

SENATE BILL NO. 24

INTRODUCED BY G. HERTZ

BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ELECTRONIC CORPORATE INCOME TAX RETURNS; PROVIDING EXCEPTIONS TO ELECTRONIC FILING; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Electronic corporate income tax return required -- waiver -- rulemaking. (1) Subject to subsection (3), for income tax periods beginning after December 31, 2022, a corporation shall transmit to the department, in an electronic format approved by the department, the corporate income tax return required by 15-31-111, along with the corresponding federal income tax return filed with the internal revenue service and all other related forms and schedules required to be attached.

(2) If Except as provided in subsections (3) through (5), for income tax periods beginning after December 31, 2023, if a corporation fails to file a corporate income tax return electronically in the manner required in subsection (1), the corporation is ~~considered to have failed to file the return and is~~ subject to a late filing penalty pursuant to 15-1-216(1).

(3) (a) For income tax periods beginning between January 1, 2023, and December 31, 2024, a corporation is not required to file a corporate income tax return electronically if it attests, on a form provided by the department, that the corporation attempted to file electronically but was unsuccessful in doing so or that hardship would result by filing electronically.

(b) The For income tax periods beginning after December 31, 2024, the department may waive the electronic filing if the corporation 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 corporation requesting a waiver shall file a written request at least 30 days prior to the date the electronic filing is due, including extensions for filing the return.

Amendment - 1st Reading-white - Requested by: Greg Hertz - (S) Taxation

- 2023

68th Legislature 2023

Drafter: Jaret Coles, 406-444-4022

SB0024.001.001

1 (4) (a) A corporation that has gross receipts of \$750,000 or less in a tax period is exempt from the
2 electronic filing requirements described in this section for that taxable period.

3 (b) For the purposes of this section, "gross receipts" means the total gross revenue of the
4 corporation for the tax period from all sources, without any subtraction for costs or expenses.

5 ~~(4)(5)~~ If the return required to be filed electronically is transmitted on or before the due date, including
6 extensions, and the return is rejected, the department shall allow the filer 10 calendar days from the date of the
7 first transmission to perfect the return for electronic resubmission.

8 ~~(5)(6)~~ The department may adopt rules to administer and enforce the provisions of this section.

10 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
11 integral part of Title 15, chapter 31, part 1, and the provisions of Title 15, chapter 31, part 1, apply to [section 1].

13 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

15 NEW SECTION. Section 4. Applicability. [This act] applies to tax periods beginning after December
16 31, 2022.

17 - END -