

1 HOUSE BILL NO. 863
2 INTRODUCED BY L. JONES, J. ESP, C. GLIMM, D. BEDEY, B. MERCER, E. TILLEMAN, K. WALSH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING STATE FINANCE LAWS; PROVIDING
5 THAT THE MONTANA HOUSING INFRASTRUCTURE REVOLVING LOAN FUND MAY BE USED TO
6 SECURE BONDS AND PROVIDE FINANCING FOR ELIGIBLE PROJECTS AND RETAINING ALL INTEREST
7 AND INCOME IN THE ACCOUNTS; PROVIDING FOR TRANSFERS OF FUNDS; ELIMINATING ELIGIBILITY
8 PRIORITY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 17-6-801, 17-6-804, 17-6-805, AND
9 17-7-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE
10 APPLICABILITY DATE."

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

13
14 **Section 1.** Section 17-6-801, MCA, is amended to read:

15 **"17-6-801. Montana housing infrastructure revolving loan fund account.** (1) There is a Montana
16 housing infrastructure revolving loan fund account within the state special revenue fund type established in 17-
17 2-102 to the credit of the board of investments. Money deposited in the account established in this section must
18 be invested by the board of investments as provided by law. All interest and income earned on the account
19 must be retained in the account.

20 (2) The principal of the account may only be appropriated by a vote of two-thirds of the members
21 of each house of the legislature."

22
23 **Section 2.** Section 17-6-804, MCA, is amended to read:

24 **"17-6-804. Eligibility -- priority.** (1) For the costs of an infrastructure project to be eligible to be paid
25 by the proceeds of a loan or bonds or other securities of an eligible government unit as defined in 17-5-1604,
26 the infrastructure project must provide for residential development at a minimum gross density of 10 units for
27 each acre.

28 ~~(2) Lending of at least \$7 million of available funds must be prioritized to counties that have a~~

~~population of less than 15,000 inhabitants that are located within a 30-mile radius of a state-owned facility that, on an annual average, houses at least 100 state inmates or behavioral health patients, and the state-owned facility is located in a county that has a population that does not exceed 15,000 inhabitants.~~

~~(2) General fund transfers made pursuant to [section 5] into the account established in 17-6-801 may be used for eligible infrastructure projects for residential development at a minimum gross density of three units for each acre."~~

Section 3. Section 17-6-805, MCA, is amended to read:

"17-6-805. Financing -- deed restrictions. (1) The board of investments may make loans from the account established in 17-6-801 to an eligible government unit as defined in 17-5-1604 or an applicant for residential development to cover the costs of demolition or expanding or extending water, wastewater, storm water, street, road, curb, gutter, and sidewalk infrastructure to serve new or rehabilitated residential development.

(2) The board of investments may purchase up to 50% of a bond or other security issued in accordance with state law by an eligible government unit as defined in 17-5-1604 to cover all or a portion of costs of expanding or extending water, wastewater, storm water, street, road, curb, gutter, and sidewalk infrastructure to serve new or rehabilitated residential development at an interest rate to be determined by the board of investments as an investment of the account established in 17-6-801.

(3) The board of investments shall:

(a) establish the terms and conditions of the loan, including the interest rate of the loan, with a term not to exceed 20 years;

(b) if an eligible government unit is the entity seeking a loan or issuing a bond or other security, require that the eligible government unit waive all impact fees for the developer or the amount of impact fees up to the amount of the loan or bond or other security, whichever amount is smaller;

(c) if an applicant for residential development is the entity seeking a loan, require that the applicant pay all impact fees due to the local government or the amount of impact fees up to the amount of the loan, whichever amount is smaller; and

(d) set policy requiring that housing built using infrastructure funded in part by a security pursuant

1 to this section must provide for provisions to preserve long-term affordability of the housing that runs with the
2 property for the term of the security.

3 (4) The board of investments shall include the amounts loaned and the status of all loans in the
4 report required in 17-5-1650.

5 (5) The board of investments may use the account established in 17-6-801 to secure any portion
6 of bonds in lieu of a pledge of the issuer's revolving fund.

7 (6) The board of investments may use interest income from the account established in 17-6-801 to
8 finance residential ownership of mobile home parks or other multifamily housing."

9

10 **Section 4.** Section 17-7-102, MCA, is amended to read:

11 **"17-7-102. (Temporary) Definitions.** As used in this chapter, the following definitions apply:

12 (1) "Additional services" means different services or more of the same services.

13 (2) "Agency" means all offices, departments, boards, commissions, institutions, universities,
14 colleges, and any other person or any other administrative unit of state government that spends or encumbers
15 public money by virtue of an appropriation from the legislature under 17-8-101.

16 (3) "Approving authority" means:

17 (a) the governor or the governor's designated representative for executive branch agencies;

18 (b) the chief justice of the supreme court or the chief justice's designated representative for judicial
19 branch agencies;

20 (c) the speaker for the house of representatives;

21 (d) the president for the senate;

22 (e) appropriate legislative committees or a designated representative for legislative branch
23 agencies; or

24 (f) the board of regents of higher education or its designated representative for the university
25 system.

26 (4) (a) "Base budget" means the resources for the operation of state government that are of an
27 ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and
28 state special revenue funds may not exceed that level of funding authorized by the previous legislature.

Amendment - 1st Reading-white - Requested by: (S) Finance and Claims

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0863.001.004

1 **NEW SECTION. Section 6. Appropriation.** (1) There is appropriated \$100,000 from the Montana-
2 Ireland trade and development special revenue account to the department of commerce for the biennium
3 beginning July 1, 2025, for implementing the provisions of Senate Bill No. 320.

4 (2) It is the intent of the legislature that the appropriation be included in the base budget for the
5 department of commerce for the biennium beginning July 1, 2027.

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7 **NEW SECTION. Section 7. Effective date.** [This act] is effective ~~July 1, 2025 on passage and~~
8 ~~approval.~~

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10 **NEW SECTION. Section 8. Retroactive applicability.** [Section 1] applies retroactively, within the
11 meaning of 1-2-109, to interest and income earned on the account provided for in 17-6-801 since June 14,
12 2023.

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- END -