

HOUSE BILL NO. 120

INTRODUCED BY J. DARLING

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A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING OPPORTUNITIES FOR MULTIFAMILY FINANCING UNDER THE COMMERCIAL PROPERTY-ASSESSED CAPITAL ENHANCEMENTS ACT; AMENDING SECTION 90-4-1302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 90-4-1302, MCA, is amended to read:

**"90-4-1302. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Authority" means the Montana facility finance authority created in 2-15-1815.

(2) "Commercial property-assessed capital enhancements program" or "program" means a program established in accordance with this part.

(3) "District" means a district that is established under this part by a local government and that lies within the local government's jurisdictional boundaries. A local government may create more than one district under a program.

(4) "Energy conservation measure" means a permanent cost-effective energy improvement fixed to real property, including new construction, and intended to decrease energy or water consumption and demand, including a product, device, or interacting group of products or devices on the customer's side of the meter that uses energy technology to generate electricity, provide thermal energy, or regulate temperature. The term includes but is not limited to:

(a) insulation in walls, roofs, floors, foundations, or heating and cooling distribution systems;

(b) storm windows and doors, including multiglazed windows and doors, heat-absorbing or heat-reflective glazed windows, coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;

(c) automated energy control systems;

- 1 (d) heating, ventilating, or air-conditioning and distribution system modifications or replacements;
- 2 (e) caulking, weather-stripping, or air sealing;
- 3 (f) replacement or modification of lighting fixtures to reduce the energy use of the lighting system;
- 4 (g) energy recovery systems;
- 5 (h) daylighting systems;
- 6 (i) installation or upgrades of electrical wiring or outlets to charge a motor vehicle that is fully or
- 7 partially powered by electricity;
- 8 (j) fuel source changes that result in cost savings;
- 9 (k) measures to reduce the usage of water or to increase the efficiency of water usage; and
- 10 (l) any other installation or modification of equipment, devices, or materials approved as a utility
- 11 cost-saving measure by the governing body.
- 12 (5) "Energy conservation project" means the installation or modification of an energy conservation
- 13 measure or the acquisition, installation, or improvement of a renewable energy system.
- 14 (6) "Governing body" means the legislative authority of a local government.
- 15 (7) "Local government" means a county, city, town, or a consolidated city-county.
- 16 (8) "Multifamily housing facility" means a property with at least five units that are primarily intended
- 17 for residential use, each with a full bathroom and a complete kitchen. The units may be rental units or owner-
- 18 occupied units. The units may be attached, detached, semidetached, or row houses.
- 19 (9) (a) "Person" means an individual, firm, partnership, association, corporation, unincorporated
- 20 joint venture, or trust that is organized, permitted, or existing under the laws of this state or any other state,
- 21 including a federal corporation, or a combination of individuals, firms, partnerships, associations, corporations,
- 22 unincorporated joint ventures, or trusts.
- 23 (b) The term does not include a local government.
- 24 ~~(9)(10)~~ "Real property" means a privately owned commercial or industrial facility, ~~covered~~ multifamily
- 25 housing ~~accommodation as defined in 49-2-305(6)~~ facility, or agricultural property.
- 26 ~~(10)(11)~~"Record owner" means the person or persons possessing the most recent fee title as shown by
- 27 the records of the county clerk and recorder.
- 28 ~~(11)(12)~~"Renewable energy" has the meaning provided in 15-24-3102.

1           ~~(12)~~(13)"Renewable energy system" means a fixture, product, device, or interacting group of fixtures,  
2 products, or devices on the customer's side of the meter that uses one or more forms of renewable energy to  
3 generate electricity or to reduce the use of nonrenewable energy. The term includes a biomass stove but does  
4 not include an incinerator or a digester."

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6           NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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