68th Legislature 2023 HB 962.1

1	HOUSE BILL NO. 962		
2	INTRODUCED BY L. HELLEGAARD, J. WINDY BOY, J. READ, J. FITZPATRICK		
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4	A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ENERGY LAWS; P	FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ENERGY LAWS; PROVIDING FOR	
5	TTORNEY GENERAL ENFORCEMENT IN ENERGY CLOSURES; REQUIRING GENERATION FACILITY		
6	NOTIFICATION; REQUIRING THE PUBLIC SERVICE COMMISSION TO CATALOG GENERATING		
7	FACILITIES; PROVIDING FOR THE COMMISSION STUDY OF ELECTROMAGNETIC PULSE MITIGATION		
8	PROVIDING AN APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."		
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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:		
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12	NEW SECTION. Section 1. Forced retirement of electrical generation facili	ties legislative	
13	findings reporting. (1) The legislature finds that:		
14	(a) affordable, reliable, dispatchable, and secure energy resources are impo	rtant to the health,	
15	safety, and welfare of the state's citizens;		
16	(b) the state has invested substantial resources in the development of afford	lable, reliable,	
17	dispatchable, and secure energy resources within the state;		
18	(c) the early retirement of an electrical generation facility that provides afforce	lable, reliable,	
19	dispatchable, and secure energy is a threat to the health, safety, and welfare of the state's citizens;		
20	(d) the state's police powers, reserved to the state by the United States cons	stitution provide the	
21	state with sovereign authority to make and enforce laws for the protection of the health, s	afety, and welfare of	
22	the state's citizens;		
23	(e) the state has a duty to defend the production and supply of affordable, re	liable, dispatchable,	
24	and secure energy from external regulatory interference;		
25	(f) with respect to the retirement of an electrical generation facility, the prote	ection of the health,	
26	safety, and welfare of the state's citizens is primary and takes precedence over any attempt from an external		
27	regulatory body to mandate, restrict, or influence the early retirement of an electrical generation facility in the		
28	state; and		



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(g) federal consultation with the office of the attorney general prior to promulgating any rule or regulation that may result in the closure of an electrical generation facility in Montana is in the best interest of the state of Montana.

- (2) A qualified utility that receives notice of any federal regulation that may result in the forced retirement of a qualified utility's electrical generation facility shall inform the office of the attorney general of the regulation within 30 days after the receipt of notice.
- (3) After being informed as described in subsection (2), the office of the attorney general may take any action necessary to defend the interests of the state with respect to electricity generation by the qualified utility, including filing an action in court or participating in administrative proceedings.
  - (4) As used in this section, the following definitions apply:
- (a) "Dispatchable" means available for use on demand and generally available to be delivered at a time and quantity of the operator's choosing.
- (b) "Electrical generation facility" means a facility that generates electricity for provision to customers.
- (c) "Forced retirement" means the closure of an electrical generation facility as a result of a federal regulation that either directly mandates the closure of an electrical generation facility or for which the costs of compliance are so high as to effectively force the closure of an electrical generation facility.
- (d) "Qualified utility" means an electric corporation or cooperative that serves retail customers in the state.
- (e) "Reliable" means generally able to provide a continuous supply of electricity at the proper voltage and frequency and the resiliency to withstand sudden or unexpected disturbances.
  - (f) "Secure" means protected against disruption, tampering, and external interference.

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- NEW SECTION. Section 2. Notification of generation facilities -- reporting. (1) The commission shall send a copy of [this act] to each electrical generation facility in Montana upon passage and approval.
- 26 (2) The commission shall create an electronic notification form to comply with [this act].
- 27 (3) The commission may examine measures to mitigate the effects of geomagnetic disturbances 28 and electromagnetic pulse on the state's transmission system.



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1	(4)	The commission shall create a catalog of energy resources that are licensed, regulated, or	
2	subsidized by	dized by the state, including all generating and nongenerating dams. The catalog shall include information	
3	including, but not limited to:		
4	(a)	ownership;	
5	(b)	energy output; and	
6	(c)	the physical condition of the generating facility.	
7	(5)	The commission shall catalog all black start dams. The catalog shall include information	
8	including, but not limited to:		
9	(a)	ownership;	
10	(b)	energy output; and	
11	(c)	the physical condition of the facility.	
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13	NEW S	SECTION. Section 3. Appropriation. (1) There is appropriated \$90,000 from the general fund	
14	to the public service commission for the biennium beginning July 1, 2023.		
15	(2)	The appropriation must be used for the implementation of [section 2].	
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17	NEW SECTION. Section 4. Codification instruction. [Sections 1 through 3] are intended to be		
18	codified as an integral part of Title 69, chapter 3, and the provisions of Title 69, chapter 3, apply to [sections 1		
19	through 3].		
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21	NEW S	NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.	
22		- END -	

