

# SENATE BILL 316

M5

(PRE-FILED)

1r0629  
CF 1r1092

---

By: **Senators Klausmeier, Beidle, and Feldman**

Requested: September 16, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance

---

## A BILL ENTITLED

1 AN ACT concerning

### 2 **Renewable Energy Portfolio Standard – Hydroelectric Power**

3 FOR the purpose of extending indefinitely the renewable energy portfolio standard  
4 percentage derived from Tier 2 renewable sources; repealing the limit on the period  
5 of time during which energy from a Tier 2 renewable source is eligible for inclusion  
6 in meeting the renewable energy portfolio standard; making a technical change;  
7 providing for the application of this Act; and generally relating to the renewable  
8 energy portfolio standard.

9 BY repealing and reenacting, without amendments,  
10 Article – Public Utilities  
11 Section 7–701(a), (s)(8), and (t) and 7–703(b)(15)  
12 Annotated Code of Maryland  
13 (2020 Replacement Volume and 2020 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Public Utilities  
16 Section 7–703(b)(16) through (25) and 7–704(a)(4)  
17 Annotated Code of Maryland  
18 (2020 Replacement Volume and 2020 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

### 21 **Article – Public Utilities**

22 7–701.

23 (a) In this subtitle the following words have the meanings indicated.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (s) "Tier 1 renewable source" means one or more of the following types of energy  
2 sources:

3 (8) a small hydroelectric power plant of less than 30 megawatts in capacity  
4 that is licensed or exempt from licensing by the Federal Energy Regulatory Commission;

5 (t) "Tier 2 renewable source" means hydroelectric power other than pump storage  
6 generation.

7 7–703.

8 (b) Except as provided in subsection (e) of this section, the renewable energy  
9 portfolio standard shall be as follows:

10 (15) in 2020:

11 (i) 28% from Tier 1 renewable sources, including:

12 1. at least 6% derived from solar energy; and

13 2. an amount set by the Commission under § 7–704.2(a) of  
14 this subtitle, not to exceed 2.5%, derived from offshore wind energy; and

15 (ii) 2.5% from Tier 2 renewable sources;

16 (16) in 2021[,]:

17 (I) 30.8% from Tier 1 renewable sources, including:

18 [(i)] 1. at least 7.5% derived from solar energy; and

19 [(ii)] 2. an amount set by the Commission under § 7–704.2(a) of  
20 this subtitle derived from offshore wind energy; AND

21 (II) **2.5% FROM TIER 2 RENEWABLE SOURCES;**

22 (17) in 2022[,]:

23 (I) 33.1% from Tier 1 renewable sources, including:

24 [(i)] 1. at least 8.5% derived from solar energy; and

25 [(ii)] 2. an amount set by the Commission under § 7–704.2(a) of  
26 this subtitle derived from offshore wind energy; AND

27 (II) **2.5% FROM TIER 2 RENEWABLE SOURCES;**

1 (18) in 2023[,]:

2 (I) 35.4% from Tier 1 renewable sources, including:

3 [(i)] 1. at least 9.5% derived from solar energy; and

4 [(ii)] 2. an amount set by the Commission under § 7-704.2(a) of  
5 this subtitle derived from offshore wind energy; AND

6 (II) **2.5% FROM TIER 2 RENEWABLE SOURCES;**

7 (19) in 2024[,]:

8 (I) 37.7% from Tier 1 renewable sources, including:

9 [(i)] 1. at least 10.5% derived from solar energy; and

10 [(ii)] 2. an amount set by the Commission under § 7-704.2(a) of  
11 this subtitle derived from offshore wind energy; AND

12 (II) **2.5% FROM TIER 2 RENEWABLE SOURCES;**

13 (20) in 2025[,]:

14 (I) 40% from Tier 1 renewable sources, including:

15 [(i)] 1. at least 11.5% derived from solar energy; and

16 [(ii)] 2. an amount set by the Commission under § 7-704.2(a) of  
17 this subtitle, not to exceed 10%, derived from offshore wind energy; AND

18 (II) **2.5% FROM TIER 2 RENEWABLE SOURCES;**

19 (21) in 2026[,]:

20 (I) 42.5% from Tier 1 renewable sources, including:

21 [(i)] 1. at least 12.5% derived from solar energy; and

22 [(ii)] 2. an amount set by the Commission under § 7-704.2(a) of  
23 this subtitle derived from offshore wind energy, including at least 400 megawatts of Round  
24 2 offshore wind projects; AND

25 (II) **2.5% FROM TIER 2 RENEWABLE SOURCES;**

1 (22) in 2027[,]:

2 (I) 45.5% from Tier 1 renewable sources, including:

3 [(i)] 1. at least 13.5% derived from solar energy; and

4 [(ii)] 2. an amount set by the Commission under § 7–704.2(a) of  
5 this subtitle derived from offshore wind energy, including at least 400 megawatts of Round  
6 2 offshore wind projects; AND

7 (II) **2.5% FROM TIER 2 RENEWABLE SOURCES;**

8 (23) in 2028[,]:

9 (I) 47.5% from Tier 1 renewable sources, including:

10 [(i)] 1. at least 14.5% derived from solar energy; and

11 [(ii)] 2. an amount set by the Commission under § 7–704.2(a) of  
12 this subtitle derived from offshore wind energy, including at least 800 megawatts of Round  
13 2 offshore wind projects; AND

14 (II) **2.5% FROM TIER 2 RENEWABLE SOURCES;**

15 (24) in 2029[,]:

16 (I) 49.5% from Tier 1 renewable sources, including:

17 [(i)] 1. at least 14.5% derived from solar energy; and

18 [(ii)] 2. an amount set by the Commission under § 7–704.2(a) of  
19 this subtitle derived from offshore wind energy, including at least 800 megawatts of Round  
20 2 offshore wind projects; and

21 (II) **2.5% FROM TIER 2 RENEWABLE SOURCES; AND**

22 (25) in 2030 and later[,]:

23 (I) 50% from Tier 1 renewable sources, including:

24 [(i)] 1. at least 14.5% derived from solar energy; and

25 [(ii)] 2. an amount set by the Commission under § 7–704.2(a) of  
26 this subtitle derived from offshore wind energy, including at least 1,200 megawatts of

1 Round 2 offshore wind projects; AND

2 (II) 2.5% FROM TIER 2 RENEWABLE SOURCES.

3 7-704.

4 (a) (4) Energy from a Tier 2 renewable source under § [7-701(s)] **7-701(T)** of  
5 this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard  
6 [through 2020] if it is generated at a system or facility that existed and was operational as  
7 of January 1, 2004, even if the facility or system was not capable of generating electricity  
8 on that date.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
10 apply retroactively and shall be applied to and interpreted to affect all renewable portfolio  
11 standard compliance years that begin on or after January 1, 2021.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
13 1, 2021.