

SENATE BILL NO. 343

INTRODUCED BY HALLIGAN

BY REQUEST OF THE DEPARTMENT OF REVENUE

IN THE SENATE

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| February 7, 1985 | Introduced and referred to Committee on Business and Industry. |
| February 13, 1985 | Committee recommend bill do pass. Report adopted. |
| February 14, 1985 | Bill printed and placed on members' desks. |
| February 15, 1985 | Second reading, do pass. |
| February 16, 1985 | Considered correctly engrossed. |
| February 18, 1985 | Third reading, passed. Ayes, 49; Noes, 0. |
| | Transmitted to House. |

IN THE HOUSE

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| February 27, 1985 | Introduced and referred to Committee on Business and Labor. |
| March 29, 1985 | Committee recommend bill be concurred in. Report adopted. |
| March 30, 1985 | Second reading, concurred in. |
| April 1, 1985 | Third reading, concurred in. Returned to Senate. |

IN THE SENATE

April 1, 1985

Received from House.

April 2, 1985

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *343*
 2 INTRODUCED BY *Waltje*
 3 BY REQUEST OF THE DEPARTMENT OF REVENUE
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A 5-YEAR
 6 STATUTE OF LIMITATIONS FOR THE PUBLIC CONTRACTORS FEES AND
 7 TAX; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN
 8 APPLICABILITY DATE."
 9

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

11 Section 1. Statute of limitations. (1) Except as
 12 otherwise provided in this section, no deficiency may be
 13 assessed or collected with respect to the year for which a
 14 public contractor's gross receipts tax return is filed
 15 unless the notice of additional tax proposed to be assessed
 16 is mailed within 5 years from the date the return was filed.
 17 For the purposes of this section, a return filed before the
 18 last day prescribed for filing is considered filed on the
 19 last day. If the taxpayer, before the expiration of the
 20 5-year period, consents in writing to an assessment after
 21 that time, the tax may be assessed at any time prior to the
 22 expiration of the period agreed upon.

23 (2) No refund or credit may be allowed or paid with
 24 respect to the year for which a return is filed after 5
 25 years from the last day prescribed for filing the return or

1 after 1 year from the date of the overpayment, whichever
 2 period expires later, unless before the expiration of the
 3 period the taxpayer files a claim therefor or the department
 4 of revenue determines the existence of the overpayment and
 5 approves the refund or credit thereof. If the taxpayer
 6 agrees in writing under the provisions of subsection (1) to
 7 extend the time within which the department may propose an
 8 additional assessment, the period within which a claim for
 9 refund or credit may be filed or a credit or refund allowed
 10 if no claim is filed is automatically extended.

11 (3) If a return is required to be filed and the
 12 taxpayer fails to file the return, the tax may be assessed
 13 or an action to collect the tax may be brought at any time.
 14 If the return is required to be filed and the taxpayer files
 15 a fraudulent return, the 5-year period provided for in
 16 subsection (1) does not begin until discovery by the
 17 department of the fraud.

18 Section 2. Codification instruction. Section 1 is
 19 intended to be codified as an integral part of Title 15,
 20 chapter 50, and the provisions of Title 15 apply to section
 21 1.

22 Section 3. Extension of authority. Any existing
 23 authority of the department of revenue to make rules on the
 24 subject of the provisions of this act is extended to the
 25 provisions of this act.

INTRODUCED BILL
 SB 343



1 Section 4. Effective date -- applicability. (1) This
2 act is effective on passage and approval and, except as
3 provided in subsection (2), applies retroactively within the
4 meaning of 1-2-109 to taxable periods covered by returns due
5 after December 31, 1982.

6 (2) Subsection (3) of section 1 is retroactively
7 applicable within the meaning of 1-2-109 for all taxable
8 years prior to the effective date of this act.

-End-

APPROVED BY COMM. ON
BUSINESS & INDUSTRY

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(2) No refund or credit may be allowed or paid with
respect to the year for which a return is filed after 5
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THIRD READING
SB 343



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REFERENCE BILL



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