

1 SENATE BILL NO. 530

2 INTRODUCED BY G. HERTZ

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROPERTY TAXATION OF CERTAIN CLASS EIGHT
5 BUSINESS EQUIPMENT PROPERTY; PROVIDING FOR AN ABATEMENT OF MANUFACTURING
6 MACHINERY, FIXTURES, AND EQUIPMENT; PROVIDING FOR REVIEW OF THE ABATEMENT REQUEST
7 BY A GOVERNING BODY OF A COUNTY; PROVIDING THE ABATEMENT MAY NOT BE LESS THAN 80%
8 OF TAXABLE VALUE; PROVIDING A DEFINITION DEFINITIONS; AMENDING SECTION 15-6-138, MCA;
9 AND PROVIDING AN APPLICABILITY DATE."

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

12
13 **Section 1.** Section 15-6-138, MCA, is amended to read:

14 **"15-6-138. (Temporary) Class eight property -- description -- taxable percentage.** (1) Class eight
15 property includes:

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

1 tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk
2 processors as provided in 15-6-220, and supplies except those included in class five;

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

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

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

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

10 (i) citizens band radios and mobile telephones;

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

12 (k) cable television systems;

13 (l) coal and ore haulers;

14 (m) theater projectors and sound equipment; and

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

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

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

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

23 (c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas
24 production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101,
25 a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil
26 transmission pipeline regulated by the public service commission or the federal energy regulatory commission.

27 (D) "GOVERNING BODY" MEANS THE GOVERNING BODY OF THE COUNTY WHERE THE CLASS EIGHT
28 PROPERTY IS LOCATED.

1 ~~(d)~~(E) "Manufacturing machinery, fixtures, and equipment" means all property used in the
2 manufacturing process, whether permanently or temporarily in place, to transform raw or finished materials into
3 something possessing a new nature or name and adopted to a new use. The term includes but is not limited to
4 refinery property.

5 (3) Except as provided in 15-24-1402 and this section, class eight property is taxed at:

6 (a) for the first \$6 million of taxable market value in excess of the exemption amount in subsection
7 (4), 1.5%; and

8 (b) for all taxable market value in excess of \$6 million, 3%.

9 (4)— ~~(a) The~~ Except as provided in subsection (4)(b), the first [\$300,000] of market value of class
10 eight property of a person or business entity is exempt from taxation.

11 (b) ~~Manufacturing~~ SUBJECT TO SUBSECTION (6), MANUFACTURING machinery, fixtures, and equipment
12 installed and placed in service after December 31, 2022, are exempt OR PARTIALLY EXEMPT from taxation for a
13 period of 5 years starting from the later of the date they were placed in service or [the effective date of this act],
14 after which the exemption AMOUNT ALLOWED UNDER SUBSECTION (6)(D) is phased out at a rate of 20% OF THE
15 AMOUNT ALLOWED BY THE GOVERNING BODY a year, with the property being assessed at 100% of its taxable value
16 after a 10-year period. An entity that claims a tax exemption under this subsection (4)(b) shall maintain
17 adequate books and records demonstrating the investment the owner made when installing and placing the
18 property into service in the state. The property owners shall make the records available to the department for
19 inspection on request.

20 (5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering
21 services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana,
22 and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject
23 to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all
24 affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be
25 aggregated for purposes of determining the 500-mile threshold.

26 (6) (A) IN ORDER FOR A TAXPAYER TO RECEIVE THE TAX ABATEMENT DESCRIBED IN SUBSECTION (4)(B),
27 THE TAXPAYER SHALL SUBMIT AN APPLICATION FOR THE ABATEMENT AND A PROJECT PLAN TO THE GOVERNING BODY
28 AND RECEIVE APPROVAL PURSUANT TO THIS SUBSECTION (6). FOR PROPERTY IN WHICH A TAXPAYER DOES NOT SEEK

1 APPROVAL PRIOR TO COMMENCING CONSTRUCTION, THE TAXPAYER SHALL APPLY:

2 (I) BY MARCH 1 OF THE YEAR DURING WHICH THE ABATEMENT IS FIRST APPLICABLE FOR PROPERTY
3 PLACED IN SERVICE ON OR AFTER [THE EFFECTIVE DATE OF THIS ACT]; OR

4 (II) BY JANUARY 31, 2024, FOR PROPERTY PLACED IN SERVICE AFTER DECEMBER 31, 2022, AND BEFORE
5 [THE EFFECTIVE DATE OF THIS ACT].

6 (B) IN ORDER TO RECEIVE AN ABATEMENT, THE GOVERNING BODY MUST APPROVE THE ABATEMENT
7 REQUEST IN THE APPLICATION BY RESOLUTION FOR EACH PROJECT, FOLLOWING DUE NOTICE AS PROVIDED IN 7-1-2121
8 AND A PUBLIC HEARING. THE GOVERNING BODY MAY NOT GRANT APPROVAL FOR THE PROJECT UNTIL THE APPLICANT'S
9 PROPERTY TAXES HAVE BEEN PAID IN FULL. TAXES PAID UNDER PROTEST DO NOT PRECLUDE APPROVAL. IF A TAXPAYER
10 RECEIVES APPROVAL OF A TAX ABATEMENT PRIOR TO COMMENCEMENT OF CONSTRUCTION, THE ABATEMENT DOES NOT
11 EXTEND TO PROPERTY THAT IS OUTSIDE THE SCOPE OF THE PROJECT PLAN THAT WAS SUBMITTED TO THE GOVERNING
12 BODY WITH THE APPLICATION.

13 (C) THE PURPOSE OF THE PUBLIC HEARING IS TO DETERMINE WHETHER THE MANUFACTURING MACHINERY,
14 FIXTURES, AND EQUIPMENT ELIGIBLE FOR AN ABATEMENT HAS AN IMPACT ON SERVICES. THE GOVERNING BODY SHALL:

15 (I) PUBLISH DUE NOTICE WITHIN 60 DAYS OF RECEIVING A TAXPAYER'S COMPLETE APPLICATION FOR THE
16 TAX ABATEMENT; AND

17 (II) CONDUCT A PUBLIC HEARING REGARDING AN APPLICATION FOR THE TAX ABATEMENT AND MAKE A
18 DETERMINATION WHETHER THE ELIGIBLE ABATEMENT ACTIVITIES WILL HAVE A FISCAL IMPACT TO THE COUNTY.

19 (D) WITHIN 120 DAYS OF RECEIVING THE APPLICATION PROVIDED FOR IN SUBSECTION (6)(A), THE
20 GOVERNING BODY SHALL ISSUE A DECISION REGARDING WHETHER TO ALLOW THE ABATEMENT AT 100%, 90%, OR 80%.

21 IF THE GOVERNING BODY FAILS TO ISSUE A DECISION WITHIN 120 DAYS OF RECEIVING THE APPLICATION, THE
22 APPLICATION IS CONSIDERED APPROVED IN AN AMOUNT EQUAL TO 100%. IF THE PROPERTY QUALIFIES FOR THE
23 ABATEMENT, THE LOCAL GOVERNMENT MAY NOT DENY THE ABATEMENT AND THE MINIMUM AMOUNT OF THE ABATEMENT

24 MAY NOT BE LESS THAN 80%. (Bracketed language is temporarily amended to "\$100,000" on occurrence of
25 contingency for calendar years 2022, 2023, 2024, and 2025 until July 1, 2025--secs. 12(7) and 14, Ch. 506, L.
26 2021--see compiler's comment.)

27 **15-6-138. (Effective July 1, 2025) Class eight property -- description -- taxable percentage. (1)**

28 Class eight property includes:

- 1 (a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;
- 2 (b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and
- 3 supplies except those included in class five under 15-6-135;
- 4 (c) for oil and gas production, all:
- 5 (i) machinery;
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- 8 storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers,
- 9 gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment
- 10 that is skidable, portable, or movable;
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- 14 tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk
- 15 processors as provided in 15-6-220, and supplies except those included in class five;
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- 17 are specifically included and taxed in another class or that are rented under a purchase incentive rental
- 18 program as defined in 15-6-202(4);
- 19 (f) special mobile equipment as defined in 61-1-101;
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- 21 commercial establishments as defined in this section;
- 22 (h) x-ray and medical and dental equipment;
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1 subject to a fee in lieu of a property tax.

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21 (b) for all taxable market value in excess of \$6 million, 3%.

22 (4) (a) The Except as provided in subsection (4)(b), the first \$300,000 of market value of class eight
23 property of a person or business entity is exempt from taxation.

24 (b) Manufacturing SUBJECT TO SUBSECTION (6), MANUFACTURING machinery, fixtures, and equipment
25 installed and placed in service after December 31, 2022, are exempt OR PARTIALLY EXEMPT from taxation for a
26 period of 5 years starting from the later of the date they were placed in service or [the effective date of this act],
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8 ABATEMENT, THE LOCAL GOVERNMENT MAY NOT DENY THE ABATEMENT AND THE MINIMUM AMOUNT OF THE ABATEMENT
9 MAY NOT BE LESS THAN 80%."

10

11 NEW SECTION. Section 2. Applicability. [This act] applies to property tax years beginning after
12 December 31, 2023.

13

- END -