



AN ACT REVISING FILING REQUIREMENTS FOR PASS-THROUGH ENTITIES; REQUIRING PARTNERSHIPS WITH MORE THAN 100 MEMBERS TO FILE RETURNS AND REPORTS ELECTRONICALLY; PROVIDING FOR PENALTY PAYMENTS FOR FAILURE TO FILE; GRANTING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

Section 1. Electronic partnership return required -- waiver -- rulemaking. (1) Subject to subsection (4), each year, a partnership with more than 100 partners shall transmit to the department, in an electronic format approved by the department, all partnership returns, along with the corresponding U.S. department of treasury schedules K-1 and all other related forms and schedules that are required to be attached.

(2) If a partnership fails to file a partnership return electronically in the manner required in subsection (1), the partnership is considered to have failed to file the return and is subject to a penalty pursuant to 15-30-3302(5)(d).

(3) A partnership has more than 100 partners if, over the course of the partnership's tax year, the partnership had more than 100 partners, regardless of whether a partner was a partner for the entire year or whether the partnership had over 100 partners on any particular day in the year.

(4) The department may waive the electronic filing if the partnership demonstrates that software that satisfies the conditions of this section is not readily available or that a hardship will result if it is required to file electronically. A partnership requesting a waiver shall file a written request at least 30 days prior to the date the electronic filing is due.

(5) The department may adopt rules to administer and enforce the provisions of this section.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 15, chapter 30, part 33, and the provisions of Title 15, chapter 30, part 33, apply to [section 1].

Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 4. Effective date. [This act] is effective July 1, 2013.

Section 5. Applicability. [Section 1] applies to tax years beginning after [the effective date of this act].

- END -

I hereby certify that the within bill,
SB 0179, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2013.

Speaker of the House

Signed this _____ day
of _____, 2013.

SENATE BILL NO. 179
INTRODUCED BY C. KAUFMANN
BY REQUEST OF THE DEPARTMENT OF REVENUE

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