

HOUSE BILL NO. 775

INTRODUCED BY NORDTVEDT

BY REQUEST OF THE HOUSE TAXATION COMMITTEE

IN THE HOUSE

|                   |  |
|-------------------|--|
| February 16, 1981 | Introduced and referred to Committee on Taxation.                          |
| February 17, 1981 | Fiscal note requested.   |
| February 23, 1981 | Fiscal note returned.  |
| February 24, 1981 | Committee recommend bill do pass. Report adopted.                          |
| March 3, 1981     | Bill printed and placed on members' desks.<br><br>Second reading, do pass. |
| March 4, 1981     | Considered correctly engrossed.  |
| March 5, 1981     | Third reading, passed.<br>Ayes, 93; Noes, 1.<br>Transmitted to Senate.     |

IN THE SENATE

|                |  |
|----------------|--|
| March 6, 1981  | Introduced and referred to Committee on Taxation.                    |
| March 14, 1981 | Committee recommend bill be concurred in as amended. Report adopted. |
| March 17, 1981 | Motion pass consideration.   |
| March 18, 1981 | Second reading, concurred in.  |
| March 20, 1981 | Third reading, concurred in as amended. Ayes, 43; Noes, 5.           |

IN THE HOUSE

March 21, 1981                      Returned from Senate with amendments.

April 8, 1981                      Second reading, amendments not concurred in.

   On motion Conference Committee requested and appointed.

April 20, 1981                      Conference Committee dissolved.

   On motion new Conference Committee requested and appointed.

   New Conference Committee reported and dissolved.

April 21, 1981                      New Conference Committee reported and dissolved.

April 22, 1981                      Second reading, new Conference Committee report adopted.

   On motion rules suspended and new Conference Committee report placed on third reading this day.

   Third reading, new Conference Committee report adopted. Ayes, 96, Noes, 0.

IN THE SENATE

April 23, 1981                      New Conference Committee report adopted.

IN THE HOUSE

April 23, 1981                      Returned from Senate. Sent to enrolling.

   Reported correctly enrolled.



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3 the department shall have the same remedies to enforce the  
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2 82-10-203, 85-7-2158, and 90-6-208 and Rules 40(2)(c) and  
3 15(c), M.R.Civ.P., as amended.

4 (2) When the term "school district" appears in a  
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8 Section 3. Repealer. Sections 15-30-221 through  
9 15-30-228, MCA, are repealed.

-End-

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STATE OF MONTANA

REQUEST NO. 400-81

FISCAL NOTE

Form BD-15

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In compliance with a written request received February 19, 19 81, there is hereby submitted a Fiscal Note for HOUSE BILL 775 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

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DESCRIPTION

This proposal repeals the provision in Montana law requiring income tax to be withheld from certain payments made to non-residents.

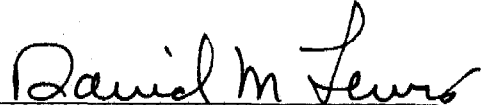
FISCAL IMPACT

The fiscal impact of this proposal would be negligible. The current law is virtually unenforceable and results in almost no revenue to the state. It is estimated that, in the worst of circumstances, the potential tax revenue which would escape if this proposal is enacted is in the range of \$60,000 to \$100,000.

TECHNICAL NOTE

The proposal repeals section 15-30-228, MCA, which is only tangentially related to the non-resident withholding. Since this information is valuable in the Department's general effort to enforce compliance, it would be desirable to maintain the provision within the law.

PREPARED BY THE DEPARTMENT OF REVENUE



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/23/81

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL PROVISIONS  
6 RELATING TO WITHHOLDING FOR NONRESIDENT'S INCOME TAX;  
7 AMENDING SECTIONS 15-30-311 AND 20-15-403, MCA; REPEALING  
8 SECTIONS 15-30-221 THROUGH 15-30-228, MCA."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 15-30-311, MCA, is amended to read:

12 "15-30-311. Levy upon and sale of property. (1) If any  
13 tax imposed by this chapter, ~~except 15-30-221 through~~  
14 ~~15-30-228~~, or any portion of such tax is not paid within 60  
15 days after the same becomes due, the department shall issue  
16 a warrant under its official seal directed to the sheriff of  
17 any county of the state commanding him to levy upon and sell  
18 the real and personal property of the person owing the same  
19 found within his county for the payment of the amount  
20 thereof, with the added penalties, interest, and the cost of  
21 executing the warrant, and to return such warrant to the  
22 department and pay to it the money collected by virtue  
23 thereof by a time to be therein specified, not more than 60  
24 days from the date of the warrant.

25 (2) The sheriff shall, within 5 days after the receipt

1 of the warrant, file with the clerk of the district court of  
2 his county a copy thereof, and thereupon the clerk shall  
3 enter in the judgment docket, in the column for judgment  
4 debtors, the name of the taxpayer mentioned in the warrant  
5 and, in appropriate columns, the amount of the tax or  
6 portion thereof and penalties for which the warrant is  
7 issued and the date when such copy is filed. Thereupon the  
8 amount of such warrant so docketed shall become a lien upon  
9 the title to and interest in real property or chattels real  
10 of the person against whom it is levied in the same manner  
11 as a judgment docketed in the office of such clerk.

12 (3) The sheriff shall thereupon proceed upon the same  
13 in all respects, with like effect, and in the same manner  
14 prescribed by law in respect to executions issued against  
15 property upon judgments of a court of record and shall be  
16 entitled to the same fees for his services in executing the  
17 warrant, to be collected in the same manner. In the  
18 discretion of the department, a warrant of like terms,  
19 force, and effect may be issued and directed to any agent  
20 authorized to collect income taxes and, in the execution  
21 thereof, such agent shall have the powers conferred by law  
22 upon sheriffs but shall be entitled to no fee or  
23 compensation in excess of actual expenses paid in the  
24 performance of such duty. In the execution of such warrants,  
25 a notice of levy issued by the department's authorized agent



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22 department and pay to it the money collected by virtue  
23 thereof by a time to be therein specified, not more than 60  
24 days from the date of the warrant.

25 (2) The sheriff shall, within 5 days after the receipt

1 of the warrant, file with the clerk of the district court of  
2 his county a copy thereof, and thereupon the clerk shall  
3 enter in the judgment docket, in the column for judgment  
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-End-

March 14, 1981

SENATE STANDING COMMITTEE REPORT  
(Taxation)

That House Bill No. 775 be amended as follows:

1. TITLE, line 8.  
Following: "THROUGH"  
Strike: "15-30-228"  
Insert: "15-30-227"
  
2. Page 4, line 9.  
Following: line 8  
Strike: "15-30-228"  
Insert: "15-30-227"

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April 20, 1981

JOINT CONFERENCE COMMITTEE REPORT NO. 1

ON HOUSE BILL NO. 775

MR. PRESIDENT AND MR. SPEAKER:

We, your Joint Conference Committee on House Bill No. 775, met April 20, 1981, and considered:

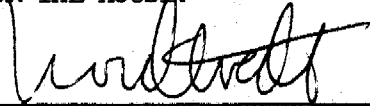
Senate Committee on Taxation amendments to the Reference Bill, dated March 14, 1981.


We recommend that:

the House accede to the Committee amendments 1 and 2; the reference copy of House Bill No. 775 remain unchanged; and the Conference Committee Report to House Bill No. 775 be adopted.

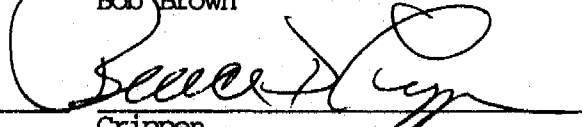
FOR THE HOUSE:


FOR THE SENATE:

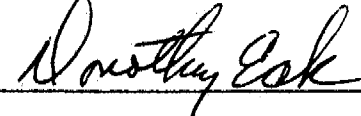
  
\_\_\_\_\_  
Nordtvedt

  
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Bob Brown

  
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Fabrega

  
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Crippen

  
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Williams

  
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Eck