

# Amendment - 1st Reading-white - Requested by: (H) Taxation

- 2025

69th Legislature 2025

Drafter: Megan Moore,

HB0337.001.003

## HOUSE BILL NO. 337

INTRODUCED BY B. LER, W. GALT, L. SCHUBERT, R. GREGG, M. THIEL, E. TILLEMANN, E. BUTTREY, S. GIST, C. HINKLE, L. JONES, C. SPRUNGER, S. FITZPATRICK, G. OBLANDER, K. ZOLNIKOV, J. ETCHART, L. DEMING, B. BARKER, L. BREWSTER, G. HERTZ, B. MITCHELL, K. SEEKINS-CROWE, Z. WIRTH

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING INCOME TAXES; REVISING BRACKETS TO LOWER INCOME TAXES; INCREASING THE AMOUNT OF MONTANA TAXABLE INCOME BEFORE APPLICATION OF A HIGHER RATE OF TAX; REDUCING THE HIGHEST INCOME TAX RATE; INCREASING THE EARNED INCOME TAX CREDIT; AMENDING SECTION SECTIONS 15-30-2103 AND 15-30-2318, MCA; AND PROVIDING EFFECTIVE DATES, APPLICABILITY DATES, AND A TERMINATION DATE."

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

**Section 1.** Section 15-30-2103, MCA, is amended to read:

**"15-30-2103. Rate of tax -- net long-term capital gains -- definitions.** (1) Except as provided in subsections (2) and (3) subsection (2), there must be levied, collected, and paid for each tax year on the Montana taxable income of each taxpayer subject to this chapter a tax on the brackets of taxable income as follows:

(a) for every married individual who files a joint return and for every surviving spouse:

(i) on the first \$41,000 \$140,000 \$95,000 of Montana taxable income or any part of that income, 4.7%;

(ii) on any Montana taxable income in excess of \$41,000 \$140,000 \$95,000 or any part of that income, ~~5.9%~~ 5.65%;

(b) for every head of household:

(i) on the first \$30,750 \$105,000 \$71,250 of Montana taxable income or any part of that income, 4.7%;

(ii) on any Montana taxable income in excess of \$30,750 \$105,000 \$71,250 or any part of that income, ~~5.9%~~ 5.65%;

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1 (c) for every individual other than a surviving spouse or head of household who is not a married  
2 individual:

3 (i) on the first \$20,500 ~~\$70,000~~ ~~\$47,500~~ of Montana taxable income or any part of that income,  
4 4.7%;

5 (ii) on any Montana taxable income in excess of \$20,500 ~~\$70,000~~ ~~\$47,500~~ or any part of that  
6 income, ~~5.9%~~ 5.65%;

7 (d) for every married individual who does not make a joint return and for every estate or trust not  
8 exempt from taxation under the Internal Revenue Code:

9 (i) on the first \$20,500 ~~\$70,000~~ ~~\$47,500~~ of Montana taxable income or any part of that income,  
10 4.7%;

11 (ii) on any Montana taxable income in excess of \$20,500 ~~\$70,000~~ ~~\$47,500~~ or any part of that  
12 income, ~~5.9%~~ 5.65%.

13 (2) Except as provided in 15-30-3704 and subsection (3) of this section, that portion of a taxpayer's  
14 Montana taxable income that consists of net long-term capital gains after accounting for amounts included in  
15 taxable income that is not net long-term capital gains is subject to a tax on the brackets of net long-term capital  
16 gains as follows:

17 (a) for every married individual who files a joint return and for every surviving spouse:

18 (i) on the first \$41,000 ~~\$140,000~~ ~~\$95,000~~ less nonqualified taxable income of net long-term capital  
19 gains, 3.0%;

20 (ii) on net long-term capital gains that exceed \$41,000 ~~\$140,000~~ ~~\$95,000~~ less nonqualified taxable  
21 income or any part of that income, 4.1%, except that if the total nonqualified taxable income is \$41,000  
22 ~~\$140,000~~ ~~\$95,000~~ or greater, all of the net long-term capital gains are taxed at 4.1%;

23 (b) for every head of household:

24 (i) on the first \$30,750 ~~\$105,000~~ ~~\$71,250~~ less nonqualified taxable income of net long-term capital  
25 gains, 3.0%;

26 (ii) on any net long-term capital gains that exceed \$30,750 ~~\$105,000~~ ~~\$71,250~~ less nonqualified  
27 taxable income or any part of that income, 4.1%, except that if the total nonqualified taxable income is \$30,750  
28 ~~\$105,000~~ ~~\$71,250~~ or greater, all of the net long-term capital gains are taxed at 4.1%;

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(c) for every individual other than a surviving spouse or head of household who is not a married individual:

(i) on the first \$20,500 ~~\$70,000 \$47,500~~ less nonqualified taxable income of net long-term capital gains, 3.0%;

(ii) on any net long-term capital gains that exceed \$20,500 ~~\$70,000 \$47,500~~ less nonqualified taxable income or any part of that income, 4.1%, except that if the total nonqualified taxable income is \$20,500 ~~\$70,000 \$47,500~~ or greater, all of the net long-term capital gains are taxed at 4.1%;

(d) for every married individual who does not make a joint return and for every estate or trust that is not exempt from taxation under the Internal Revenue Code:

(i) on the first \$20,500 ~~\$70,000 \$47,500~~ less nonqualified taxable income of net long-term capital gains, 3.0%;

(ii) on any net long-term capital gains that exceed \$20,500 ~~\$70,000 \$47,500~~ less nonqualified taxable income or any part of that income, 4.1%, except that if the total nonqualified taxable income is \$20,500 ~~\$70,000 \$47,500~~ or greater, all of the net long-term capital gains are taxed at 4.1%.

~~(3) By November 1 of each year, the department shall multiply the bracket amounts contained in subsections (1) and (2) by the inflation factor for the following tax year and round the cumulative brackets to the nearest \$100. The resulting adjusted brackets are effective for that following tax year and must be used as the basis for imposition of the tax in subsections (1) and (2).~~

~~(4)~~(3) For the purposes of this section, the following definitions apply:

(a) "Net long-term capital gains" means net long-term capital gains as that term is defined in section 1222 of the Internal Revenue Code, 26 U.S.C. 1222.

(b) "Nonqualified taxable income" means Montana taxable income that is not considered net long-term capital gains."

**Section 2.** Section 15-30-2103, MCA, is amended to read:

**"15-30-2103. Rate of tax -- net long-term capital gains -- definitions.** (1) Except as provided in subsections (2) and (3), there must be levied, collected, and paid for each tax year on the Montana taxable income of each taxpayer subject to this chapter a tax on the brackets of taxable income as follows:

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1 (a) for every married individual who files a joint return and for every surviving spouse:

2 (i) on the first \$41,000 ~~\$200,000~~ \$130,000 of Montana taxable income or any part of that income,  
3 4.7%;

4 (ii) on any Montana taxable income in excess of \$41,000 ~~\$200,000~~ \$130,000 or any part of that  
5 income, ~~5.9%~~ 5.4%;

6 (b) for every head of household:

7 (i) on the first \$30,750 ~~\$150,000~~ \$97,500 of Montana taxable income or any part of that income,  
8 4.7%;

9 (ii) on any Montana taxable income in excess of \$30,750 ~~\$150,000~~ \$97,500 or any part of that  
10 income, ~~5.9%~~ 5.4%;

11 (c) for every individual other than a surviving spouse or head of household who is not a married  
12 individual:

13 (i) on the first \$20,500 ~~\$100,000~~ \$65,000 of Montana taxable income or any part of that income,  
14 4.7%;

15 (ii) on any Montana taxable income in excess of \$20,500 ~~\$100,000~~ \$65,000 or any part of that  
16 income, ~~5.9%~~ 5.4%;

17 (d) for every married individual who does not make a joint return and for every estate or trust not  
18 exempt from taxation under the Internal Revenue Code:

19 (i) on the first \$20,500 ~~\$100,000~~ \$65,000 of Montana taxable income or any part of that income,  
20 4.7%;

21 (ii) on any Montana taxable income in excess of \$20,500 ~~\$100,000~~ \$65,000 or any part of that  
22 income, ~~5.9%~~ 5.4%.

23 (2) Except as provided in 15-30-3704 and ~~subsection (3) of this section~~ and subsection (3) of this  
24 section, that portion of a taxpayer's Montana taxable income that consists of net long-term capital gains after  
25 accounting for amounts included in taxable income that is not net long-term capital gains is subject to a tax on  
26 the brackets of net long-term capital gains as follows:

27 (a) for every married individual who files a joint return and for every surviving spouse:

28 (i) on the first \$41,000 ~~\$200,000~~ \$130,000 less nonqualified taxable income of net long-term

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1 capital gains, 3.0%;

2 (ii) on net long-term capital gains that exceed \$41,000 ~~\$200,000~~ ~~\$130,000~~ less nonqualified  
3 taxable income or any part of that income, 4.1%, except that if the total nonqualified taxable income is \$41,000  
4 ~~\$200,000~~ ~~\$130,000~~ or greater, all of the net long-term capital gains are taxed at 4.1%;

5 (b) for every head of household:

6 (i) on the first \$30,750 ~~\$150,000~~ ~~\$97,500~~ less nonqualified taxable income of net long-term capital  
7 gains, 3.0%;

8 (ii) on any net long-term capital gains that exceed \$30,750 ~~\$150,000~~ ~~\$97,500~~ less nonqualified  
9 taxable income or any part of that income, 4.1%, except that if the total nonqualified taxable income is \$30,750  
10 ~~\$150,000~~ ~~\$97,500~~ or greater, all of the net long-term capital gains are taxed at 4.1%;

11 (c) for every individual other than a surviving spouse or head of household who is not a married  
12 individual:

13 (i) on the first \$20,500 ~~\$100,000~~ ~~\$65,000~~ less nonqualified taxable income of net long-term capital  
14 gains, 3.0%;

15 (ii) on any net long-term capital gains that exceed \$20,500 ~~\$100,000~~ ~~\$65,000~~ less nonqualified  
16 taxable income or any part of that income, 4.1%, except that if the total nonqualified taxable income is \$20,500  
17 ~~\$100,000~~ ~~\$65,000~~ or greater, all of the net long-term capital gains are taxed at 4.1%;

18 (d) for every married individual who does not make a joint return and for every estate or trust that  
19 is not exempt from taxation under the Internal Revenue Code:

20 (i) on the first \$20,500 ~~\$100,000~~ ~~\$65,000~~ less nonqualified taxable income of net long-term capital  
21 gains, 3.0%;

22 (ii) on any net long-term capital gains that exceed \$20,500 ~~\$100,000~~ ~~\$65,000~~ less nonqualified  
23 taxable income or any part of that income, 4.1%, except that if the total nonqualified taxable income is \$20,500  
24 ~~\$100,000~~ ~~\$65,000~~ or greater, all of the net long-term capital gains are taxed at 4.1%.

25 (3) By November 1 of each year, the department shall multiply the bracket amounts contained in  
26 subsections (1) and (2) by the modified inflation factor for the following tax year and round the cumulative  
27 brackets to the nearest \$100. The resulting adjusted brackets are effective for that following tax year and must  
28 be used as the basis for imposition of the tax in subsections (1) and (2).

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(4) For the purposes of this section, the following definitions apply:

(a) "Modified inflation factor" has the same meaning as "inflation factor" as defined in 15-30-2101, except that the consumer price index for June ~~2027~~ 2026 is substituted for the consumer price index for June 2023.

(a)(b) "Net long-term capital gains" means net long-term capital gains as that term is defined in section 1222 of the Internal Revenue Code, 26 U.S.C. 1222.

(b)(c) "Nonqualified taxable income" means Montana taxable income that is not considered net long-term capital gains."

**Section 3.** Section 15-30-2318, MCA, is amended to read:

**"15-30-2318. Earned income tax credit.** (1) Except as provided in subsection (3), a resident taxpayer is allowed as a credit against the tax imposed by 15-30-2103 a percentage of the credit allowed for the federal earned income credit for which the individual taxpayer is eligible for the tax year under section 32 of the Internal Revenue Code, 26 U.S.C. 32.

(2) The amount of the credit allowed under subsection (1) is ~~10%~~ 20% of the amount of the credit determined for the tax year under section 32 of the Internal Revenue Code, 26 U.S.C. 32.

(3) The credit is not allowed on earned income that is treated as a dividend received by a member of an agricultural organization provided for in section 501(d) of the Internal Revenue Code, 26 U.S.C. 501(d). For the purpose of this subsection, the amount of the state tax credit provided for in subsection (2) is reduced by the reduction percentage.

(4) The taxpayer is entitled to a refund equal to the amount by which the credit exceeds the taxpayer's tax liability or, if the taxpayer has no tax liability under this chapter, a refund equal to the amount of the credit. The credit may be claimed by filing a Montana income tax return.

(5) For the purpose of this section, the following definitions apply:

(a) "Earned income" means earned income, as defined in section 32 of the Internal Revenue Code, 26 U.S.C. 32, that was used to determine the amount of the federal earned income tax credit under subsection (2).

(b) "Reduction percentage" means a percentage that is calculated by dividing the earned income

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that is disallowed under subsection (3) by the total amount of earned income."

**NEW SECTION. Section 4. Transition.** The modified inflation factor provided for in 15-30-2103(3) does not apply until tax year 2028.

**NEW SECTION. Section 5. Effective dates.** (1) Except as provided in subsections (2) and (3), [this act] is effective on October 1, 2025.

(2) [~~Section~~ Sections 1 and 3] ~~is~~ are effective January 1, 2026.

(3) [Section 2] is effective January 1, 2027.

**NEW SECTION. Section 6. Applicability.** (1) [~~Section~~ Sections 1 and 3] ~~applies~~ apply to the income tax year beginning January 1, 2026.

(2) [Section 2] applies to income tax years beginning after December 31, 2026.

**NEW SECTION. Section 7. Termination.** [Section 1] terminates December 31, 2026.

- END -