

1 _____ BILL NO. _____

2 INTRODUCED BY _____
(Primary Sponsor)

3 BY REQUEST OF THE GOVERNOR

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE CLASS EIGHT BUSINESS EQUIPMENT TAX
6 EXEMPTION; PROVIDING A REIMBURSEMENT TO LOCAL GOVERNMENTS AND TAX INCREMENT
7 FINANCING DISTRICTS UNDER THE ENTITLEMENT SHARE PROGRAM, TO SCHOOL DISTRICTS
8 THROUGH THE BLOCK GRANT PROGRAM, AND TO THE MONTANA UNIVERSITY SYSTEM FOR THE
9 LOSS OF REVENUE; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 15-1-121, 15-
10 1-123, AND 15-6-138, MCA; AND PROVIDING AN APPLICABILITY DATE."

11

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

13

14 **Section 1.** Section 15-1-121, MCA, is amended to read:

15 **"15-1-121. Entitlement share payment -- purpose -- appropriation.** (1) As described in 15-1-
16 120(3), each local government is entitled to an annual amount that is the replacement for revenue received by
17 local governments for diminishment of property tax base and various earmarked fees and other revenue that,
18 pursuant to Chapter 574, Laws of 2001, amended by section 4, Chapter 13, Special Laws of August 2002, and
19 later enactments, were consolidated to provide aggregation of certain reimbursements, fees, tax collections,
20 and other revenue in the state treasury with each local government's share. The reimbursement under this
21 section is provided by direct payment from the state treasury rather than the ad hoc system that offset certain
22 state payments with local government collections due the state and reimbursements made by percentage splits,
23 with a local government remitting a portion of collections to the state, retaining a portion, and in some cases
24 sending a portion to other local governments.

25 (2) The sources of dedicated revenue that were relinquished by local governments in exchange for an
26 entitlement share of the state general fund were:

27 (a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6),
28 Chapter 584, Laws of 1999;

- 1 (b) vehicle, boat, and aircraft taxes and fees pursuant to:
- 2 (i) Title 23, chapter 2, part 5;
- 3 (ii) Title 23, chapter 2, part 6;
- 4 (iii) Title 23, chapter 2, part 8;
- 5 (iv) 61-3-317;
- 6 (v) 61-3-321;
- 7 (vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment
- 8 of 61-3-509 in 2001;
- 9 (vii) Title 61, chapter 3, part 7;
- 10 (viii) 5% of the fees collected under 61-10-122;
- 11 (ix) 61-10-130;
- 12 (x) 61-10-148; and
- 13 (xi) 67-3-205;
- 14 (c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);
- 15 (d) district court fees pursuant to:
- 16 (i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);
- 17 (ii) 25-1-202;
- 18 (iii) 25-9-506; and
- 19 (iv) 27-9-103;
- 20 (e) certificate of title fees for manufactured homes pursuant to 15-1-116;
- 21 (f) financial institution taxes collected pursuant to the former provisions of Title 15, chapter 31, part 7;
- 22 (g) all beer, liquor, and wine taxes pursuant to:
- 23 (i) 16-1-404;
- 24 (ii) 16-1-406; and
- 25 (iii) 16-1-411;
- 26 (h) late filing fees pursuant to 61-3-220;
- 27 (i) title and registration fees pursuant to 61-3-203;
- 28 (j) veterans' cemetery license plate fees pursuant to 61-3-459;

- 1 (k) county personalized license plate fees pursuant to 61-3-406;
- 2 (l) special mobile equipment fees pursuant to 61-3-431;
- 3 (m) single movement permit fees pursuant to 61-4-310;
- 4 (n) state aeronautics fees pursuant to 67-3-101; and
- 5 (o) department of natural resources and conservation payments in lieu of taxes pursuant to former
- 6 Title 77, chapter 1, part 5.

7 (3) Except as provided in subsection (7)(b), the total amount received by each local government in the
8 prior fiscal year as an entitlement share payment under this section is the base component for the subsequent
9 fiscal year distribution, and in each subsequent year the prior year entitlement share payment, including any
10 reimbursement payments received pursuant to subsection (7), is each local government's base component.
11 The sum of all local governments' base components is the fiscal year entitlement share pool.

12 (4) (a) Except as provided in subsections (4)(b)(iv) and (7)(b), the base entitlement share pool must
13 be increased annually by an entitlement share growth rate as provided for in this subsection (4). The amount
14 determined through the application of annual growth rates is the entitlement share pool for each fiscal year.

15 (b) By October 1 of each year, the department shall calculate the growth rate of the entitlement share
16 pool for the next fiscal year in the following manner:

17 (i) The department shall calculate the entitlement share growth rate based on the ratio of two factors
18 of state revenue sources for the first, second, and third most recently completed fiscal years as recorded on the
19 statewide accounting, budgeting, and human resource system. The first factor is the sum of the revenue for the
20 first and second previous completed fiscal years received from the sources referred to in subsections (2)(b),
21 (2)(c), and (2)(g) divided by the sum of the revenue for the second and third previous completed fiscal years
22 received from the same sources multiplied by 0.75. The second factor is the sum of the revenue for the first and
23 second previous completed fiscal years received from individual income tax as provided in Title 15, chapter 30,
24 and corporate income tax as provided in Title 15, chapter 31, divided by the sum of the revenue for the second
25 and third previous completed fiscal years received from the same sources multiplied by 0.25.

26 (ii) Except as provided in subsections (4)(b)(iii) and (4)(b)(iv), the entitlement share growth rate is the
27 lesser of:

28 (A) the sum of the first factor plus the second factor; or

1 (B) 1.03 for counties, 1.0325 for consolidated local governments, and 1.035 for cities and towns.

2 (iii) In no instance can the entitlement growth factor be less than 1. Subject to subsection (4)(b)(iv), the
3 entitlement share growth rate is applied to the most recently completed fiscal year entitlement payment to
4 determine the subsequent fiscal year payment.

5 (iv) The entitlement share growth rate, as described in this subsection (4), is:

6 (A) for fiscal year 2018, 1.005;

7 (B) for fiscal year 2019, 1.0187;

8 (C) for fiscal year 2020 and thereafter, determined as provided in subsection (4)(b)(ii). The rate must
9 be applied to the entitlement payment for the previous fiscal year as if the payment had been calculated using
10 entitlement share growth rates for fiscal years 2018 and 2019 as provided in subsection (4)(b)(ii).

11 (5) As used in this section, "local government" means a county, a consolidated local government, an
12 incorporated city, and an incorporated town. A local government does not include a tax increment financing
13 district provided for in subsection (8). The county or consolidated local government is responsible for making an
14 allocation from the county's or consolidated local government's share of the entitlement share pool to each
15 special district within the county or consolidated local government in a manner that reasonably reflects each
16 special district's loss of revenue sources for which reimbursement is provided in this section. The allocation for
17 each special district that existed in 2002 must be based on the relative proportion of the loss of revenue in
18 2002.

19 (6) (a) The entitlement share pools calculated in this section, the amounts ~~determined-distributed~~
20 under ~~45-1-123(2)~~ 15-1-123(4) for local governments, the funding provided for in subsection (8) of this section,
21 and the amounts ~~determined-distributed~~ under ~~45-1-123(3)~~ 15-1-123(6) for tax increment financing districts are
22 statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to
23 local governments.

24 (b) (i) The growth amount is the difference between the entitlement share pool in the current fiscal
25 year and the entitlement share pool in the previous fiscal year. The growth factor in the entitlement share must
26 be calculated separately for:

27 (A) counties;

28 (B) consolidated local governments; and

1 (C) incorporated cities and towns.

2 (ii) In each fiscal year, the growth amount for counties must be allocated as follows:

3 (A) 50% of the growth amount must be allocated based upon each county's percentage of the prior
4 fiscal year entitlement share pool for all counties; and

5 (B) 50% of the growth amount must be allocated based upon the percentage that each county's
6 population bears to the state population not residing within consolidated local governments as determined by
7 the latest interim year population estimates from the Montana department of commerce as supplied by the
8 United States bureau of the census.

9 (iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as
10 follows:

11 (A) 50% of the growth amount must be allocated based upon each consolidated local government's
12 percentage of the prior fiscal year entitlement share pool for all consolidated local governments; and

13 (B) 50% of the growth amount must be allocated based upon the percentage that each consolidated
14 local government's population bears to the state's total population residing within consolidated local
15 governments as determined by the latest interim year population estimates from the Montana department of
16 commerce as supplied by the United States bureau of the census.

17 (iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as
18 follows:

19 (A) 50% of the growth amount must be allocated based upon each incorporated city's or town's
20 percentage of the prior fiscal year entitlement share pool for all incorporated cities and towns; and

21 (B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's
22 population bears to the state's total population residing within incorporated cities and towns as determined by
23 the latest interim year population estimates from the Montana department of commerce as supplied by the
24 United States bureau of the census.

25 (v) In each fiscal year, the amount of the entitlement share pool before the growth amount or
26 adjustments made under subsection (7) are applied is to be distributed to each local government in the same
27 manner as the entitlement share pool was distributed in the prior fiscal year.

28 (7) (a) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this

1 section, the department shall determine the reimbursement amount as provided in the enactment and add the
 2 appropriate amount to the entitlement share distribution under this section. The total entitlement share
 3 distributions in a fiscal year, including distributions made pursuant to this subsection, equal the local fiscal year
 4 entitlement share pool. The ratio of each local government's distribution from the entitlement share pool must
 5 be recomputed to determine each local government's ratio to be used in the subsequent year's distribution
 6 determination under subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A).

7 (b) For fiscal year 2018 and thereafter, the growth rate provided for in subsection (4) does not apply
 8 to the portion of the entitlement share pool attributable to the reimbursement provided for in ~~45-4-123(2)~~ 15-1-
 9 123(1) and (2). The department shall calculate the portion of the entitlement share pool attributable to the
 10 reimbursement in ~~45-4-123(2)~~ 15-1-123(1) and (2), including the application of the growth rate in previous fiscal
 11 years, for counties, consolidated local governments, and cities and, for fiscal year 2018 and thereafter, apply
 12 the growth rate for that portion of the entitlement share pool as provided in ~~45-4-123(2)~~ 15-1-123(3).

13 (c) The growth amount resulting from the application of the growth rate in ~~45-4-123(2)~~ 15-1-123(3)
 14 must be allocated as provided in subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A) of this section.

15 (8) (a) Except for a tax increment financing district entitled to a reimbursement under ~~45-4-123(3)~~ 15-
 16 1-123(6), if a tax increment financing district was not in existence during the fiscal year ending June 30, 2000,
 17 then the tax increment financing district is not entitled to any funding. If a tax increment financing district
 18 referred to in subsection (8)(b) terminates, then the funding for the district provided for in subsection (8)(b)
 19 terminates.

20 (b) One-half of the payments provided for in this subsection (8)(b) must be made by November 30
 21 and the other half by May 31 of each year. Subject to subsection (8)(a), the entitlement share for tax increment
 22 financing districts is as follows:

Flathead	Kalispell -	\$4,638
	District 2	
Flathead	Kalispell -	37,231
	District 3	
Flathead	Whitefish	148,194

	District	
Gallatin	Bozeman - downtown	31,158
Missoula	Missoula - 1- 1C	225,251
Missoula	Missoula - 4- 1C	30,009

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2 (9) The estimated fiscal year entitlement share pool and any subsequent entitlement share pool for
3 local governments do not include revenue received from tax increment financing districts.

4 (10) When there has been an underpayment of a local government's share of the entitlement share
5 pool, the department shall distribute the difference between the underpayment and the correct amount of the
6 entitlement share. When there has been an overpayment of a local government's entitlement share, the local
7 government shall remit the overpaid amount to the department.

8 (11) A local government may appeal the department's estimation of the base component, the
9 entitlement share growth rate, or a local government's allocation of the entitlement share pool, according to the
10 uniform dispute review procedure in 15-1-211.

11 (12) (a) Except as provided in 2-7-517, a payment required pursuant to this section may not be offset
12 by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1.

13 (b) A payment required pursuant to this section must be withheld if a local government:

- 14 (i) fails to meet a deadline established in 2-7-503(1), 7-6-611(2), 7-6-4024(3), or 7-6-4036(1); and
- 15 (ii) fails to remit any amounts collected on behalf of the state as required by 15-1-504 or as otherwise
16 required by law within 45 days of the end of a month.

17 (c) A payment required pursuant to this section may be withheld if, for more than 90 days, a local
18 government fails to:

- 19 (i) file a financial report required by 15-1-504;
- 20 (ii) remit any amounts collected on behalf of the state as required by 15-1-504; or
- 21 (iii) remit any other amounts owed to the state or another taxing jurisdiction."

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Section 2. Section 15-1-123, MCA, is amended to read:

"15-1-123. Reimbursement for class eight rate reduction and exemption -- distribution -- appropriations. (1) ~~For~~ Except as provided in subsection (2), for the tax rate reductions in 15-6-138(3), the increased exemption amount in 15-6-138(4), the effective tax rate reductions on property under 15-6-145 because of the rate reductions required by the amendments of 15-6-138 in section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and the effective tax rate reductions on property under 15-6-145 because of the increased exemption amount required by the amendment of 15-6-138 in section 2, Chapter 396, Laws of 2013, the department shall reimburse each local government, as defined in 15-1-121(5), each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-109 the difference between property tax collections under 15-6-138 as amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and under 15-6-145 and the property tax revenue that would have been collected under 15-6-138 and 15-6-145 if 15-6-138 had not been amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013. The difference plus the amount calculated in subsection (2) is the annual reimbursable amount for each local government, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-109.

(2) For the increased exemption amount in 15-6-138(4) provided in [this act], the department shall reimburse each local government, as defined in 15-1-121(5), each school district, each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-109 the difference between property tax collections that would have been collected under 15-6-138(4) as amended by section 8, Chapter 361, Laws of 2015, and [this act]. The difference calculated in this subsection is added to the annual reimbursable amount for each local government, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-109 calculated in subsection (1).

(3) The growth rate applied to the reimbursements is:

(a) for the reimbursement calculated pursuant to subsection (1), one-half of the average rate of inflation for the prior 3 years; and

(b) for the reimbursement calculated pursuant to subsection (2), 0%.

~~(2)~~(4) The department shall distribute the reimbursements calculated in ~~subsection~~ subsections (1)

1 and (2) to local governments with the entitlement share payments under 15-1-121(7). ~~The growth rate applied~~
 2 ~~to the reimbursement is one-half of the average rate of inflation for the prior 3 years.~~

3 (5) The office of public instruction shall distribute the reimbursements calculated in subsection (2) to
 4 school districts with the block grants provided for in [section 4].

5 ~~(3)(6)~~ The amount determined under ~~subsection-subsections~~ (1) and (2) for each tax increment
 6 financing district must be added to the reimbursement amount for the tax increment financing district as
 7 provided in 15-1-121(8)(b) if the tax increment financing district is still in existence. If a tax increment financing
 8 district that is entitled to a reimbursement under this section is not listed under 15-1-121(8)(b), the
 9 reimbursement must be made to that tax increment financing district at the same time as other districts.

10 ~~(4)(7)~~ (a) The amount determined under ~~subsection-subsections~~ (1) and (2) for the 6-mill university
 11 levy must be added to current collections and reimbursements for the support of the Montana university system
 12 as provided in 15-10-109.

13 (b) The department of administration shall transfer the amount determined under this subsection ~~(4)~~
 14 (7) from the general fund to the state special revenue fund for the support of the Montana university system as
 15 provided in 15-10-109."

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17 **Section 3.** Section 15-6-138, MCA, is amended to read:

18 **"15-6-138. Class eight property -- description -- taxable percentage.** (1) Class eight property
 19 includes:

- 20 (a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;
- 21 (b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies
 22 except those included in class five under 15-6-135;
- 23 (c) for oil and gas production, all:
 - 24 (i) machinery;
 - 25 (ii) fixtures;
 - 26 (iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water
 27 storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers,
 28 gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment

1 that is skidable, portable, or movable;

2 (iv) tools that are not exempt under 15-6-219; and

3 (v) supplies except those included in class five;

4 (d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools
5 and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk
6 processors as provided in 15-6-220, and supplies except those included in class five;

7 (e) all goods and equipment that are intended for rent or lease, except goods and equipment that are
8 specifically included and taxed in another class or that are rented under a purchase incentive rental program as
9 defined in 15-6-202(4);

10 (f) special mobile equipment as defined in 61-1-101;

11 (g) furniture, fixtures, and equipment, except that specifically included in another class, used in
12 commercial establishments as defined in this section;

13 (h) x-ray and medical and dental equipment;

14 (i) citizens band radios and mobile telephones;

15 (j) radio and television broadcasting and transmitting equipment;

16 (k) cable television systems;

17 (l) coal and ore haulers;

18 (m) theater projectors and sound equipment; and

19 (n) all other property that is not included in any other class in this part, except that property that is
20 subject to a fee in lieu of a property tax.

21 (2) As used in this section, the following definitions apply:

22 (a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that
23 are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying
24 environment.

25 (b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or
26 service, wholesale, retail, or food-handling business.

27 (c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas
28 production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101,

- 1 a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil
2 transmission pipeline regulated by the public service commission or the federal energy regulatory commission.
- 3 (3) Except as provided in 15-24-1402, class eight property is taxed at:
- 4 (a) for the first \$6 million of taxable market value in excess of the exemption amount in subsection (4),
5 1.5%; and
- 6 (b) for all taxable market value in excess of \$6 million, 3%.
- 7 (4) The first ~~\$100,000~~ \$200,000 of market value of class eight property of a person or business entity
8 is exempt from taxation.
- 9 (5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering
10 services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana,
11 and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject
12 to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all
13 affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be
14 aggregated for purposes of determining the 500-mile threshold."

15

16 NEW SECTION. Section 4. School district block grants. (1) (a) The office of public instruction shall
17 provide a block grant to each school district based on the reimbursement to be made to a school district
18 pursuant to 15-1-123.

19 (b) Block grants must be calculated using the electronic reporting system that is used by the office of
20 public instruction and school districts. The electronic reporting system must be used to allocate the block grant
21 amount into each district's budget as an anticipated revenue source by fund.

22 (2) (a) The reimbursement made under 15-1-123 must be added to all other distributions to the
23 school district in the fiscal year to determine the distribution for the subsequent fiscal year.

24 (b) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section,
25 the office of public instruction shall determine the reimbursement amount as provided in the enactment and add
26 the appropriate amount to block grant distributions under this section.

27 (3) Each year, 70% of each district's block grant must be distributed in November and 30% of each
28 district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

1 (4) The school district must deposit the block grant in a budgeted fund of the district.

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3 NEW SECTION. Section 5. Codification instruction. [Section 4] is intended to be codified as an
4 integral part of Title 20, chapter 9, part 6, and the provisions of Title 20, chapter 9, part 6, apply to [section 4].

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6 NEW SECTION. Section 6. Applicability. [This act] applies to tax years beginning after December
7 31, 2021.

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- END -