

SENATE BILL NO. 357

INTRODUCED BY D. KARY

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A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING ENERGY PRODUCTION OR DEVELOPMENT TAX INCENTIVES; PROVIDING A PHASEOUT OF THE ENERGY PRODUCTION OR DEVELOPMENT PROPERTY TAX ABATEMENT; AMENDING SECTION 15-24-3111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 15-24-3111, MCA, is amended to read:

"15-24-3111. Energy production or development -- tax abatement -- eligibility. (1) A facility listed in subsection (3), clean advanced coal research and development equipment, and renewable energy research and development equipment may qualify for an abatement of property tax liability pursuant to this part.

(2) (a) If the abatement is granted for a facility listed in subsection (3), the qualifying facility must be assessed at 50% of its taxable value for the qualifying period.

(b) If the abatement is granted for clean advanced coal research and development equipment or renewable energy research and development equipment, the qualifying equipment, up to the first \$1 million of the value of equipment at a facility, must be assessed at 50% of its taxable value for the qualifying period. There is no abatement for any portion of the value of equipment at a facility in excess of \$1 million.

(c) The abatement applies to all mills levied against the qualifying facility or equipment.

(3) Subject to subsections (4) and (5), the following facilities or property may qualify for the abatement allowed under this part:

- (a) biodiesel production facilities;
- (b) biogas production facilities;
- (c) biomass gasification facilities;
- (d) coal gasification facilities for which carbon dioxide from the coal gasification process is sequestered;
- (e) ethanol production facilities;
- (f) geothermal facilities;
- (g) renewable energy manufacturing facilities;

1 (h) clean advanced coal research and development equipment and renewable energy research and
2 development equipment;

3 (i) a natural gas combined cycle facility that offsets a portion of the carbon dioxide produced through
4 carbon credit offsets;

5 (j) transmission lines and associated equipment and structures classified in 15-6-157;

6 (k) converter stations classified under 15-6-159;

7 (l) carbon sequestration equipment as defined in 15-6-158; and

8 (m) pipelines classified under 15-6-158.

9 (4) (a) In order to qualify for the abatement under this part, a facility listed in subsection (3) must meet
10 the following requirements:

11 (i) commencement of construction of the facility must occur after June 1, 2007, and before July 1, 2017;
12 and

13 (ii) the standard prevailing rate of wages for heavy construction, as provided in 18-2-414, must be paid
14 during the construction phase of the facility.

15 (b) In order to qualify for the abatement under this part, clean advanced coal research and development
16 equipment and renewable energy research and development equipment must be placed into service after June
17 30, 2007, and before July 1, 2017.

18 (c) For the facility to qualify under subsection (3)(d), the carbon dioxide produced from the gasification
19 process must be sequestered at a rate that is practically obtainable but may not be less than 65%.

20 (d) Integrated gasification combined cycle facilities for which a permit under Title 75, chapter 2, is applied
21 for after December 31, 2014, do not qualify under subsection (3)(d).

22 (e) To qualify under subsection (3)(i), the facility shall offset carbon dioxide emissions by the percentage
23 determined in 15-24-3116.

24 (5) To qualify for an abatement, the facility or clean advanced coal research and development equipment
25 and renewable energy research and development equipment must be certified as provided in 15-24-3112.

26 (6) Upon termination of the qualifying period, the abatement ceases and the property for which the
27 abatement had been granted must be assessed at 100% of its taxable value.

28 (7) For the purposes of this section, "qualifying period" means the construction period and the first 15
29 years after the facility commences operation or the clean advanced coal research and development equipment
30 or renewable energy research and development equipment is purchased. The total time of the qualifying period

1 may not exceed 19 years."

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3 NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a
4 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
5 Chippewa tribe.

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

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