

1 SENATE BILL NO. 134

2 INTRODUCED BY J. SMALL

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING BOARD OF INVESTMENT LOANS FOR COAL-FIRED
5 GENERATION DECOMMISSIONING AND REMEDIATION; AMENDING SECTION 17-6-308, MCA; AND
6 PROVIDING AN IMMEDIATE 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 (8) of this
12 section and subject to the provisions of 17-6-201, the Montana permanent coal tax trust fund must be invested
13 as authorized by rules 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
16 agree in connection with the issuance of bonds or notes secured by the account or fund to make the loans.
17 Loans must be on terms and conditions determined by the board and must be repaid from revenue realized
18 from the exercise of the board's powers under 17-5-1501 through 17-5-1518 and 17-5-1521 through 17-5-1529,
19 subject to the prior 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
21 by 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
24 by 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
28 science and technology development are repaid, the board shall deposit the proceeds or loans made from the

1 coal severance tax trust fund in the coal severance tax permanent fund until all investments are paid back with
2 7% interest.

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

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

13 (6) The board shall allow the board of housing to administer \$15 million of the permanent coal tax
14 trust fund for the purpose of providing loans for the development and preservation of homes and apartments to
15 assist low-income and moderate-income persons with meeting their basic housing needs pursuant to 90-6-137.

16 (7) (a) Subject to subsections (7)(b) and (7)(c), the board may make working capital loans from the
17 permanent coal tax trust fund to an owner of a coal-fired generating unit.

18 (b) Loans may be provided in accordance with subsection (7)(a) to an owner to finance:

19 (i) the everyday operations and required maintenance of a coal-fired generating unit of which an
20 owner has a shared interest;

21 (ii) the purchase of an additional interest in a coal-fired generating unit of which an owner has a shared
22 interest;

23 (iii) the purchase of coal to use at a coal-fired generating unit or improvements necessary to utilize coal
24 from a different source at a coal-fired generating unit. When considering loan requests made under this
25 subsection (7)(b)(iii), the board shall give preference to requests that allow for utilization of coal resources
26 located in Montana or allow for improvements to utilize coal resources located in Montana that are determined
27 to be economically feasible.

28 (iv) the purchase of electric transmission lines and associated facilities of a design capacity of 500

1 kilovolts or more primarily used to transmit electricity generated by a coal-fired resource; or

2 (v) costs related to decommissioning and remediation of a coal-fired generating unit or affected
 3 property to meet applicable legal obligations as defined in 75-8-103; or

4 ~~(vi)~~ any combination of subsections (7)(b)(i) through ~~(7)(b)(iv)~~ (7)(b)(v).

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

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

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

12 (10) All repayments of proceeds pursuant to subsection (3) of investments made from the coal
 13 severance tax trust fund must be deposited in the coal severance tax permanent fund."

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

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