

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 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) (a) 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.

(b) The department shall maintain separate secure storage for income tax returns that are filed using electronic filing and income tax returns that are filed in paper format.

(2) 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 penalty pursuant to 15-1-216.

(3) (a) 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.

(b) A corporation with fewer than 20 employees is exempt from the electronic filing requirements described in this section for that taxable period.

(4) If the return required to be filed electronically is transmitted on or before the due date, including extensions, and the return is rejected, the department shall allow the filer 10 calendar days from the date of the

Amendment - 1st Reading-white - Requested by: Brad Molnar - (S) Taxation

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Drafter: Jaret Coles, 406-444-4022

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1 first transmission to perfect the return for electronic resubmission.

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

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

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

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9 NEW SECTION. Section 4. Applicability. [This act] applies to tax periods beginning after December
10 31, 2022.

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