

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT RESTRICTING THE USE OF PUBLIC FUNDS, TAX CREDITS, AND  
5 TAX DEDUCTIONS FOR A COAL OR NATURAL GAS ELECTRICAL GENERATION FACILITY UNLESS THE  
6 NET GENERATING LOAD OF THAT FACILITY IS DEDICATED TO IN-STATE USE FOR CUSTOMERS WITH  
7 AN INDIVIDUAL LOAD REQUIREMENT OF LESS THAN 1,000 KILOWATTS; RESTRICTING THE USE OF  
8 PUBLIC FUNDS, TAX CREDITS, AND TAX DEDUCTIONS FOR TRANSMISSION FACILITIES UNLESS THOSE  
9 FACILITIES ARE PUBLICLY OWNED; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN  
10 APPLICABILITY DATE."

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

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14 **NEW SECTION. Section 1. Restrictions on public funds, tax credits, and tax deductions for coal**  
15 **and natural gas electrical generation facilities.** (1) The legislature may not:

16 (a) appropriate money that is to be used to finance or build a coal or natural gas electrical generation  
17 facility unless the net generating load of that facility is dedicated to in-state use at cost-based prices for customers  
18 with an individual load requirement of less than 1,000 kilowatts; or

19 (b) provide for tax credits or tax deductions for a coal or natural gas electrical generation facility unless  
20 the net generating load of that facility is dedicated to in-state use at cost-based prices for customers with an  
21 individual load requirement of less than 1,000 kilowatts.

22 (2) An agency of state government may not:

23 (a) expend any appropriated money to finance or build a coal or natural gas electrical generation facility  
24 unless the net generating load of that facility is dedicated to in-state use at cost-based prices for customers with  
25 an individual load requirement of less than 1,000 kilowatts;

26 (b) loan money to build a coal or natural gas electrical generation facility unless the net generating load  
27 of that facility is dedicated to in-state use at cost-based prices for customers with an individual load requirement  
28 of less than 1,000 kilowatts;

29 (c) finance a coal or natural gas electrical generation facility unless the net generating load of that facility  
30 is dedicated to in-state use at cost-based prices for customers with an individual load requirement of less than

1 1,000 kilowatts; or

2 (d) sell bonds to finance a coal or natural gas electrical generation facility unless the net generating load  
3 of that facility is dedicated to in-state use at cost-based prices for customers with an individual load requirement  
4 of less than 1,000 kilowatts.

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6 **NEW SECTION. Section 2. Restrictions on public funds, tax credits, and tax deductions for**  
7 **transmission facilities.** (1) The legislature may not:

8 (a) appropriate money that is to be used to finance or build transmission facilities unless those facilities  
9 are publicly owned; or

10 (b) provide for tax credits or tax deductions for transmission facilities unless those facilities are publicly  
11 owned.

12 (2) An agency of state government may not:

13 (a) expend any appropriated money to finance or build transmission facilities unless those facilities are  
14 publicly owned;

15 (b) loan money to build transmission facilities unless those facilities are publicly owned;

16 (c) finance transmission facilities unless those facilities are publicly owned; or

17 (d) sell bonds to finance transmission facilities unless those facilities are publicly owned.

18 (3) For purposes of this section:

19 (a) "publicly owned" means that 100% of the transmission facilities are owned by a public entity; and

20 (b) "transmission facilities" has the meaning provided in 69-8-103.

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22 **NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified  
23 as an integral part of Title 17, chapter 8, part 1, and the provisions of Title 17, chapter 8, part 1, apply to [sections  
24 1 and 2].

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26 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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28 **NEW SECTION. Section 5. Applicability.** [This act] applies to proceedings begun after [the effective  
29 date of this act].

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