

1 HOUSE BILL NO. 857
 2 INTRODUCED BY J. FITZPATRICK, J. HAMILTON, K. WALSH, R. FITZGERALD, M. HOPKINS, P. TUSS, D.
 3 HARVEY, J. KASSMIER
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN INCOME TAX CREDIT FOR THE INSTALLATION
 6 OF SPRINKLER SYSTEMS IN HISTORIC BUILDINGS; PROVIDING THAT THE CREDIT MAY BE CLAIMED
 7 BY INDIVIDUALS, PASS-THROUGHS, OR CORPORATIONS; PROVIDING A DEFINITION; AMENDING
 8 SECTION 15-30-2303, MCA; AND PROVIDING AN APPLICABILITY DATE AND A TERMINATION DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11

12 **NEW SECTION. Section 1. Credit for installation of sprinkler systems in historic buildings. (1)**

13 A taxpayer or corporation is allowed a credit against the tax imposed by chapter 31 or this chapter for the
 14 installation of a pressurized sprinkler system in a historic building being remodeled or repurposed for residential
 15 or commercial use.

16 (2) The credit is equal to 30% of the installed cost of a pressurized sprinkler system.

17 (3) A tax credit under this section must be claimed in the year the installation expenses were
 18 incurred.

19 (4) The credit allowed under this section may not exceed the taxpayer's income tax liability but
 20 may be carried forward 2 years.

21 (5) If the credit allowed under this section is claimed by a small business corporation, a pass-
 22 through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the
 23 same proportion as used to report the entity's income or loss.

24 (6) The aggregate amount of tax credits allowed under this section is \$10 million a year. Credits
 25 must be awarded on a first-come, first-served basis.

26 (7) The fire chief or senior administrative officer for the fire protection jurisdiction where the
 27 sprinkler system is located shall certify that the equipment has been installed and is fully functional. The
 28 taxpayer shall include a copy of the certification statement with the Montana income tax return.

1 ~~(7)~~⁽⁸⁾ Pursuant to 5-4-104, the purpose of the credit is to provide a financial incentive for the
2 installation of pressurized sprinkler systems in historic buildings being remodeled or repurposed for residential
3 or commercial use.

4 ~~(8)~~⁽⁹⁾ For the purposes of this section, "historic building" means a building that is listed individually in
5 the national register of historic places, is located in a registered historic district and certified by the secretary of
6 the interior as contributing to the historic significance of the district, or was constructed prior to 1950.

7

8 **NEW SECTION. Section 2. Credit for installation of sprinkler systems in historic buildings.**

9 There is a credit against tax liability under this chapter for the installation of a pressurized sprinkler system in a
10 historic building being remodeled or repurposed for residential or commercial use as provided in [section 1].

11

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

13 **"15-30-2303. Tax credits subject to review by interim committee.** (1) The following tax credits
14 must be reviewed during the biennium commencing July 1, 2019, and during each biennium commencing 10
15 years thereafter:

- 16 (a) the credit for contractor's gross receipts provided for in 15-50-207; and
- 17 (b) the credit for elderly homeowners and renters provided for in 15-30-2337 through 15-30-2341.

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

- 20 (a) the credit for donations to an educational improvement account provided for in 15-30-2334, 15-
21 30-3110, and 15-31-158; and
- 22 (b) the credit for donations to a student scholarship organization provided for in 15-30-2335, 15-
23 30-3111, and 15-31-159.

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

- 26 (a) the credit for infrastructure use fees provided for in 17-6-316;
- 27 (b) the credit for contributions to a qualified endowment provided for in 15-30-2327 through 15-30-
28 2329, 15-31-161, and 15-31-162; and

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

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

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

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

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

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

9 (e) the credit for the installation of pressurized sprinkler systems in historic buildings provided for in

10 [sections 1 and 2].

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

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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 4. Codification instruction.** (1) [Section 1] is intended to be codified as an
7 integral part of Title 15, chapter 30, and the provisions of Title 15, chapter 30, apply to [section 1].

8 (2) [Section 2] is intended to be codified as an integral part of Title 15, chapter 31, and the
9 provisions of Title 15, chapter 31, apply to [section 2].

10

11 **NEW SECTION. Section 5. Applicability.** [This act] applies to income tax years beginning after
12 December 31, 2023.

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14 **NEW SECTION. Section 6. Termination.** [This act] terminates December 31, 2028.

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