

Unofficial Draft Copy

As of: July 17, 2008 (2:09pm)

LC6002

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act repealing the termination date of recycling tax incentives; repealing the termination date for credit against air quality permitting fees for certain uses of postconsumer glass in recycled material; repealing the termination date for the tax credit for investment in property used to collect or process reclaimable materials; repealing the termination date for the tax deduction for the purchase of recycled materials, amending sections 75-2-225 and 75-2-226, MCA; repealing section 9, Chapter 712, Laws of 1991, sections 4 and 5, Chapter 542, Laws of 1995, section 1, Chapter 411, Laws of 1997, sections 4, 5, 6, and 7, Chapter 398, Laws of 2001, section 8, Chapter 516, Laws of 2001, sections 3 and 5, Chapter 129, Laws of 2005, and sections 1, 2, 3, 4, 5, 6, 7, and 8, Chapter 569, Laws of 2005; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 75-2-225, MCA, is amended to read:

"75-2-225. ~~(Temporary)~~ Amount and duration of credit -- how claimed. (1) An applicant may receive a credit against the fees imposed in 75-2-220 for using postconsumer glass in recycled material if the applicant qualifies under 75-2-226.

(2) ~~Subject to 75-2-226(2), an~~ An applicant qualifying for

a credit under 75-2-226 is entitled to claim a credit, as provided in subsection (3) of this section, for using postconsumer glass in recycled material in the calendar year subsequent to the calendar year in which the postconsumer glass was used in recycled material.

(3) (a) The amount of the credit that may be claimed under this section is \$8 for each ton of postconsumer glass that was used as a substitute for nonrecycled material in the calendar year prior to the calendar year for which the applicant is paying fees for permits under 75-2-220.

(b) The maximum credit allowable in any calendar year for fees payable under 75-2-220 is \$2,000 or the total amount of fees due, whichever is less. ~~(Terminates December 31, 2009--secs. 3, 5, Ch. 129, L. 2005.)"~~

{ Internal References to 75-2-225:

75-2-220 A 75-2-220 A 75-2-220 A 75-2-224* X }

Section 2. Section 75-2-226, MCA, is amended to read:

"75-2-226. ~~(Temporary)~~ Credit for use of postconsumer glass. (1) The following requirements must be met for an applicant to be entitled to a credit for the use of postconsumer glass:

(a) The postconsumer glass must have been used in recycled material in the calendar year prior to the calendar year in which the applicant is applying for and paying for permits under 75-2-220.

(b) (i) The applicant claiming a credit must be a person

who, as an owner, including a contract purchaser or lessee, or who pursuant to an agreement owns, leases, or has a beneficial interest in a business that uses postconsumer glass in recycled materials. The use of postconsumer glass as recycled material may be a minor or nonprofit part of a business otherwise engaged in a business activity.

(ii) The applicant may but need not operate or conduct a business that uses postconsumer glass as recycled material. If more than one person has an interest in a business with qualifying uses of postconsumer glass, they may allocate all or any part of the allowable credit among themselves and their successors or assigns.

(c) The business must have been owned or leased by the applicant claiming the credit during the calendar year prior to the calendar year for which the permit fees are due under 75-2-220, except as otherwise provided in subsection (1)(b), and must have used postconsumer glass in recycled material during the calendar year prior to the calendar year for which the credit is claimed.

(d) The postconsumer glass used in recycled material may not be an industrial waste generated by the person claiming the credit unless:

(i) the person generating the waste historically has disposed of the waste onsite or in a licensed landfill; and

(ii) standard industrial practice has not generally included the reuse of the waste in the manufacturing process.

~~(2) A credit under this section may be claimed by an~~

~~applicant for a business only if the qualifying postconsumer glass was used in recycled material before January 1, 2010.~~

~~(3)~~(2) The credit provided by this section is not in lieu of any other incentive to which the applicant otherwise may be entitled under Title 15 or this chapter.

~~(4)~~(3) A credit otherwise allowable under this section that is not used by the applicant in the calendar year for which the permits are applied may not be:

(a) carried forward to offset an applicant's permit fees for any succeeding calendar year; or

(b) carried back to offset an applicant's permit fees for any preceding calendar year. ~~(Terminates December 31, 2009--secs. 3, 5, Ch. 129, L. 2005.)"~~

{ Internal References to 75-2-226:

75-2-224*X 75-2-225 A 75-2-225 A 75-2-225 A
75-2-227X }

NEW SECTION. **Section 3. {standard} Repealer.** Section 9, Chapter 712, Laws of 1991, sections 4 and 5, Chapter 542, Laws of 1995, section 1, Chapter 411, Laws of 1997, sections 4, 5, 6, and 7, Chapter 398, Laws of 2001, section 8, Chapter 516, Laws of 2001, sections 3 and 5, Chapter 129, Laws of 2005, and sections 1, 2, 3, 4, 5, 6, 7, and 8, Chapter 569, Laws of 2005, are repealed.

NEW SECTION. **Section 4. {standard} Effective date.** [This act] is effective July 1, 2009.

Unofficial Draft Copy

As of: July 17, 2008 (2:09pm)

LC6002

- END -

{Name : Sonja E. Lee
Title : Research Analyst
Agency : LSD LEPO
Phone : 406-444-3078
E-Mail : sonjalee@mt.gov}