

HOUSE BILL NO. 205

INTRODUCED BY S. GIST

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN INCOME TAX CREDIT FOR EMPLOYERS OF VOLUNTEER FIREFIGHTERS AND VOLUNTEER EMERGENCY MEDICAL PROVIDERS; AMENDING SECTION 15-30-2303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE."

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

NEW SECTION. Section 1. Credit for employer of volunteer firefighters and emergency care

providers. (1) An employer that employs a volunteer firefighter or a volunteer emergency care provider is allowed a credit against the tax imposed by Title 15, chapter 31, or this chapter.

(2) The amount of the credit is \$500 for each employed volunteer firefighter or volunteer emergency care provider. The credit may not exceed the employer's tax liability and may not be carried forward or carried back.

(3) During the year for which the credit is claimed, the employee for which the credit is claimed must have:

(a) been a volunteer firefighter as defined in 19-17-102 or a volunteer emergency care provider as defined in 50-6-202;

(b) been an active, nonpaid member during the entire calendar year of the same volunteer fire company organized under the provisions of Title 7, chapter 33, part 21, 22, 23, or 24, or the same emergency medical service described in 50-6-302; and

(c) completed a minimum of 30 hours of training as specified in 19-17-108(3) for firefighters or completed the number of training hours prescribed by the state board of medical examiners for emergency care providers.

(4) An employer claiming the credit allowed by this section shall provide, on forms provided by the department, evidence that the employee has been an active member of the same volunteer entity during the

entire calendar year referred to in subsection (3)(b) and has participated in the training referred to in subsection (3)(c).

(5) An employer may not claim the credit under this section for a volunteer firefighter and a volunteer emergency care provider for the same employee.

(6) Pursuant to 5-4-104, the legislature finds that the purpose for the tax credit provided for in this section is to encourage employers to allow volunteer firefighters and volunteer emergency care providers to respond to emergency calls during work hours. The credit will help cover employer costs from lost work hours when employees respond to emergency calls.

NEW SECTION. Section 2. Credit for employer of volunteer firefighters and emergency providers. (1) There is a tax credit against the taxes otherwise due under 15-31-121 or 15-31-122 as provided in [section 1].

(2) If the credit allowed under this section is claimed by a small business corporation as defined in 15-30-3301, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

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

"15-30-2303. Tax credits subject to review by interim committee. (1) The following tax credits must be reviewed during the biennium commencing July 1, 2019:

- (a) the credit for income taxes imposed by foreign states or countries provided for in 15-30-2302;
- (b) the credit for contractor's gross receipts provided for in 15-50-207;
- (c) the credit for new or expanded manufacturing provided for in 15-31-124 through 15-31-127;
- (d) the credit for installing an alternative energy system provided for in 15-32-201 through 15-32-203;
- (e) the credit for energy-conserving expenditures provided for in 15-30-2319 and 15-32-109; and
- (f) the credit for elderly homeowners and renters provided for in 15-30-2337 through 15-30-2341.

(2) The following tax credits must be reviewed during the biennium commencing July 1, 2021:

- (a) the credit for commercial or net metering system investment provided for in Title 15, chapter 32, part 4;

(b) the credit for qualified elderly care expenses provided for in 15-30-2366;

(c) the credit for dependent care assistance and referral services provided for in 15-30-2373 and 15-31-131;

(d) the credit for contributions to a university or college foundation or endowment provided for in 15-30-2326, 15-31-135, and 15-31-136;

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

(f) the credit for donations to a student scholarship organization provided for in 15-30-2335, 15-30-3111, and 15-31-159.

(3) The following tax credits must be reviewed during the biennium commencing July 1, 2023:

(a) the credit for providing disability insurance for employees provided for in 15-30-2367 and 15-31-132;

(b) the credit for installation of a geothermal system provided for in 15-32-115;

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

(d) the credit for converting a motor vehicle to alternative fuel provided for in 15-30-2320 and 15-31-137;

(e) the credit for infrastructure use fees provided for in 17-6-316; and

(f) the credit for contributions to a qualified endowment provided for in 15-30-2327 through 15-30-2329, 15-31-161, and 15-31-162.

(4) The following tax credits must be reviewed during the biennium commencing July 1, 2025:

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

(b) the credit for mineral or coal exploration provided for in Title 15, chapter 32, part 5;

(c) the credit for capital gains provided for in 15-30-2301;

(d) the credit for a new employee in an empowerment zone provided for in 15-30-2356 and 15-31-134;

(e) the credit for an oilseed crush facility provided for in 15-32-701; ~~and~~

(f) the credit for unlocking state lands provided for in 15-30-2380; and

(g) the credit for an employer of volunteer firefighters and volunteer emergency care providers provided for in [section 1].

(5) The following tax credits must be reviewed during the biennium commencing July 1, 2027:

(a) the biodiesel or biolubricant production facility credit provided for in 15-32-702;

(b) the biodiesel blending and storage credit provided for in 15-32-703;

(c) the adoption tax credit provided for in 15-30-2364;

(d) the credit for providing temporary emergency lodging provided for in 15-30-2381 and 15-31-171;

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

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

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

(6) The revenue interim committee shall review the tax credits scheduled for review in the biennium of the next regular legislative session, including any individual or corporate income tax credits with an expiration or termination date that are not listed in this section, and make recommendations to the legislature about whether to eliminate or revise the credits. The legislature may extend the review dates by amending this section. The revenue interim committee shall review the credits using the following criteria:

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

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

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

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

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

(f) the extent to which benefits of the credit affect the larger economy."

NEW SECTION. Section 4. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 15, chapter 30, part 23, and the provisions of Title 15, chapter 30, part 23, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 15, chapter 31, part 1, and the provisions of Title 15, chapter 31, part 1, apply to [section 2].

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. Section 6. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to income tax years beginning after December 31, 2020.

NEW SECTION. Section 7. Termination. [This act] terminates December 31, 2026.

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