

*Noted
by [unclear]*

SENATE BILL NO. 55

INTRODUCED BY B. BROWN

BY REQUEST OF THE DEPARTMENT OF REVENUE

IN THE SENATE

January 5, 1981	Introduced and referred to Committee on Taxation.
January 14, 1981	Committee recommend bill do pass. Report adopted.
January 15, 1981	Bill printed and placed on members' desks.
January 16, 1981	Second reading, do pass.
January 17, 1981	Considered correctly engrossed.
January 19, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

January 20, 1981	Introduced and referred to Committee on Taxation.
March 9, 1981	Committee recommend bill be concurred in. Report adopted.
March 10, 1981	Second reading, concurred in. Segregated. Rereferred to Committee on Taxation.
March 19, 1981	Committee recommend bill concurred in. Report adopted.
March 26, 1981	Second reading, pass consideration.

March 30, 1981		On motion rules suspended and bill allowed to be transmitted on 71st day. Motion adopted.
March 31, 1981		Third reading concurred.
	In The Senate	
April 1, 1981		Returned from House concurred.
		Sent to enrolling.
April 6, 1981		Correctly enrolled. Signed by President.
	Governor	
April 8, 1981		Delivered to Governor.
April 13, 1981		Signed by Governor.

1 SENATE BILL NO. 55
 2 INTRODUCED BY B. BROWN
 3 BY REQUEST OF THE DEPARTMENT OF REVENUE
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO SIMPLIFY REPORTING
 6 REQUIREMENTS FOR CERTAIN TAXES BY ELIMINATING THE
 7 REQUIREMENT OF VERIFIED RETURNS AND REPORTS AND ELIMINATING
 8 THE REQUIREMENT OF FILING UPON COMMENCEMENT OF OPERATIONS
 9 FOR CERTAIN TAXES; AMENDING SECTIONS 15-35-104, 15-36-105,
 10 AND 15-38-105, MCA; AND REPEALING SECTIONS 15-36-111,
 11 15-37-113, 15-37-208, 15-58-103, 15-59-103, AND 15-59-202,
 12 MCA."

13
 14 DE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 15-35-104, MCA, is amended to read:
 16 "15-35-104. Quarterly statement and payment of tax.
 17 Each coal mine operator shall compute the severance tax due
 18 on each quarter-year's worth of production on forms
 19 prescribed by the department. The statement shall indicate
 20 the tonnage produced, the average Btu value of the
 21 production, the contract sales price received for the
 22 production, and such other information as the department may
 23 require. The completed form in duplicate, with the tax
 24 payment, shall be delivered to the department not later than
 25 30 days following the close of the quarter. The form shall

1 be verified ~~signed by the operator if the operator is an~~
 2 ~~individual or~~ by an officer of the coal mine operator ~~if the~~
 3 ~~operator is a business entity.~~ A person operating more than
 4 one coal mine in this state may include all of his mines in
 5 one statement. The department may grant a reasonable
 6 extension of time for filing statements and payment of taxes
 7 due upon good cause shown therefor."

8 Section 2. Section 15-36-105, MCA, is amended to read:
 9 "15-36-105. Statement to accompany payment -- records
 10 -- collection of tax -- refunds. (1) Each and every person
 11 must, within 60 days after the end of each following
 12 quarter, make out on forms prescribed by the department of
 13 revenue a statement showing the total number of barrels of
 14 merchantable or marketable petroleum and other mineral or
 15 crude oil or cubic feet of natural gas produced or extracted
 16 by such person in the state during each month of such
 17 quarter and during the whole quarter, the average value
 18 thereof during each month, and the total value thereof for
 19 the whole quarter, together with the total amount due to the
 20 state as severance taxes for such quarter, and must within
 21 such 60 days deliver such statement and, except as provided
 22 in 15-36-121, pay to the department the amount of the taxes
 23 shown by such statement to be due to the state for the
 24 quarter for which such statement is made. Such statement
 25 must be signed ~~and verified by the oath of~~ the individual or

-2- INTRODUCED BILL
 SB55

1 ~~individuals~~ or by the president, vice-president, treasurer,
 2 assistant treasurer, or managing agent in this state of the
 3 association, corporation, joint-stock company, or syndicate
 4 making the ~~same statement~~. Any such person engaged in
 5 carrying on such business at more than one place in this
 6 state or owning, leasing, controlling, or operating more
 7 than one oil or gas well in this state may include all
 8 thereof in one statement. The department shall receive and
 9 file all such statements and collect and receive from such
 10 person making and filing a statement the amount of tax
 11 payable by such person, if any, as the same shall appear
 12 from the face of the statement.

13 (2) It shall be the duty of the department to examine
 14 each of such statements and compute the taxes thereon, and
 15 the amount so computed by the department shall be the taxes
 16 imposed, assessed against, and payable by the taxpayer
 17 making the statement for the quarter for which the statement
 18 is filed. If the tax found to be due shall be greater than
 19 the amount paid, the excess shall be paid by the taxpayer to
 20 the department within 10 days after written notice of the
 21 amount of the deficiency shall be mailed by the department
 22 to such taxpayer. If the tax imposed shall be less than the
 23 amount paid, the difference must be applied as a credit
 24 against tax liability for subsequent quarters or refunded if
 25 there is no subsequent tax liability."

1 Section 3. Section 15-38-105, MCA, is amended to read:
 2 "15-38-105. Report of gross yield from mines. A person
 3 who engages in or carries on the business of mining,
 4 extracting, or producing a mineral from any quartz vein or
 5 lode, placer claim, dump or tailings, or other place or
 6 source shall on or before March 31 of each year make out a
 7 statement of gross yield of the mineral from each mine owned
 8 or worked by that person during the year preceding January 1
 9 of the year in which the statement is made and the value
 10 thereof. This form shall be in the form prescribed by the
 11 department and shall be ~~verified signed by the oath~~ of the
 12 person or the manager, superintendent, agent, president, or
 13 vice-president of the corporation, association, or
 14 partnership, if any, and shall be delivered to the
 15 department on or before March 31. The statement shall show
 16 the following:
 17 (1) the name and address of the owner or lessee or
 18 operator of the mine;
 19 (2) the description and location of the mine;
 20 (3) the quantity of minerals extracted, produced, and
 21 treated or sold from the mine during the period covered by
 22 the statement;
 23 (4) the amount and character of the mineral and the
 24 total yield of the mineral from the mine in constituents of
 25 commercial value; that is to say, the number of ounces of

LC 0261/01

1 gold or silver, pounds of copper or lead, tons of coal,
2 barrels of petroleum or other crude or mineral oil, cubic
3 feet of natural gas, or other commercially valuable
4 constituents of the ores or mineral products or deposits
5 yielded to the person engaged in mining measured by standard
6 units of measurement;

7 (5) the gross yield or value in dollars and cents."

8 Section 4. Repealer. Sections 15-36-111, 15-37-113,
9 15-37-208, 15-58-103, 15-59-103, and 15-59-202, MCA, are
10 repealed.

-End-

Approved by Committee
on Taxation

1 SENATE BILL NO. 55
2 INTRODUCED BY B. BROWN
3 BY REQUEST OF THE DEPARTMENT OF REVENUE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO SIMPLIFY REPORTING
6 REQUIREMENTS FOR CERTAIN TAXES BY ELIMINATING THE
7 REQUIREMENT OF VERIFIED RETURNS AND REPORTS AND ELIMINATING
8 THE REQUIREMENT OF FILING UPON COMMENCEMENT OF OPERATIONS
9 FOR CERTAIN TAXES; AMENDING SECTIONS 15-35-104, 15-36-105,
10 AND 15-38-105, MCA; AND REPEALING SECTIONS 15-36-111,
11 15-37-113, 15-37-208, 15-58-103, 15-59-103, AND 15-59-202,
12 MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15 Section 1. Section 15-35-104, MCA, is amended to read:
16 "15-35-104. Quarterly statement and payment of tax.
17 Each coal mine operator shall compute the severance tax due
18 on each quarter-year's worth of production on forms
19 prescribed by the department. The statement shall indicate
20 the tonnage produced, the average Btu value of the
21 production, the contract sales price received for the
22 production, and such other information as the department may
23 require. The completed form in duplicate, with the tax
24 payment, shall be delivered to the department not later than
25 30 days following the close of the quarter. The form shall

1 be verified signed by the operator if the operator is an
2 individual or by an officer of the coal mine operator if the
3 operator is a business entity. A person operating more than
4 one coal mine in this state may include all of his mines in
5 one statement. The department may grant a reasonable
6 extension of time for filing statements and payment of taxes
7 due upon good cause shown therefor."

8 Section 2. Section 15-36-105, MCA, is amended to read:
9 "15-36-105. Statement to accompany payment -- records
10 -- collection of tax -- refunds. (1) Each and every person
11 must, within 60 days after the end of each following
12 quarter, make out on forms prescribed by the department of
13 revenue a statement showing the total number of barrels of
14 merchantable or marketable petroleum and other mineral or
15 crude oil or cubic feet of natural gas produced or extracted
16 by such person in the state during each month of such
17 quarter and during the whole quarter, the average value
18 thereof during each month, and the total value thereof for
19 the whole quarter, together with the total amount due to the
20 state as severance taxes for such quarter, and must within
21 such 60 days deliver such statement and, except as provided
22 in 15-36-121, pay to the department the amount of the taxes
23 shown by such statement to be due to the state for the
24 quarter for which such statement is made. Such statement
25 must be signed and verified by the oath of the individual or

1 ~~individuals~~ or by the president, vice-president, treasurer,
 2 assistant treasurer, or managing agent in this state of the
 3 association, corporation, joint-stock company, or syndicate
 4 making the ~~same statement~~. Any such person engaged in
 5 carrying on such business at more than one place in this
 6 state or owning, leasing, controlling, or operating more
 7 than one oil or gas well in this state may include all
 8 thereof in one statement. The department shall receive and
 9 file all such statements and collect and receive from such
 10 person making and filing a statement the amount of tax
 11 payable by such person, if any, as the same shall appear
 12 from the face of the statement.

13 (2) It shall be the duty of the department to examine
 14 each of such statements and compute the taxes thereon, and
 15 the amount so computed by the department shall be the taxes
 16 imposed, assessed against, and payable by the taxpayer
 17 making the statement for the quarter for which the statement
 18 is filed. If the tax found to be due shall be greater than
 19 the amount paid, the excess shall be paid by the taxpayer to
 20 the department within 10 days after written notice of the
 21 amount of the deficiency shall be mailed by the department
 22 to such taxpayer. If the tax imposed shall be less than the
 23 amount paid, the difference must be applied as a credit
 24 against tax liability for subsequent quarters or refunded if
 25 there is no subsequent tax liability."

1 Section 3. Section 15-38-105, MCA, is amended to read:

2 "15-38-105. Report of gross yield from mines. A person
 3 who engages in or carries on the business of mining,
 4 extracting, or producing a mineral from any quartz vein or
 5 lode, placer claim, dump or tailings, or other place or
 6 source shall on or before March 31 of each year make out a
 7 statement of gross yield of the mineral from each mine owned
 8 or worked by that person during the year preceding January 1
 9 of the year in which the statement is made and the value
 10 thereof. This form shall be in the form prescribed by the
 11 department and shall be ~~verified signed by the oath--of~~ the
 12 person or the manager, superintendent, agent, president, or
 13 vice-president of the corporation, association, or
 14 partnership, if any, and shall be delivered to the
 15 department on or before March 31. The statement shall show
 16 the following:

- 17 (1) the name and address of the owner or lessee or
 18 operator of the mine;
 19 (2) the description and location of the mine;
 20 (3) the quantity of minerals extracted, produced, and
 21 treated or sold from the mine during the period covered by
 22 the statement;
 23 (4) the amount and character of the mineral and the
 24 total yield of the mineral from the mine in constituents of
 25 commercial value; that is to say, the number of ounces of

1 gold or silver, pounds of copper or lead, tons of coal,
2 barrels of petroleum or other crude or mineral oil, cubic
3 feet of natural gas, or other commercially valuable
4 constituents of the ores or mineral products or deposits
5 yielded to the person engaged in mining measured by standard
6 units of measurement;

7 (5) the gross yield or value in dollars and cents.*

8 Section 4. Repealer. Sections 15-36-111, 15-37-113,
9 15-37-208, 15-58-103, 15-59-103, and 15-59-202, MCA, are
10 repealed.

-End-

1 SENATE BILL NO. 55
 2 INTRODUCED BY B. BROWN
 3 BY REQUEST OF THE DEPARTMENT OF REVENUE
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO SIMPLIFY REPORTING
 6 REQUIREMENTS FOR CERTAIN TAXES BY ELIMINATING THE
 7 REQUIREMENT OF VERIFIED RETURNS AND REPORTS AND ELIMINATING
 8 THE REQUIREMENT OF FILING UPON COMMENCEMENT OF OPERATIONS
 9 FOR CERTAIN TAXES; AMENDING SECTIONS 15-35-104, 15-36-105,
 10 AND 15-38-105, MCA; AND REPEALING SECTIONS 15-36-111,
 11 15-37-113, 15-37-208, 15-58-103, 15-59-103, AND 15-59-202,
 12 MCA."
 13

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

15 Section 1. Section 15-35-104, MCA, is amended to read:
 16 "15-35-104. Quarterly statement and payment of tax.
 17 Each coal mine operator shall compute the severance tax due
 18 on each quarter-year's worth of production on forms
 19 prescribed by the department. The statement shall indicate
 20 the tonnage produced, the average Btu value of the
 21 production, the contract sales price received for the
 22 production, and such other information as the department may
 23 require. The completed form in duplicate, with the tax
 24 payment, shall be delivered to the department not later than
 25 30 days following the close of the quarter. The form shall

1 be verified ~~signed by the operator if the operator is an~~
 2 ~~individual or~~ by an officer of the coal mine operator ~~if the~~
 3 ~~operator is a business entity.~~ A person operating more than
 4 one coal mine in this state may include all of his mines in
 5 one statement. The department may grant a reasonable
 6 extension of time for filing statements and payment of taxes
 7 due upon good cause shown therefor."

8 Section 2. Section 15-36-105, MCA, is amended to read:

9 "15-36-105. Statement to accompany payment -- records
 10 -- collection of tax -- refunds. (1) Each and every person
 11 must, within 60 days after the end of each following
 12 quarter, make out on forms prescribed by the department of
 13 revenue a statement showing the total number of barrels of
 14 merchantable or marketable petroleum and other mineral or
 15 crude oil or cubic feet of natural gas produced or extracted
 16 by such person in the state during each month of such
 17 quarter and during the whole quarter, the average value
 18 thereof during each month, and the total value thereof for
 19 the whole quarter, together with the total amount due to the
 20 state as severance taxes for such quarter, and must within
 21 such 60 days deliver such statement and, except as provided
 22 in 15-36-121, pay to the department the amount of the taxes
 23 shown by such statement to be due to the state for the
 24 quarter for which such statement is made. Such statement
 25 must be signed ~~and verified by the oath of~~ the individual or

1 individuals or by the president, vice-president, treasurer,
 2 assistant treasurer, or managing agent in this state of the
 3 association, corporation, joint-stock company, or syndicate
 4 making the ~~same statement~~. Any such person engaged in
 5 carrying on such business at more than one place in this
 6 state or owning, leasing, controlling, or operating more
 7 than one oil or gas well in this state may include all
 8 thereof in one statement. The department shall receive and
 9 file all such statements and collect and receive from such
 10 person making and filing a statement the amount of tax
 11 payable by such person, if any, as the same shall appear
 12 from the face of the statement.

13 (2) It shall be the duty of the department to examine
 14 each of such statements and compute the taxes thereon, and
 15 the amount so computed by the department shall be the taxes
 16 imposed, assessed against, and payable by the taxpayer
 17 making the statement for the quarter for which the statement
 18 is filed. If the tax found to be due shall be greater than
 19 the amount paid, the excess shall be paid by the taxpayer to
 20 the department within 10 days after written notice of the
 21 amount of the deficiency shall be mailed by the department
 22 to such taxpayer. If the tax imposed shall be less than the
 23 amount paid, the difference must be applied as a credit
 24 against tax liability for subsequent quarters or refunded if
 25 there is no subsequent tax liability."

1 Section 3. Section 15-38-105, MCA, is amended to read:
 2 "15-38-105. Report of gross yield from mines. A person
 3 who engages in or carries on the business of mining,
 4 extracting, or producing a mineral from any quartz vein or
 5 lode, placer claim, dump or tailings, or other place or
 6 source shall on or before March 31 of each year make out a
 7 statement of gross yield of the mineral from each mine owned
 8 or worked by that person during the year preceding January 1
 9 of the year in which the statement is made and the value
 10 thereof. This form shall be in the form prescribed by the
 11 department and shall be ~~verified signed by the oath~~ of the
 12 person or the manager, superintendent, agent, president, or
 13 vice-president of the corporation, association, or
 14 partnership, if any, and shall be delivered to the
 15 department on or before March 31. The statement shall show
 16 the following:

- 17 (1) the name and address of the owner or lessee or
 18 operator of the mine;
 19 (2) the description and location of the mine;
 20 (3) the quantity of minerals extracted, produced, and
 21 treated or sold from the mine during the period covered by
 22 the statement;
 23 (4) the amount and character of the mineral and the
 24 total yield of the mineral from the mine in constituents of
 25 commercial value; that is to say, the number of ounces of

1 gold or silver, pounds of copper or lead, tons of coal,
2 barrels of petroleum or other crude or mineral oil, cubic
3 feet of natural gas, or other commercially valuable
4 constituents of the ores or mineral products or deposits
5 yielded to the person engaged in mining measured by standard
6 units of measurement;

7 (5) the gross yield or value in dollars and cents."

8 Section 4. Repealer. Sections 15-36-111, 15-37-113,
9 15-37-208, 15-58-103, 15-59-103, and 15-59-202, MCA, are
10 repealed.

-End-

1 SENATE BILL NO. 55

2 INTRODUCED BY B. BROWN

3 BY REQUEST OF THE DEPARTMENT OF REVENUE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO SIMPLIFY REPORTING
6 REQUIREMENTS FOR CERTAIN TAXES BY ELIMINATING THE
7 REQUIREMENT OF VERIFIED RETURNS AND REPORTS AND ELIMINATING
8 THE REQUIREMENT OF FILING UPON COMMENCEMENT OF OPERATIONS
9 FOR CERTAIN TAXES; AMENDING SECTIONS 15-35-104, 15-36-105,
10 AND 15-38-105, MCA; AND REPEALING SECTIONS 15-36-111,
11 15-37-113, 15-37-208, 15-58-103, 15-59-103, AND 15-59-202,
12 MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 15-35-104, MCA, is amended to read:

16 "15-35-104. Quarterly statement and payment of tax.
17 Each coal mine operator shall compute the severance tax due
18 on each quarter-year's worth of production on forms
19 prescribed by the department. The statement shall indicate
20 the tonnage produced, the average Btu value of the
21 production, the contract sales price received for the
22 production, and such other information as the department may
23 require. The completed form in duplicate, with the tax
24 payment, shall be delivered to the department not later than
25 30 days following the close of the quarter. The form shall

1 be verified signed by the operator if the operator is an
2 individual or by an officer of the coal mine operator if the
3 operator is a business entity. A person operating more than
4 one coal mine in this state may include all of his mines in
5 one statement. The department may grant a reasonable
6 extension of time for filing statements and payment of taxes
7 due upon good cause shown therefor."

8 Section 2. Section 15-36-105, MCA, is amended to read:

9 "15-36-105. Statement to accompany payment -- records
10 -- collection of tax -- refunds. (1) Each and every person
11 must, within 60 days after the end of each following
12 quarter, make out on forms prescribed by the department of
13 revenue a statement showing the total number of barrels of
14 merchantable or marketable petroleum and other mineral or
15 crude oil or cubic feet of natural gas produced or extracted
16 by such person in the state during each month of such
17 quarter and during the whole quarter, the average value
18 thereof during each month, and the total value thereof for
19 the whole quarter, together with the total amount due to the
20 state as severance taxes for such quarter, and must within
21 such 60 days deliver such statement and, except as provided
22 in 15-36-121, pay to the department the amount of the taxes
23 shown by such statement to be due to the state for the
24 quarter for which such statement is made. Such statement
25 must be signed ~~and verified by the oath of~~ the individual or

1 individuals or by the president, vice-president, treasurer,
 2 assistant treasurer, or managing agent in this state of the
 3 association, corporation, joint-stock company, or syndicate
 4 making the same statement. Any such person engaged in
 5 carrying on such business at more than one place in this
 6 state or owning, leasing, controlling, or operating more
 7 than one oil or gas well in this state may include all
 8 thereof in one statement. The department shall receive and
 9 file all such statements and collect and receive from such
 10 person making and filing a statement the amount of tax
 11 payable by such person, if any, as the same shall appear
 12 from the face of the statement.

13 (2) It shall be the duty of the department to examine
 14 each of such statements and compute the taxes thereon, and
 15 the amount so computed by the department shall be the taxes
 16 imposed, assessed against, and payable by the taxpayer
 17 making the statement for the quarter for which the statement
 18 is filed. If the tax found to be due shall be greater than
 19 the amount paid, the excess shall be paid by the taxpayer to
 20 the department within 10 days after written notice of the
 21 amount of the deficiency shall be mailed by the department
 22 to such taxpayer. If the tax imposed shall be less than the
 23 amount paid, the difference must be applied as a credit
 24 against tax liability for subsequent quarters or refunded if
 25 there is no subsequent tax liability."

1 Section 3. Section 15-38-105, MCA, is amended to read:

2 "15-38-105. Report of gross yield from mines. A person
 3 who engages in or carries on the business of mining,
 4 extracting, or producing a mineral from any quartz vein or
 5 lode, placer claim, dump or tailings, or other place or
 6 source shall on or before March 31 of each year make out a
 7 statement of gross yield of the mineral from each mine owned
 8 or worked by that person during the year preceding January 1
 9 of the year in which the statement is made and the value
 10 thereof. This form shall be in the form prescribed by the
 11 department and shall be verified signed by ~~the oath--of~~ the
 12 person or the manager, superintendent, agent, president, or
 13 vice-president of the corporation, association, or
 14 partnership, if any, and shall be delivered to the
 15 department on or before March 31. The statement shall show
 16 the following:

17 (1) the name and address of the owner or lessee or
 18 operator of the mine;

19 (2) the description and location of the mine;

20 (3) the quantity of minerals extracted, produced, and
 21 treated or sold from the mine during the period covered by
 22 the statement;

23 (4) the amount and character of the mineral and the
 24 total yield of the mineral from the mine in constituents of
 25 commercial value; that is to say, the number of ounces of

SB 0055/02

1 gold or silver, pounds of copper or lead, tons of coal,
2 barrels of petroleum or other crude or mineral oil, cubic
3 feet of natural gas, or other commercially valuable
4 constituents of the ores or mineral products or deposits
5 yielded to the person engaged in mining measured by standard
6 units of measurement;

7 (5) the gross yield or value in dollars and cents."

8 Section 4. Repealer. Sections 15-36-111, 15-37-113,
9 15-37-208, 15-58-103, 15-59-103, and 15-59-202, MCA, are
10 repealed.

-End-