

1 HOUSE BILL NO. 225  
 2 INTRODUCED BY C. SPRUNGER, A. BUCKLEY, B. MERCER, J. FULLER, R. LYNCH, M. NOLAND, D.  
 3 HARVEY, Z. WIRTH  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN ADOPTION TAX CREDIT; PROVIDING  
 6 THAT THE TAX CREDIT IS REFUNDABLE; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION  
 7 15-30-2303, MCA; AND PROVIDING AN APPLICABILITY DATE AND A TERMINATION 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. Adoption tax credit -- rulemaking. (1) A resident taxpayer is allowed a  
 12 credit against the tax imposed by 15-30-2103 or 15-30-2151 for the legal adoption of an eligible child for which  
 13 the taxpayer qualifies for the credit for adoption expenses under section 23 of the Internal Revenue Code, 26  
 14 U.S.C. 23.

15 (2) The amount of the credit allowed under subsection (1) is equal to:

16 (a) \$7,500 in the tax year the adoption is final if the eligible child was in foster care under the  
 17 custody of the state as provided in Title 41, chapter 3, at the time of adoption; or

18 (b) \$5,000 in the tax year the adoption is final if the eligible child does not meet the requirements  
 19 of subsection (2)(a).

20 (3) To claim the credit under this section, the taxpayer shall:

21 (a) include the name, age, location of birth, and federal tax identification number, if known, of the  
 22 eligible child on the tax return; and

23 (b) provide other information as required by the department, including the identification of an agent  
 24 assisting with the adoption.

25 (4) The taxpayer is entitled to a refund equal to the amount by which the credit exceeds the  
 26 taxpayer's tax liability or, if the taxpayer has no tax liability under this chapter, a refund equal to the amount of  
 27 the credit. The credit may be claimed by filing a Montana income tax return.

28 (5) Only one credit is allowed for each eligible child.

1 (6) The department shall adopt rules to administer this credit.

2

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

4 **"15-30-2303. Tax credits subject to review by interim committee.** (1) The following tax credits  
5 must be reviewed during the biennium commencing July 1, 2019, and during each biennium commencing 10  
6 years thereafter:

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

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

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

11 (a) the credit for donations to an educational improvement account provided for in 15-30-2334, 15-  
12 30-3110, and 15-31-158; ~~and~~

13 (b) the credit for donations to a student scholarship organization provided for in 15-30-2335, 15-  
14 30-3111, and 15-31-159; and

15 (c) the adoption tax credit provided for in [section 1].

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

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

19 (b) the credit for contributions to a qualified endowment provided for in 15-30-2327 through 15-30-  
20 2329, 15-31-161, and 15-31-162; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (e) any adverse impacts of the credit or its elimination and whether the benefits of continuance or  
19 elimination outweigh adverse impacts; and

20 (f) the extent to which benefits of the credit affect the larger economy. (Subsection (4)(d)  
21 terminates December 31, 2026--sec. 7, Ch. 248, L. 2021; subsection (4)(c) terminates December 31, 2028--  
22 sec. 24(1), Ch. 550, L. 2021.)"

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24 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
25 integral part of Title 15, chapter 30, part 23, and the provisions of Title 15, chapter 30, part 23, apply to [section  
26 1].

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28 **NEW SECTION. Section 4. Applicability.** [This act] applies to income tax years beginning after

**Amendment - 1st Reading-white - Requested by: Mark Noland - (H) Taxation**

- 2023

68th Legislature 2023

Drafter: Megan Moore, 406-444-4496

HB0225.001.002

1 December 31, 2023.

2

3 **NEW SECTION. Section 5. Termination.** [This act] terminates December 31, 2031.

4 - END -

AMEND