

1 HOUSE BILL NO. 422

2 INTRODUCED BY E. BUTTREY

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE AMOUNT OF FUNDS AVAILABLE FROM THE
5 PERMANENT COAL TAX TRUST FUND FOR THE MONTANA VETERANS' HOME LOAN MORTGAGE
6 PROGRAM; AMENDING SECTIONS 17-6-308 AND 90-6-603, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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10 **Section 1.** Section 17-6-308, MCA, is amended to read:

11 **"17-6-308. Authorized investments.** (1) Except as provided in subsections (2) through (7) and subject
12 to the provisions of 17-6-201, the Montana permanent coal tax trust fund must be invested as authorized by rules
13 adopted by the board.

14 (2) The board may make loans from the permanent coal tax trust fund to the capital reserve account
15 created pursuant to 17-5-1515 to establish balances or restore deficiencies in the account. The board may agree
16 in connection with the issuance of bonds or notes secured by the account or fund to make the loans. Loans must
17 be on terms and conditions determined by the board and must be repaid from revenue realized from the exercise
18 of the board's powers under 17-5-1501 through 17-5-1518 and 17-5-1521 through 17-5-1529, subject to the prior
19 pledge of the revenue to the bonds and notes.

20 (3) The board shall manage the seed capital and research and development loan portfolios created by
21 the former Montana board of science and technology development. The board shall establish an appropriate
22 repayment schedule for all outstanding research and development loans made to the university system. The
23 board is the successor in interest to all agreements, contracts, loans, notes, or other instruments entered into by
24 the Montana board of science and technology development as part of the seed capital and research and
25 development loan portfolios, except agreements, contracts, loans, notes, or other instruments funded with coal
26 tax permanent trust funds. The board shall administer the agreements, contracts, loans, notes, or other
27 instruments funded with coal tax permanent trust funds. As loans made by the former Montana board of science
28 and technology development are repaid, the board shall deposit the proceeds or loans made from the coal
29 severance tax trust fund in the coal severance tax permanent fund until all investments are paid back with 7%
30 interest.

1 (4) The board shall allow the Montana facility finance authority to administer \$15 million of the permanent
2 coal tax trust fund for capital projects. Until the authority makes a loan pursuant to the provisions of Title 90,
3 chapter 7, the funds under its administration must be invested by the board pursuant to the provisions of
4 17-6-201. As loans for capital projects made pursuant to this subsection are repaid, the principal and interest
5 payments on the loans must be deposited in the coal severance tax permanent fund until all principal and interest
6 have been repaid. The board and the authority shall calculate the amount of the interest charge. Individual loan
7 amounts may not exceed 10% of the amount administered under this subsection.

8 (5) The board shall allow the board of housing to administer ~~\$40~~ \$50 million of the permanent coal tax
9 trust fund for the purposes of the Montana veterans' home loan mortgage program provided for in Title 90,
10 chapter 6, part 6.

11 (6) (a) Subject to subsections (6)(b) through (6)(d), the board may make working capital loans from the
12 permanent coal tax trust fund to an owner of a coal-fired generating unit.

13 (b) Loans may be provided in accordance with subsection (6)(a) only to finance the everyday operations
14 and required maintenance of a coal-fired generating unit of which an owner has a shared interest.

15 (c) Loans may not be provided to operate or maintain a coal-fired generating unit beyond July 1, 2022.

16 (d) The board may charge a working capital loan application fee of up to \$500.

17 (7) The board may make loans from the permanent coal tax trust fund to a city, town, county, or
18 consolidated city-county government impacted by the closure of a coal-fired generating unit to secure and
19 maintain existing infrastructure.

20 (8) The board shall adopt rules to allow a nonprofit corporation to apply for economic assistance. The
21 rules must recognize that different criteria may be needed for nonprofit corporations than for for-profit
22 corporations.

23 (9) All repayments of proceeds pursuant to subsection (3) of investments made from the coal severance
24 tax trust fund must be deposited in the coal severance tax permanent fund."
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26 **Section 2.** Section 90-6-603, MCA, is amended to read:

27 **"90-6-603. Veterans' home loan mortgage program created -- use of coal tax trust fund money.**

28 (1) There is a Montana veterans' home loan (mortgage) program under the direction and management of the board
29 for eligible veterans who are first-time home buyers.

30 (2) The board of investments shall allow the board to administer ~~\$40~~ \$50 million of the permanent coal

1 tax trust fund for the purpose of the program. Until the board uses money in the trust fund to purchase a mortgage
2 loan from a participating financial institution pursuant to this part, the money under the administration of the board
3 must remain invested by the board of investments. As a loan made pursuant to this part is repaid, the principal
4 payments on the loan must be deposited in the trust fund until all of the principal of the loan is repaid. Interest
5 received on the loan may be used by a participating financial institution and the board, in amounts determined
6 by the board in accordance with 90-6-605, to pay for the origination and servicing of a loan by a participating
7 financial institution and to pay the reasonable costs of the board for the administration of the program. After
8 payment of associated expenses, interest received on the loan must be deposited into the trust fund.

9 (3) Interest on a home mortgage loan made pursuant to this part must be charged at 1% less than the
10 federal national mortgage association's delivery rate or 1% lower than the lowest interest rate charged by the
11 board for the purposes of other home loan mortgage programs administered by the board, whichever is less. If
12 the federal national mortgage association's rate becomes unavailable, the board shall use another similar rate
13 for the purposes of this subsection. The board may not make a direct loan to an eligible veteran."

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15 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2019.

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