

SENATE BILL NO. 322

INTRODUCED BY J. KASSMIER, R. GREGG, B. GILLESPIE, W. MCKAMEY, G. LAMMERS, E. BOLDMAN

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE CLASS EIGHT BUSINESS EQUIPMENT TAX
EXEMPTION; PROVIDING A REIMBURSEMENT TO LOCAL GOVERNMENTS AND TAX INCREMENT

FINANCING DISTRICTS UNDER THE ENTITLEMENT SHARE PROGRAM; PROVIDING THAT THE
BUSINESS EQUIPMENT EXEMPTION IS ADJUSTED ANNUALLY BY INFLATION; PROVIDING THAT
BUSINESS EQUIPMENT WITH A COST OF LESS THAN \$500 IS EXEMPT FROM TAXATION; PROVIDING
DEFINITIONS; AMENDING SECTIONS 15-1-123 AND 15-6-138, MCA; AND PROVIDING AN APPLICABILITY
DATE."

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

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

**"15-1-123. Reimbursement for class eight rate reduction and exemption -- distribution --
appropriations.** (1) 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

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2 **Section 2.** Section 15-6-138, MCA, is amended to read:

3 **"15-6-138. Class eight property -- description -- taxable percentage.** (1) Class eight property

4 includes:

5 (a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;

6 (b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and

7 supplies except those included in class five under 15-6-135;

8 (c) for oil and gas production, all:

9 (i) machinery;

10 (ii) fixtures;

11 (iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water

12 storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers,

13 gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment

14 that is skidable, portable, or movable;

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

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

17 (d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held

18 tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk

19 processors as provided in 15-6-220, and supplies except those included in class five;

20 (e) all goods and equipment that are intended for rent or lease, except goods and equipment that

21 are specifically included and taxed in another class or that are rented under a purchase incentive rental

22 program as defined in 15-6-202(4);

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

24 (g) furniture, fixtures, and equipment, except that specifically included in another class, used in

25 commercial establishments as defined in this section;

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

27 (i) citizens band radios and mobile telephones;

(j) radio and television broadcasting and transmitting equipment;

(k) cable television systems;

(l) coal and ore haulers;

(m) theater projectors and sound equipment; and

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

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

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

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

(c) (i) "Cost" means the purchase price of the personal property, including all direct and indirect expenses associated with placing the personal property into use.

(ii) The term does not include an allocated purchase price.

~~(e)~~(d) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101 or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.

~~(d)~~(e) "Governing body" means the governing body of the county where the class eight property is located.

(f) "Individual piece of personal property" means a distinct and separate item of personal property that is not physically connected as a component part of a larger, integrated operating system or unit, even if the physically connected item of personal property has a cost of less than \$500.

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

refinery property.

(h) "Physically connected" means personal property that:

(i) is permanently affixed through mechanical fastening, welding, or chemical bonding designed to remain intact during normal operation;

(ii) serves an essential operational function within an integrated mechanical, electrical, or industrial system; and

(iii) cannot be removed or replaced without damage to itself or the larger unit or without causing temporary or permanent impairment of the larger unit's functionality.

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

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

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

(4) (a) (i) Except as provided in subsection (4)(b) and (4)(c), the first ~~\$1.3~~ \$1.5 million of market value of class eight property of a person or business entity is exempt from taxation.

(ii) When calculating the market value subject to the exemption in subsection (4)(a)(i), a property owner is not required to include personal property described in subsection (4)(c) with a cost of \$500 or less.

(iii) The exemption amount in subsection (4)(a)(i) must be adjusted annually by multiplying the exemption amount by an inflation factor, which is determined by dividing the consumer price index for June of the prior year by the consumer price index for June of the current year, rounded to the nearest \$1,000. If the inflation adjustment results in a decrease in the exemption amount from the previous year, the exemption amount must remain the same for that year.

(b) Subject to subsection (6), manufacturing machinery, fixtures, and equipment installed and placed in service after December 31, 2022, are exempt or partially exempt from taxation for a period of 5 years starting from the later of the date they were placed in service or October 1, 2023, after which the exemption amount allowed under subsection (6)(d) is phased out at a rate of 20% of the amount allowed by the governing body a year, with the property being assessed at 100% of its taxable value after a 10-year period. An entity that claims a tax exemption under this subsection (4)(b) shall maintain adequate books and records demonstrating

the investment the owner made when installing and placing the property into service in the state. The property owners shall make the records available to the department for inspection on request.

(c) An individual piece of personal property with a cost of less than \$500 is exempt from property taxation.

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

(6) (a) In order for a taxpayer to receive the tax abatement described in subsection (4)(b), the taxpayer shall submit an application for the abatement and a project plan to the governing body and receive approval pursuant to this subsection (6). For property in which a taxpayer does not seek approval prior to commencing construction, the taxpayer shall apply:

(i) by March 1 of the year during which the abatement is first applicable for property placed in service on or after October 1, 2023; or

(ii) by January 31, 2024, for property placed in service after December 31, 2022, and before October 1, 2023.

(b) In order to receive an abatement, the governing body must approve the abatement request in the application by resolution for each project, following due notice as provided in 7-1-2121 and a public hearing. The governing body may not grant approval for the project until the applicant's property taxes have been paid in full. Taxes paid under protest do not preclude approval. If a taxpayer receives approval of a tax abatement prior to commencement of construction, the abatement does not extend to property that is outside the scope of the project plan that was submitted to the governing body with the application.

(c) The purpose of the public hearing is to determine whether the manufacturing machinery, fixtures, and equipment eligible for an abatement has an impact on services. The governing body shall:

(i) publish due notice within 60 days of receiving a taxpayer's complete application for the tax

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