

1 HOUSE BILL NO. 268  
2 INTRODUCED BY J. KASSMIER, B. MERCER, L. JONES

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A CHILD TAX CREDIT FOR MONTANA  
5 RESIDENT TAXPAYERS; PROVIDING A MAXIMUM REFUNDABLE CREDIT AMOUNT FOR A CHILD 5  
6 YEARS OF AGE OR YOUNGER; AMENDING SECTION 15-30-2303, MCA; AND PROVIDING AN  
7 APPLICABILITY DATE."

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

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11 NEW SECTION. Section 1. Child tax credit. (1) Except as provided in subsection (3), a resident  
12 taxpayer who is permitted a child tax credit under section 24 of the Internal Revenue Code, 26 U.S.C. 24, is  
13 allowed a credit against the taxes imposed by this chapter for each qualifying child of the taxpayer.

14 (2) ~~The SUBJECT TO SUBSECTION (6),~~ the amount of the credit is \$1,200 for each qualifying child.

15 (3) The credit is not allowed if the taxpayer's federal adjusted gross income exceeds the threshold  
16 amount.

17 ~~(4) (a) To Except as provided in subsection (4)(b), to CLAIM THE CREDIT, A TAXPAYER MUST HAVE:~~

18 ~~(A)(i) PROOF OF EARNED INCOME;~~

19 ~~(B)(ii) INVESTMENT INCOME OF LESS THAN \$10,300; AND~~

20 ~~(C)(iii) A VALID SOCIAL SECURITY NUMBER FOR EACH CHILD CLAIMED.~~

21 ~~(b) The requirement to have proof of earned income does not apply to:~~

22 ~~(i) the parent of a child eligible to receive home and community-based services under Title 53,~~  
23 ~~chapter 6, part 4, because of the child's physical or developmental disabilities;~~

24 ~~(ii) a parent who receives social security disability insurance benefit payments under 42 U.S.C.~~  
25 ~~423 or veteran disability compensation under 38 U.S.C. 1114; or~~

26 ~~(iii) a grandparent who claims a grandchild as a dependent.~~

27 ~~(4)(5)~~ The taxpayer is entitled to a refund equal to the amount by which the credit exceeds the  
28 taxpayer's tax liability or, if the taxpayer has no tax liability under this chapter, a refund equal to the amount of

1 the credit. The credit may be claimed by filing a Montana income tax return.

2 (6) THE CREDIT IN SUBSECTION (2) IS REDUCED AT A RATE OF \$90 FOR EACH \$1,000 OF THE TAXPAYER'S  
3 FEDERAL ADJUSTED GROSS INCOME IN EXCESS OF \$50,000.

4 (5)(7) For the purposes of this section, the following definitions apply:

5 (a) "EARNED INCOME" MEANS EARNED INCOME AS DEFINED IN SECTION 32 OF THE INTERNAL REVENUE  
6 CODE, 26 U.S.C. 32.

7 (b) "INVESTMENT INCOME" MEANS DISQUALIFIED INCOME AS DEFINED IN SECTION 32 OF THE INTERNAL  
8 REVENUE CODE, 26 U.S.C. 32.

9 (c) "Qualifying child" means a child of the taxpayer who is 5 years of age or younger as of the  
10 close of the calendar year in which the taxpayer's tax year begins.

11 (b)(D) "Threshold amount" is ~~\$50,000~~ \$56,000, regardless of the individual taxpayer's filing status.

13 **Section 2.** Section 15-30-2303, MCA, is amended to read:

14 **"15-30-2303. Tax credits subject to review by interim committee.** (1) The following tax credits  
15 must be reviewed during the biennium commencing July 1, 2019, and during each biennium commencing 10  
16 years thereafter:

17 (a) the credit for contractor's gross receipts provided for in 15-50-207; and

18 (b) the credit for elderly homeowners and renters provided for in 15-30-2337 through 15-30-2341.

19 (2) The following tax credits must be reviewed during the biennium commencing July 1, 2021, and  
20 during each biennium commencing 10 years thereafter:

21 (a) the credit for donations to an educational improvement account provided for in 15-30-2334, 15-  
22 30-3110, and 15-31-158; ~~and~~

23 (b) the credit for donations to a student scholarship organization provided for in 15-30-2335, 15-  
24 30-3111, and 15-31-159; and

25 (c) the child tax credit provided for in [section 1].

26 (3) The following tax credits must be reviewed during the biennium commencing July 1, 2023, and  
27 during each biennium commencing 10 years thereafter:

28 (a) the credit for infrastructure use fees provided for in 17-6-316;

1 (b) the credit for contributions to a qualified endowment provided for in 15-30-2327 through 15-30-  
2 2329, 15-31-161, and 15-31-162; and

3 (c) the credit for property to recycle or manufacture using recycled material provided for in Title 15,  
4 chapter 32, part 6.

5 (4) The following tax credits must be reviewed during the biennium commencing July 1, 2025, and  
6 during each biennium commencing 10 years thereafter:

7 (a) the credit for preservation of historic buildings provided for in 15-30-2342 and 15-31-151;

8 (b) the credit for unlocking state lands provided for in 15-30-2380;

9 (c) the job growth incentive tax credit provided for in 15-30-2361 and 15-31-175; and

10 (d) the credit for trades education and training provided for in 15-30-2359 and 15-31-174.

11 (5) The following tax credits must be reviewed during the biennium commencing July 1, 2027, and  
12 during each biennium commencing 10 years thereafter:

13 (a) the credit for hiring a registered apprentice or veteran apprentice provided for in 15-30-2357  
14 and 15-31-173;

15 (b) the earned income tax credit provided for in 15-30-2318; and

16 (c) the media production and postproduction credits provided for in 15-31-1007 and 15-31-1009.

17 (6) The revenue interim committee shall review the tax credits scheduled for review and make  
18 recommendations in accordance with 5-11-210 at the conclusion of the full review to the legislature about  
19 whether to eliminate or revise the credits. The committee shall also review any tax credit with an expiration date  
20 or termination date that is not listed in this section in the biennium before the credit is scheduled to expire or  
21 terminate.

22 (7) The revenue interim committee shall review the credits using the following criteria:

23 (a) whether the credit changes taxpayer decisions, including whether the credit rewards decisions  
24 that may have been made regardless of the existence of the tax credit;

25 (b) to what extent the credit benefits some taxpayers at the expense of other taxpayers;

26 (c) whether the credit has out-of-state beneficiaries;

27 (d) the timing of costs and benefits of the credit and how long the credit is effective;

28 (e) any adverse impacts of the credit or its elimination and whether the benefits of continuance or

1 elimination outweigh adverse impacts; and

2 (f) the extent to which benefits of the credit affect the larger economy. (Subsection (4)(d)

3 terminates December 31, 2026--sec. 7, Ch. 248, L. 2021; subsection (4)(c) terminates December 31, 2028--

4 sec. 24(1), Ch. 550, L. 2021.)"

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6 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
7 integral part of Title 15, chapter 30, part 23, and the provisions of Title 15, chapter 30, part 23, apply to [section  
8 1].

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10 **NEW SECTION. Section 4. Applicability.** [This act] applies to income tax years beginning after  
11 December 31, 2023.

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