 considered-a the taxpayer.

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for, and pay over o the state the amounts withheld from the corporation's <u>employer's</u> <u>CORPORATION'S</u> employees and who willfully fails to pay over the withholdings is liable to the state for <u>the</u> amounts so withheld and the amount-of penalty and interest due thereon on the amounts.

6 (3) If the employer fails to deduct and withhold the
7 amounts specified in 15-30-202 and thereafter the tax
8 against which such the deducted and withheld amounts would
9 have been credited is paid, the amounts so required to be
10 deducted and withheld shall may not be collected from the
11 employer."

NEW SECTION. Section 2. Effective date. [This act] is
effective on pessage and approval.

14 <u>NEW SECTION.</u> Section 3. Retroactive applicability.
15 [Section 1] applies retroactively, within the meaning of
16 1-2-109, to taxable years beginning after December 31, 1990.
-End-

SECOND READING



-2-

25

SB 0070/02

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1 SENATE BILL NO. 70 1 2 INTRODUCED BY GAGE 2 3 BY REQUEST OF THE DEPARTMENT OF REVENUE 3 4 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING CLARIFYING 5 6 THAT THE PERSON OFFICER OR EMPLOYEE OF A CORPORATION 6 7 RESPONSIBLE FOR COLLECTING, TRUTHFULLY ACCOUNTING FOR, AND 7 8 PAYING WITHHOLDING TAX WHO FAILS TO COLLECT, TRUTHFULLY 8 9 ACCOUNT FOR, AND PAY THE TAX IS LIABLE TO THE STATE FOR THE 9 10 TAX, INCLUDING PENALTY AND INTEREST; AMENDING SECTION 10 11 15-30-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 11 12 AND A RETROACTIVE APPLICABILITY DATE." 12 13 13 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 14 15 Section 1. Section 15-30-203, MCA, is amended to read: 15 16 *15-30-203. Employer liable for withholding. (1) Every 16 17 Each employer shall---be is liable for the amounts 18 hereinbefore required to be deducted and withheld under this 19 part, and such the amounts plus interest due thereon--shall 20 be--considered--as on the amounts are a taxy-and-with. With 21 respect thereto to the tax, the employer shall-be is 22 considered-a the taxpayer. 23 (2) Phe-officer-or-employee-of-a-corporation-whose-duty 24 it--is A--person--required THE OFFICER OR EMPLOY E OF A

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for, and pay over to the state the amounts withheld from the corporation's <u>employer's</u> <u>CORPORATION'S</u> employees and who willfully fails to pay over the withholdings is liable to the state for the amounts so withheld and the amount-of penalty and interest due thereon on the amounts.

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16 1-2-109, to taxable years beginning after December 31, 1990.

-End-

THIRD READING

SB 70

SB 0070/02

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SB 0070/02

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2	INTRODUCED BY GAGE	2 corporation's employer's CORPORATION'S employees and who
3	BY REQUEST OF THE DEPARTMENT OF REVENUE	3 willfully fails to pay over the withholdings is liable to
4		4 the state for the amounts so withheld and the amount-of
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING CLARIFYING	5 penalty and interest due thereon on the amounts.
6	THAT THE PERSON OFFICER OR EMPLOYEE OF A CORPORATION	6 (3) If the employer fails to deduct and withhold the
7	RESPONSIBLE FOR COLLECTING, TRUTHFULLY ACCOUNTING FOR, AND	7 amounts specified in 15-30-202 and thereafter the tax
8	PAYING WITHHOLDING TAX WHO FAILS TO COLLECT, TRUTHFULLY	8 against which such the deducted and withheld amounts would
9	ACCOUNT FOR, AND PAY THE TAX IS LIABLE TO THE STATE FOR THE	 9 have been credited is paid, the amounts so required to be
10	TAX, INCLUDING PENALTY AND INTEREST; AMENDING SECTION	10 deducted and withheld shall may not be collected from the
11	15-30-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE	11 employer."
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REFERENCE BILL

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SB 70