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SENATE BILL NO. 14
INTRODUCED BY G. HERTZ
BY REQUEST OF THE REVENUE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE LIMIT ON MONTANA ECONOMIC DEVELOPMENT INDUSTRY ADVANCEMENT ACT FILM TAX CREDITS; AMENDING SECTION 15-31-1010, MCA; REPEALING SECTIONS 1 THROUGH 9, CHAPTER 509, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, AND A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE."

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

Section 1. Section 15-31-1010, MCA, is amended to read:

~~" **15-31-1010. (Temporary) Limitation of tax credits.** (1) (a) The department of commerce may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-1007 and 15-31-1009.~~

~~(b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.~~

~~(c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.~~

~~(2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed [\$12 million] per calendar year.~~

~~(b) Claims must be allowed on a first come, first served basis. A taxpayer whose claim for a credit is disallowed because the calendar year limit has been reached may use the credit in the next calendar year but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in 15-31-1007 (5) or 15-31-1009 (4).~~

~~(c) If a claim is disallowed because the calendar year limit has been reached, the department of~~

Amendment - 1st Reading-white - Requested by: Shannon O'Brien - (S) Taxation

68th Legislature

Drafter: Jaret Coles, 406-444-4022

SB0014.001.003

1 revenue may waive penalties and interest pursuant to 15-1-216.

2 ~~(d) The department of revenue shall make reasonable efforts to post on its website the amount of~~
3 ~~credits available and not yet claimed. (Bracketed language is temporarily amended to "\$10 million" on~~
4 ~~occurrence of contingency for income tax years 2022, 2023, 2024, and 2025 until July 1, 2025—secs. 7(6), 9,~~
5 ~~Ch. 509, L. 2021—see compiler's comment.)~~

6 **15-31-1010. (Effective July 1, 2025) Limitation of tax credits.** (1) (a) The department of commerce
7 may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-
8 1007 and 15-31-1009.

9 (b) The authorization by the department of commerce to apply for a credit does not guarantee the
10 credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this section must meet the
11 requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.

12 (c) The department of commerce shall make reasonable efforts to post on its website the amount
13 of tax credits available and not yet allocated.

14 (2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed
15 \$12-~~\$30~~ million per calendar year.

16 (b) Claims must be allowed on a first-come, first-served basis. A taxpayer whose claim for a credit
17 is disallowed because the calendar year limit has been reached may use the credit in the next calendar year
18 but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in
19 15-31-1007(5) or 15-31-1009(4).

20 (c) If a claim is disallowed because the calendar year limit has been reached, the department of
21 revenue may waive penalties and interest pursuant to 15-1-216.

22 (d) The department of revenue shall make reasonable efforts to post on its website the amount of
23 credits available and not yet claimed."

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25 **NEW SECTION. Section 2. Repealer.** Sections 1 through 9, Chapter 509, Laws of 2021, are
26 repealed.

27

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

Amendment - 1st Reading-white - Requested by: Shannon O'Brien - (S) Taxation

68th Legislature

Drafter: Jaret Coles, 406-444-4022

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NEW SECTION. **Section 4. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to income tax years beginning on or after January 1, 2023.

NEW SECTION. **Section 5. Termination.** [Section 1] terminates December 31, 2027.

- END -

AMENDED