

SENATE BILL 83

Introduced by Nathe

1/07	Introduced
1/07	Referred to Judiciary
1/09	Fiscal Note Requested
1/11	Hearing
1/13	Fiscal Note Received
1/13	Fiscal Note Printed
	Died in Committee

1 Senate BILL NO. 83  
2 INTRODUCED BY NATHAN  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT  
5 OF REVENUE TO WAIVE THE 10 PERCENT PENALTY FOR FILING A LATE  
6 RETURN FOR CORPORATION LICENSE TAX OR CORPORATION INCOME  
7 TAX; AMENDING SECTION 15-31-502, MCA; AND PROVIDING AN  
8 IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY  
9 DATE."  
10

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

12 **Section 1.** Section 15-31-502, MCA, is amended to read:

13 "15-31-502. Assessment and payment of tax, penalty,  
14 and interest. All taxpayers shall compute the amount of tax  
15 payable under this chapter and shall remit such amount to  
16 the department of revenue on or before the 15th day of the  
17 5th month following the close of the taxable period. If the  
18 tax is not paid on or before the due date, there ~~shall~~ may  
19 be assessed a penalty of 10% of the amount of the tax unless  
20 it is shown that the failure was due to reasonable cause and  
21 not due to neglect. If any tax due under this chapter is not  
22 paid when due, by reason of extension granted or otherwise,  
23 interest shall be added thereto at the rate of 12% per annum  
24 from the due date until paid."

25 NEW SECTION. **Section 2.** Extension of authority. Any

1 existing authority to make rules on the subject of the  
2 provisions of [this act] is extended to the provisions of  
3 [this act].

4 NEW SECTION. **Section 3.** Effective date -- retroactive  
5 applicability. [This act] is effective on passage and  
6 approval and applies retroactively, within the meaning of  
7 1-2-109, to taxable years beginning after December 31, 1988.

-End-



STATE OF MONTANA - FISCAL NOTE

Form BD-15


In compliance with a written request, there is hereby submitted a Fiscal Note for SB083, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to allow the Department of Revenue to waive the 10 percent penalty for filing a late return for corporation license tax or corporation income tax; and providing an immediate effective date and a retroactive applicability date.

FISCAL IMPACT:

The average annual revenue from the imposition of the 10% penalty for FY86, FY87, and FY88 was \$102,000. The Department of Revenue already has the ability to waive the imposition of this penalty if it is determined that there is reasonable cause. Therefore, there is no impact on Corporation License Tax revenue or Department of Revenue expenditures.

  
RAY SHACKLEFORD, BUDGET DIRECTOR      1/12/89  
OFFICE OF BUDGET AND PROGRAM PLANNING      DATE

  
DENNIS G. NATHE, PRIMARY SPONSOR      1-13-89  
DATE

Fiscal Note for SB083, as introduced

**SB 83**