

1 HOUSE BILL NO. 919  
2 INTRODUCED BY T. FALK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN  
5 AMENDMENT TO ARTICLE VIII OF THE MONTANA CONSTITUTION TO RETURN REVENUE THAT  
6 EXCEEDS 10% OF THE GENERAL FUND ESTIMATED REVENUE TO MONTANA RESIDENT TAXPAYERS;  
7 AND PROVIDING A DELAYED EFFECTIVE 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. Article VIII of The Constitution of the State of Montana is amended by  
12 adding a new section 18 that reads:

13 **Section 18. Return of excess revenue to taxpayers.** (1) As soon as is practicable after  
14 adjournment sine die of a regular session of the legislature, the governor shall cause an estimate to be  
15 prepared of revenues that must be received by the general fund for the biennium beginning July 1 of the year of  
16 the regular legislative session.

17 (2) As soon as is practicable after the end of the biennium, the governor shall cause actual  
18 collections of revenues received by the general fund for that biennium to be determined.

19 (3) If the revenues received from general fund revenue sources during the biennium exceed the  
20 amount estimated to be received from the sources for the biennium by 10% or more, the total amount of the  
21 excess must be returned to Montana resident taxpayers as determined by law.

22 (4) The legislature may enact laws:

23 (a) establishing a tax credit, refund payment, or other mechanism by which the excess revenues  
24 are returned to Montana resident taxpayers and establishing related administrative procedures; and

25 (b) permitting a taxpayer's share of excess revenues to be offset by any liability of the taxpayer for  
26 which the state is authorized to undertake collection efforts.

27 (5) Prior to the close of a biennium for which an estimate described in subsection (1) has been  
28 made, the legislature, by a two-thirds majority vote of all members elected to each house, may enact legislation

1 declaring an emergency and increasing the amount of the estimate prepared pursuant to subsection (1).

2 (6) This section does not apply if, for a biennium or any portion of a biennium, a state tax is not  
3 imposed on or measured by the income of individuals.

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5 NEW SECTION. **Section 2. Two-thirds vote required.** Because [section 1] is a legislative proposal  
6 to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote  
7 of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

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9 NEW SECTION. **Section 3. Effective date.** [This act] is effective January 1, 2025.

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11 NEW SECTION. **Section 4. Submission to electorate.** [This act] shall be submitted to the qualified  
12 electors of Montana at the general election to be held in November 2024 by printing on the ballot the full title of  
13 [this act] and the following:

14  YES on Constitutional Amendment \_\_\_\_.

15  NO on Constitutional Amendment \_\_\_\_.

16 - END -