



State Renewable Portfolio Standards Hold Steady or Expand in 2013 Session

Introduction

Challenges to the nation’s 30 mandatory and 7 voluntary Renewable Portfolio Standards (RPSs) are not a new trend. However, those efforts appeared to gain momentum following the release of the American Legislative Exchange Council’s (ALEC) “Electricity Freedom Act” late last year.¹ While at least a dozen articles have outlined attempts to modify or roll back RPS legislation in the 2013 session (see Appendix A), none have comprehensively reviewed all proposed legislation. This analysis seeks to add perspective to the RPS discussion by evaluating an expanded list of proposals that would increase, modify or decrease a state RPS. As of mid-June, the Center for the New Energy Economy’s [AEL Tracker](#) database contained 121 unique RPS-related bills from this legislative session alone. As the 2013 session comes to a close², it is time to take stock of how state RPS policies have fared and which types of proposed policy changes were most common. To begin, Figure 1, below, presents a visual representation of state Standards³ as of December 2012.

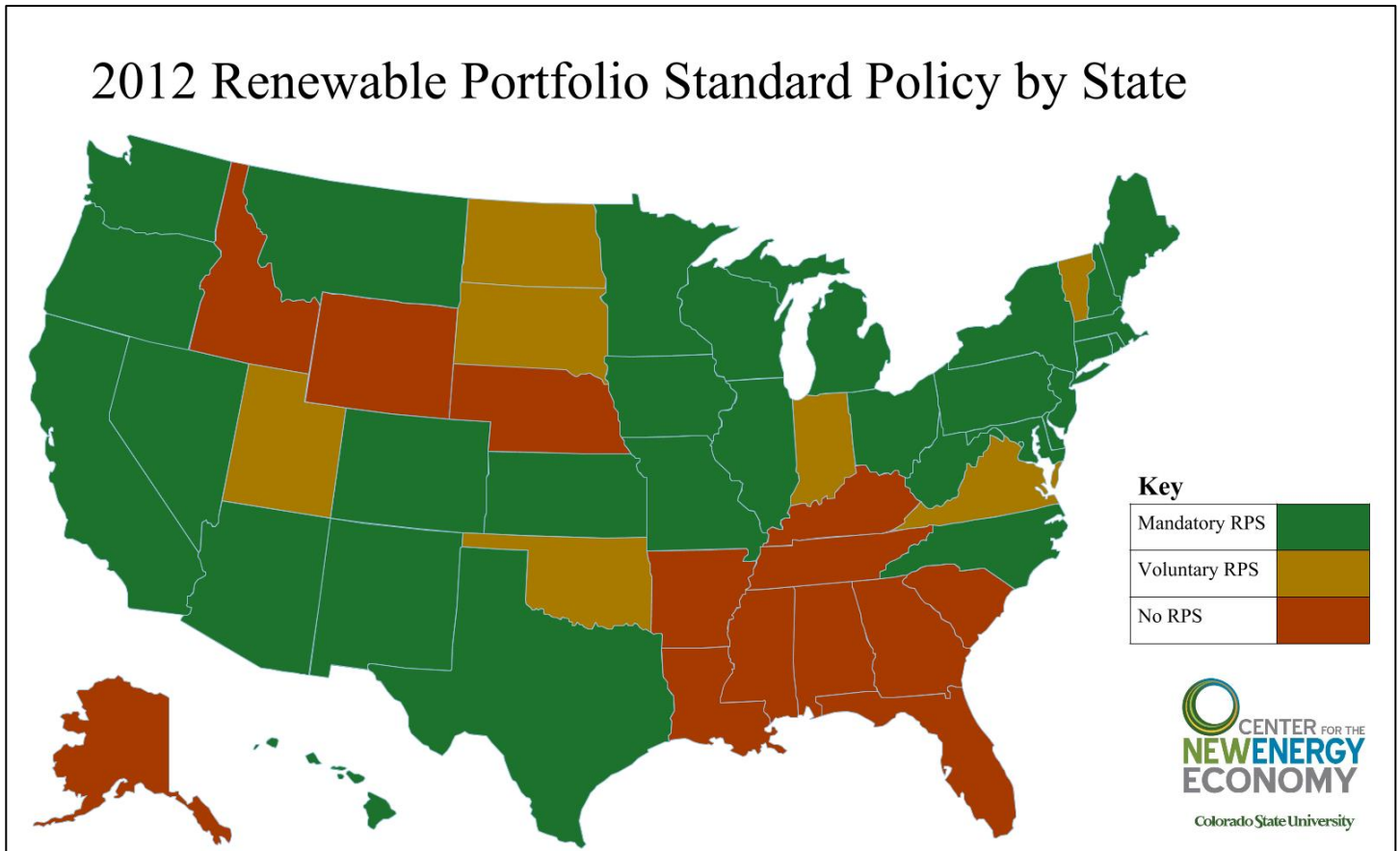


Figure 1: State RPS policies as of December 2012. Source: http://www.dsireusa.org/documents/summarymaps/RPS_map.pdf.

¹ ALEC Electricity Freedom Act. <http://www.alec.org/model-legislation/electricity-freedom-act/>.

² As of June 19th, 37 state sessions have closed, five states are still coming to a close this summer, California’s session runs to September; seven states have year-round sessions.

³ Note: Ohio, West Virginia, Pennsylvania, and Michigan have less stringent Clean Energy Standards (CES) that allow non-renewable sources. See: C2ES. 2013. *Clean Energy Standards: State and Federal Policy Options and Implications*. <http://www.c2es.org/docUploads/Clean-Energy-Standards-State-and-Federal-Policy-Options-and-Implications.pdf>.

Analysis Methods

For purposes of this analysis, we grouped RPS legislation into three categories: Rollbacks, increases and modifications. Rollback legislation includes outright repeals, and proposals extending target deadlines, reducing targets, or otherwise delaying implementation of the standard. Also included in this category are bills that would add non-renewable fuels and large capacity (>30MW) legacy hydroelectric resources to a standard. Legislation to increase an RPS generally would create a larger market by raising renewable generation targets, creating new carve-outs for specific generation sources, or adding new targets for additional utilities.

The most numerous and diverse set of RPS bills fall under the modification category. Generally, these proposals include provisions that strengthen or weaken a standard, but do not go so far as to increase or rollback an RPS. This type of legislation would add new eligible resources, including small hydroelectric (<30MW), or extend the period of eligibility for certain resources. Other proposals require a certain amount of in-state generation, slightly amend the definition of “load,” or modify credit multipliers. This category also includes bills addressing alternative compliance payments (ACPs), administrative penalties, and changes to provisions related to renewable energy credits (RECs) and Solar RECs (SRECs), including reporting requirements and credit ownership. Lastly, this category includes legislation requiring study of the RPS, whether this is intended to be an evaluation of extending eligibility to a resource or, as in the case of Ohio’s [SB 58](#), is a requirement to study the effects of and potential modifications to the policy itself.

It is important to note that ‘companion bills’, identical legislation introduced in both chambers, were grouped together as one distinct proposal. Our criteria for which companion bill to track was based on the version that made it the furthest and the version with the greatest number of co-sponsors. In cases where companion bills were equivalent in these areas, the House/Assembly version was selected.

Key Findings

Proposed legislation, grouped by category, is presented in Figure 2, below. Figure 3, following page, provides a visual representation of the outcome of our classification of the 121 unique pieces of legislation proposed in the 2013 session, by state. Legislation grouped by state is provided in Appendix B. All 121 bills, with summaries and links, and grouped by category, are provided in Appendix C at the end of this paper.

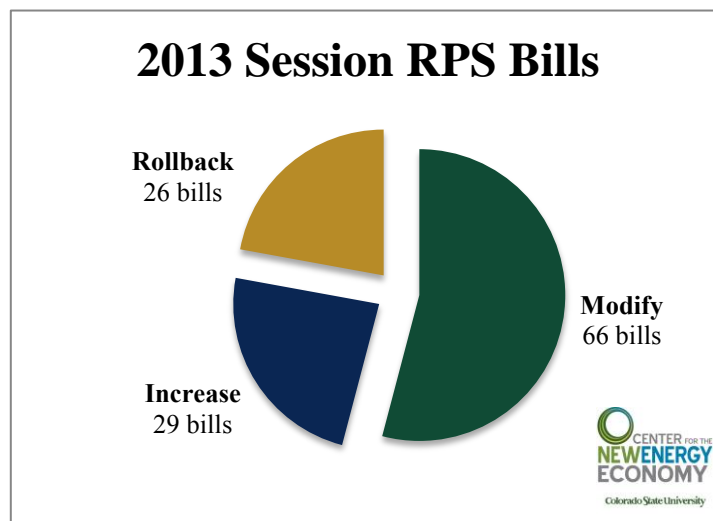


Figure 2: Breakdown of All 121 Proposed RPS bills by Category.

2013 Proposed RPS Legislation

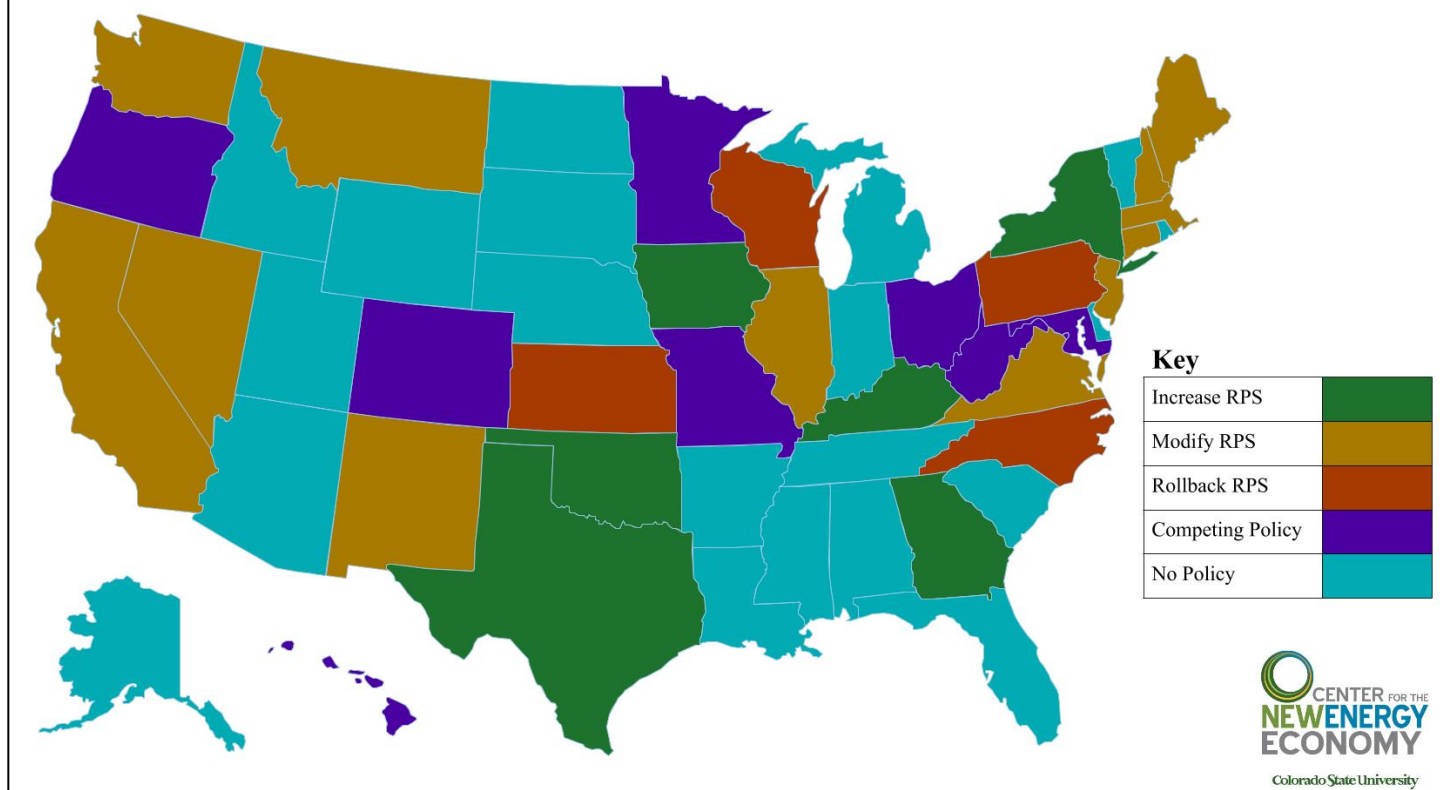


Figure 3: Proposed RPS Legislation by State. Note: States coded “competing policy” have an equal number of bills in two or more categories. States with a category over 50% were color coded under that dominant category. See Table 1 for full listing.

RPS Rollback Bills

Of the proposals that sought to rollback renewable standards, about a third (10 bills) were the types of proposals of the most concern at the start of the 2013 session. Namely, this group includes legislation that extended deadlines, reduced targets or that repealed the standard altogether. While many of these received a great deal of attention, most stalled in committee, though sessions have yet to end in Ohio and North Carolina. Another third of the proposals in this category (9 bills) sought to add large hydroelectric generation or expansions of existing facilities. Maryland’s [SB 974](#) was the only bill in this larger category to attempt a repeal of a carve-out, in this case for solar. Lastly, six proposals sought to expand eligibility to non-renewable fuels. For example, Hawaii’s [HB 1107](#) would have changed the state’s RPS to a Clean Energy Standard (CES), while Wisconsin’s [AB 34](#) would extend eligibility to certain nuclear generation.

RPS Increase Bills

Bills aimed at increasing or strengthening standards only just outnumbered rollbacks (29 bills to 26). Subcategorizing these bills, we found that the majority (18 bills) addressed targets directly. Within this group, two proposals, in Georgia ([HB 503](#)) and Kentucky ([HB 170](#)), would create new standards; Georgia’s would be a voluntary goal. New Jersey’s [AB 3161](#) would create a new renewable fuel standard for home heating oil. Other proposals set expanded targets, for instance, [AB 177](#) in California sets a 51% goal by 2030 and Oklahoma’s [SB 555](#) would increase the state’s voluntary goal to 20% by 2020. The remaining 11 bills in this category addressed distributed generation carve-outs specifically by expanding or setting new requirements, as in Minnesota’s [HF 773](#).

RPS Modification Bills

A total of 66 bills aimed to modify RPS policies. See Figure 4 for a breakdown of legislation by subcategory. Of these, the majority provided eligibility or extended eligibility sunset dates for thermal energy, small hydroelectric generation, and other resources, including waste-to-energy facilities. New Jersey's [SB 293](#) would add fusion to the list of eligible resources. Bills in Virginia and Texas created requirements for locally generated resources. Another large group of proposals would have modified a variety of regulations regarding RECs and SRECs. Many of these bills provided for cost recovery ([IL SB 103](#)), reporting requirements ([MT SB 52](#)), or sale and ownership of credits ([NV SB 326](#)).

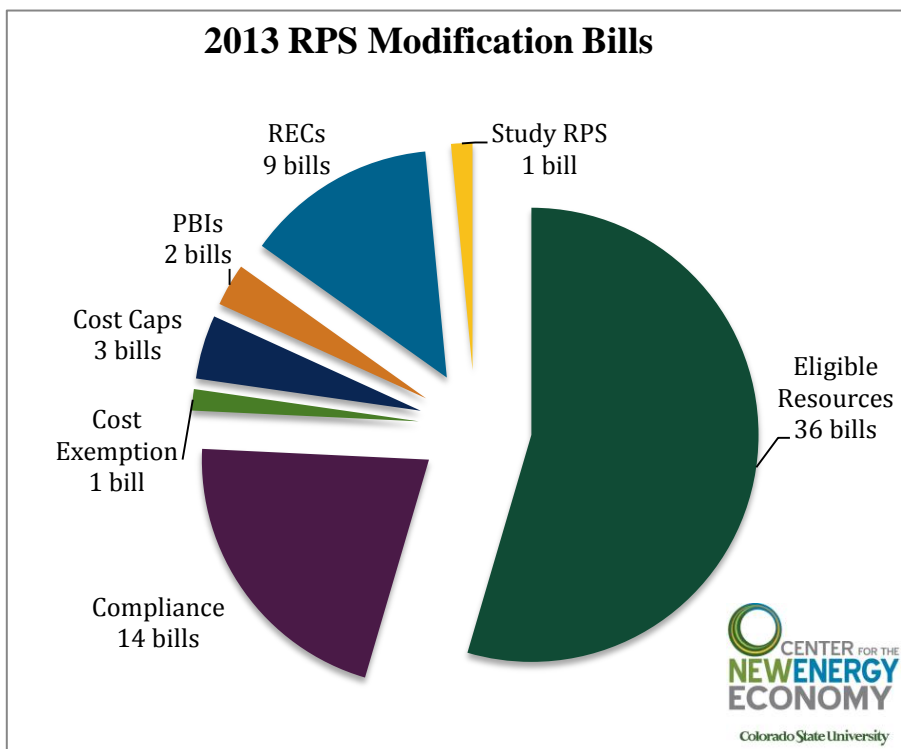


Figure 4: Proposals to Modify a State Standard by Sub-Type.

The compliance subcategory is the second largest, with 14 bills that address a range of compliance-related topics including deadlines, carryover provisions, definitional changes, ACPs, and civil and administrative penalties. For instance, Connecticut's [HB 6532](#) covers a range of provisions, including civil penalties related to RECs while also addressing ACPs, power purchase contracts, and transparency in the REC market. In comparison, Washington's [SB 5432](#) only amends language related to the definition of load. Three cost cap bills were introduced: New Mexico's [HB 266](#) expands the cap to all consumers; Illinois' [HB 103](#) addresses several provisions including cost caps related to the state's Clean Coal Standard; and Washington introduced a cost cap bill that we discuss in detail below.

As the above discussion reflects, RPS policy was on the minds of state legislators in the 2013 session. Despite the concerns that emerged early in the year, enacted legislation does not reflect a successful attempt to repeal RPSs (see Figure 5 below), we discuss enacted proposals in the next section.

State RPS Legislation Enacted as of Mid-June 2013

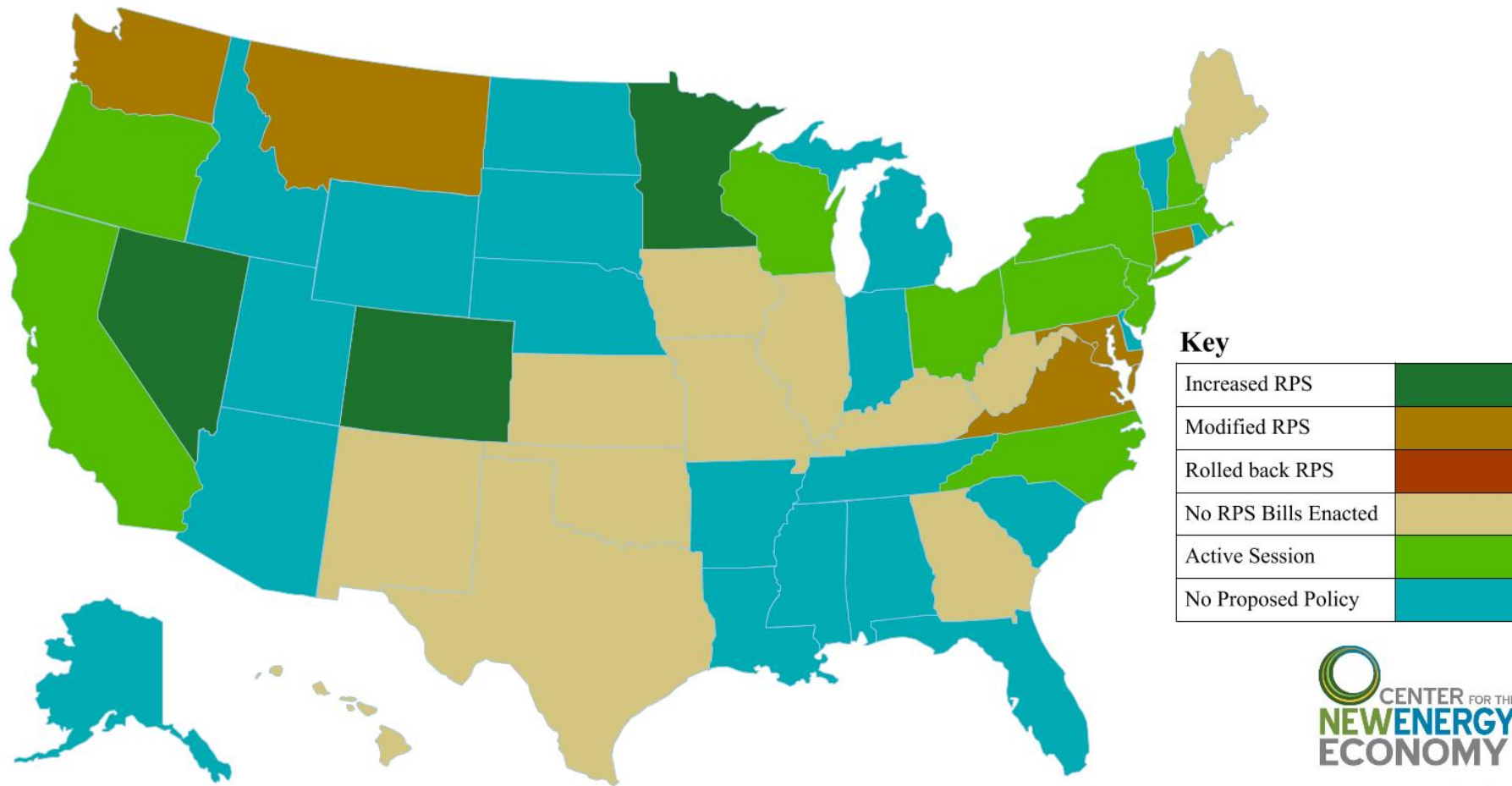


Figure 5: RPS-related Legislation Enacted as of June 17th, 2013. Note: As of June 26th, Minnesota HF 956 has yet to be signed, though observers expect it to be.

Which Bills Actually Passed this Session?

Despite concern about certain rollback efforts (see inset), and given the high volume of legislation this session, an interesting outcome is that only eight states, of the original thirty that proposed legislation, have enacted legislation, all of which acted to either modify or increase an RPS. We discuss those eight states here.

In Colorado, legislators enacted [SB 252](#), which will increase the RPS for cooperatives to 25% by 2020. As amended, the bill also includes an eligibility provision for coal-mine methane and synthetic gas produced by pyrolysis of municipal solid waste, if the Public Utilities Commission determines that these resources are greenhouse-gas neutral.

Connecticut's [SB 1138](#) contains several important provisions. First, the bill increases the size limitation on eligible Class I run-of-the-river resources from five to thirty megawatts. The bill also adds a new sub-class (Class IA) to extend eligibility to large hydroelectric facilities. Finally, language amends the state's standard from 20% by 2020 for Class I resources to 25% by 2025, allowing up to 7.5% of this to be met by Class IA resources.

Maryland enacted three bills. [HB 1084](#) established a Thermal Renewable Energy Credit Task Force to analyze how to modify the RPS in order to incorporate certain thermal energy sources. [HB 1534](#) alters the definition of "solar water heating system" to include certain concentrating solar thermal collectors. [HB 226](#) creates a carve-out (2.5% by 2017) for offshore wind. Some concern emerged over Senator E.J. Pipkin's [SB 976](#), which would have extended Tier I eligibility to coal-fired generation plants that convert to natural gas. It failed.

In Minnesota, despite the introduction of the ALEC-inspired companion bills ([HF 306](#) and [SF 97](#)), which would have repealed the state's standard, the Legislature approved, and Governor Dayton is expected to sign⁴, an omnibus bill ([HF 956](#)) that includes a 1.5% solar carve-out, 10% of this to be met by distributed generation.

In Montana, four RPS-related bills were enacted during the 2013 session. Two of these added eligible resources. [SB 106](#) adds compressed air energy generated from eligible resources, while the more controversial [SB 45](#) adds hydroelectric project expansions. REC reporting requirements ([SB 52](#)) and an exemption to compliance for small utilities, serving 50 or fewer customers, ([SB 164](#)) also became law in 2013.

In the 2013 session, Nevada's legislature passed a bill supportive of Governor Sandoval's goal to make the state the "epicenter of renewable energy."⁵ [SB 252](#) removes provisions allowing energy efficiency measures to count towards compliance, revises the solar multiplier and establishes a 10% cap on carryover credits.

⁴ Plant, Tom. 2013. "State Update: RPS survives in two states, expands in two." *AEE: Advanced Energy Perspectives*. <http://blog.aee.net/AEE/bid/288208/STATE-UPDATE-RPS-Survives-in-Two-States-Expands-in-Two>.

⁵ Doughman, Andrew. 2013. "Bill in Legislature would cut loopholes out of Nevada's renewable energy standards." *Las Vegas Sun*. http://m.lvsn.com/news/2013/may/06/bill-legislature-would-cut-loopholes-out-nevadas-r/?utm_source=newsletter&utm_medium=email&utm_campaign=lvsmorning.

At the close of the 2013 session, Virginia’s lawmakers had enacted three RPS-related bills. [HB 1917](#) expanded the definition of “renewable thermal energy” to extend eligibility to certain solar technologies, while [HB 2180](#) requires that electricity is generated, not simply purchased, within the state in order to qualify for the voluntary goal. Controversy has emerged mainly around legislation that would repeal performance incentives. Signed this year, [HB 2261](#) repeals the increased rate of return for IOUs that meet the state’s goal through certain facilities, though this incentive continues to apply to certain wind and nuclear generation.

Two bills were enacted in Washington. [SB 5400](#) allows utilities serving multiple states to use renewable resources located outside of Washington towards compliance. The controversial [SB 5297](#) allows utilities without load growth to purchase coal transition power while continuing to meet the reduced cost cap for renewable energy investments. The bill has been subject to different interpretations. Some argue that it allows non-renewable fuels to be used for compliance, while others argue that it is a necessary step in supporting the transition to natural gas at the TransAlta Centralia plant.⁶

Where Are They Now? Some of 2013’s more public proposals.

[KS HB 2241](#) (similar: [SB 82](#)): Repeal 20% by 2020 goal; amend to 15% by 2018. *Result:* Died in committee, session closed.

[MO HB 44](#): Extend eligibility to existing hydro. *Result:* Stalled in the Senate, session closed.

[NC HB 298](#) ([SB 365](#)): Originally proposed a full repeal. Amended to freeze requirement at 6% by 2015. *Result:* Appears to have stalled, session ends early July.

[OH SB 34](#): Repeal standard. *Result:* Appears to have stalled.

[TX HB 2026](#): Repeal standard. *Result:* Stalled in committee, regular session closed.

[WV HB 2609](#) (similar: [HB 2564](#)): HB 2609 repeals the state’s RPS while HB 2564 delays implementation. *Result:* Died in committee, session closed.

[WI SB 47](#): Freeze graduated requirements at current levels. *Result:* Appears to be stalled in committee.

⁶ Smith, Erik. 2013. “Windpower purchasing rules spark another fight in Olympia.” *Washington State Wire*. <http://washingtonstatewire.com/blog/windpower-purchasing-rules-sparking-another-fight-in-olympia-green-groups-balk-at-changes/>.

Takeaway Trends in 2013 RPS Legislation

1. The overall net impact of the 2013 legislative session is that the state RPS market is larger, particularly in the three states that increased standards: Nevada (SB 252), Colorado (also SB 252) and Minnesota (HF 956).

Table 1. RPS Enacted Legislation by State

State	Increase	Modify	Rollback	Total
CO	1	0	0	1
CT	0	1	0	1
MD	1	2	0	3
MN	1	0	0	1
MT	0	4	0	4
NV	1	0	0	1
VA	0	3	0	3
WA	0	2	0	2

2. There has been a flurry of state RPS activity this session, with 121 individual proposals introduced, predominantly in states with existing RPS standards. However, only the eight states outlined above have enacted changes so far, and all have been changes we categorized as either an increase or a modification (see Table 1).
3. States where rollback bills were proposed in the end did not, or have yet to, enact such legislation. Traditional RPS rollback targets, such as cost caps, were not as big a focus this session as they once were. Expanding resource eligibility to large-scale legacy hydropower and non-renewable fuel sources appears to be the new trend in attempts to scale back RPS policies.
4. The most common policy type, overall, were expansions in the definition of eligible resources both in the type of resources and duration of eligibility. Of the 66 modification bills, 36 dealt with eligible resources. Interpreting the impact on future resource blends, in states that modified their RPS standards this session, will require further analysis.

Appendix A: Recent articles covering state RPS legislation activity.

1. American Wind Energy Association. 2013. "State legislatures support renewable energy, defending standards against rollback and expanding incentives: RPS laws stand up to challenges across the U.S. this session." AWEA. June 13. <http://www.awea.org/newsroom/pressreleases/State-legislatures-support-renewable-energy-and-defend-standards-against-state-attacks.cfm>.
2. Barnes, Justin and Chelsea Barnes. 2013. "The report of my death was an exaggeration: Renewables portfolio standards live on." *Keyes, Fox & Wiedman LLP*. April 12. www.cleanenergystates.org/assets/2013-Files/RPS/2013RPSLegislationKFWBarnes.pdf.
3. Fried, Rona. 2013. "Renewable energy under attack." *Solar Today*. March. <http://www.ases.org/solar-today-magazine/>.
4. Gallucci, Maria. 2013. "Renewable energy standards target of multi-pronged attack: Forty bills and two major court cases are alive that would repeal RPS targets fully or partially, as public support for renewables grows." *Inside Climate News*. March 19. <http://insideclimatenews.org/print/24712>.
5. Juliano, Nick. 2013. "State renewable energy laws survive repeal attempts – so far." *Greenwire*. June 4. <http://www.midwestenergynews.com/2013/06/04/state-renewable-energy-laws-survive-repeal-attempts-so-far/>.
6. Malewitz, Jim. 2013. "The renewable energy rollback that wasn't." *USA Today*. June 24. <http://www.usatoday.com/story/news/2013/06/24/stateline-renewable-energy/2452093/>.
7. NC Solar Center Energy Policy Program. 2013. "2012-2013 RPS Legislation." *NC Solar Center*. February 13. <http://www.documentcloud.org/documents/623923/rps-bills-from-n-c-solar-centers-energy-policy.pdf>.
8. Plant, Tom. 2013. "State Update: RPS survives in two states, expands in two." *AEE: Advanced Energy Perspectives*. May 22. <http://blog.aee.net/AEE/bid/288208/STATE-UPDATE-RPS-Survives-in-Two-States-Expands-in-Two>.
9. Plumer, Brad. 2013. "The biggest fight over renewable energy is now in the states." *Washington Post*. March 25. <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/03/25/the-biggest-fights-over-renewable-energy-are-now-happening-in-the-states/>.
10. Renewablesenergy.net. 2013. "Many states attempt to repeal renewable energy laws, all fail." *Renewablesenergy.net renews*. June 6. <http://renewablesenergy.net/news-update/many-states-attempt-to-repeal-renewable-energy-laws-all-fail-repeal-renewable-portfolio-standard-rps-laws/>.
11. SustainableBusiness.com. 2012. "Be alerted: ALEC prioritizes renewable energy for next year." *SustainableBusiness.com News*. November 6. <https://www.sustainablebusiness.com/index.cfm/go/news.display/id/24245>.
12. Trabish, Herman K. 2013. "Numbers from the war on state renewables standards: At least 22 states have fights on their hands." March 25. <http://www.greentechmedia.com/articles/read/numbers-from-the-war-on-state-renewables-standards>.
13. Watson, Daniel. 2013. "Renewable portfolio standards face stiff opposition across the country." *Solsystems*. May 2. <http://www.solsystemscompany.com/blog/2013/05/02/renewable-portfolio-standards-face-stiff-opposition-across-the-country/#more-2422>.

Appendix B: Bill Numbers By State and Category

2013 Unique Bills by State and Category				
State	Rollbacks	Increases	Modifications	Total Bills
California	1	1	4	6
Colorado	1	2	1	4
Connecticut	1	0	4	5
Georgia	0	1	0	1
Hawaii	1	1	0	2
Illinois	0	0	2	2
Iowa	0	2	0	2
Kansas	2	0	0	2
Kentucky	0	1	0	1
Maine	0	0	2	2
Maryland	2	1	3	6
Massachusetts	0	1	4	5
Minnesota	2	3	2	7
Missouri	1	0	1	2
Montana	1	0	6	7
Nevada	0	1	2	3
New Hampshire	0	0	1	1
New Jersey	0	4	7	11
New Mexico	0	0	3	3
New York	0	3	1	4
North Carolina	1	0	0	1
Ohio	1	0	1	2
Oklahoma	0	1	0	1
Oregon	2	1	1	4
Pennsylvania	3	1	1	5
Texas	1	3	1	5
Virginia	0	0	6	6
Washington	2	0	12	14
West Virginia	2	2	1	5
Wisconsin	2	0	0	2

Appendix C: All Bills by Category

2013 Proposed Legislation to Rollback a Standard						
State		Bill Number (Companion)	Last Action	Bill Status (Last Action)	Bill Summary	Link
1	California	AB 762	Introduced	Inactive (4/22/2013)	Expands definition of eligible hydropower.	Bill Text
2	Colorado	SB 13-003	Introduced	Closed	Each kWh of energy generated by coalmine methane gas counted as one kWh for RPS.	Bill Text
3	Connecticut	HB 5475	Introduced	Closed	Extends target deadlines.	Bill Text
4	Hawaii	HB 1107	Introduced	Closed	Change RPS to a clean energy standard.	Bill Text
5	Kansas	HB 2241	Passed 1st Chamber Committee	Closed	Removes 20% by 2020 goal, amends 2016 goal to 15% by 2018, allows for other delay.	Bill Text
6	Kansas	SB 82	Passed 1st Chamber Committee	Closed	Removes 20% by 2020 goal, allows for other delay; provisions for cost-benefit analysis.	Bill Text
7	Maryland	SB 974	Introduced	Closed	Repeal solar carve-out.	Bill Text
8	Maryland	SB 976	Introduced	Closed	Qualifies natural gas as Tier I.	Bill Text
9	Minnesota	HF 1640 (SF 1488)	Introduced	Closed	Expands definition of eligible hydropower.	Bill Text
10	Minnesota	HF 306 (SF 97)	Introduced	Closed	Repeals standard.	Bill Text
11	Missouri	HB 44	Passed 1st Chamber	Closed	Extends eligibility to all hydropower.	Bill Text
12	Montana	SB 31	Passed 2nd Chamber	Vetoed	Extends eligibility to hydro.	Bill Text
13	North Carolina	HB 298 (SB 365)	Introduced	Inactive (4/22/2013)	HB 298: Caps requirement at 6% of 2014 retail sales through 2018. SB 365: Caps requirement at 3% of 2011 retail sales through 2023.	Bill Text
14	Ohio	SB 34	Introduced	Inactive (2/12/2013)	Repeals standard, repeals funding.	Bill Text
15	Oregon	HB 2713	Introduced	Inactive (2/11/2013)	Expands definition of eligible hydropower.	Bill Text
16	Oregon	HB 2925 (SB 121)	Introduced	Inactive (2/22/2013)	Removes restrictions on hydroelectricity.	Bill Text
17	Pennsylvania	HB 208	Introduced	Inactive (1/22/2013)	Repeals requirement that percentage share of Tier I sources shall be, at least, quarterly increased.	Bill Text
18	Pennsylvania	HB 1062	Introduced	Inactive (4/02/2013)	Extends Tier II eligibility to natural gas.	Bill Text
19	Pennsylvania	HB 1073	Introduced	Inactive (4/02/2013)	Extends Tier I eligibility to natural gas.	Bill Text
20	Texas	HB 2026	Introduced	Closed	Terminate REC trading program. As introduced, repeal.	Bill Text
21	Washington	SB 5294	Introduced	Active (1st Special Session)	Expands definition of eligible hydropower.	Bill Text
22	Washington	SB 5431	Introduced	Active (1st Special Session)	Expands definition of eligible hydropower.	Bill Text
23	West Virginia	HB 2564	Introduced	Session Closed	Standard shall not be effective so long as coal is imported to the United States.	Bill Text
24	West Virginia	HB 2609	Introduced	Session Closed	Repeal certain sections.	Bill Text
25	Wisconsin	SB 47	Introduced	Inactive (2/28/2013)	Freezes requirements at current levels.	Bill Text
26	Wisconsin	AB 34	Introduced	Inactive (2/18/2013)	Eligibility for certain nuclear, extends useful life RECs.	Bill Text

2013 Proposed Legislation to Increase a Standard

State		Bill Number (Companion)	Last Action	Bill Status (Date of Last Action)	Bill Summary	Link
1	California	AB 177	Introduced	Active (6/06/2013)	51% by 2030.	Bill Text
2	Colorado	SB 13-252	Signed	Enacted	25% by 2020 for cooperatives; covers eligibility of coalmine methane and synthetic gas from pyrolysis of municipal solid waste.	Bill Text
3	Colorado	HB 13-1216	Introduced	Closed	Distributed generation (DG) carve-out for cooperatives: 1% from 2020 on.	Bill Text
4	Georgia	HB 503	Introduced	Closed	Voluntary goal to max out at 12%.	Bill Text
5	Hawaii	HB 757	Introduced	Closed	100% by 2050.	Bill Text
6	Iowa	HF 313	Introduced	Closed	Voluntary solar energy carve-out: 115 MW by 2018, 300 MW five years from start date.	Bill Text
7	Iowa	SF 315	Introduced	Closed	DG carve-out for rate regulated electric utilities and generation and transmission cooperatives: 2% in 5 years.	Bill Text
8	Kentucky	HB 170	Introduced	Closed	12.5% by 2023.	Bill Text
9	Maryland	HB 226 (SB 275)	Signed	Enacted	Offshore wind carve-out: 2.5% by 2017.	Bill Text
10	Massachusetts	H 2932	Introduced	Active (6/10/2013)	10% of every customer's supply from renewables by 2015.	Bill Text
11	Minnesota	HF 773 (SF 680)	Introduced	Closed	Solar carve out to 10% by 2030.	Bill Text
12	Minnesota	HF 880 (SF 763)	Introduced	Closed	40% by 2030.	Bill Text
13	Minnesota	HF 956 (SF 901)	Passed 2nd Chamber	Closed	Creates 1.5% solar carve-out, 10% to be met by DG.	Bill Text
14	Nevada	SB 252	Signed	Enacted	Energy efficiency measures do not count for compliance, 10% cap on carry over credits.	Bill Text
15	New Jersey	A 3161 (S 2268)	Introduced	Inactive (6/25/2012)	Requiring minimum percentages of biodiesel in heating oil.	Bill Text
16	New Jersey	A 1383 (S 2700 , S 2676)	Passed 1st Chamber	Active (5/20/2013)	Eligibility provisions, authorizes Board of Public Utilities to adopt energy efficiency portfolio standards.	Bill Text
17	New Jersey	S 2651 (A 1384)	Passed 1st Chamber Committee	Active (6/13/2013)	Establishes an alternative energy program: up to 5%, does not affect other targets.	Bill Text
18	New Jersey	A 2812 (S 1936)	Introduced	Inactive (5/10/2012)	30% from Class I by 2020.	Bill Text
19	New York	A 2428	Introduced	Inactive (1/15/2013)	Clean energy standard for all retail providers, up to 6%, increasing 1% annually thereafter.	Bill Text
20	New York	A 1273	Introduced	Inactive (1/09/2013)	DG carve-out: targets vary by utility type.	Bill Text
21	New York	A 1938	Introduced	Inactive (1/09/2013)	Clean energy standard for all retail providers, up to 6%, increasing 1% annually after. Requires levels of investment in 2018 equivalent to 2002.	Bill Text
22	Oklahoma	SB 555 (HB 2268)	Introduced	Closed	20% by 2020.	Bill Text
23	Oregon	HB 2812	Introduced	Inactive (2/15/2013)	DG carve-out: 500 MW by 2020.	Bill Text
24	Pennsylvania	HB 100	Introduced	Inactive (2/25/2013)	Solar carve out to 1.5% by 2023, reduces ACP per SREC, standard to 15% by 2023.	Bill Text
25	Texas	HB 3583	Introduced	Closed	10,880 MW by 2022.	Bill Text
26	Texas	HB 303	Introduced	Closed	35% by 2020, 2% solar carve out.	Bill Text
27	Texas	HB 723	Introduced	Closed	1,500 MW of tier II resources by 2022.	Bill Text
28	West Virginia	HB 2141	Introduced	Closed	Mandatory renewables: 15% by 2025.	Bill Text
29	West Virginia	HB 3080	Introduced	Closed	DG solar carve-out: 25% by 2025.	Bill Text

2013 Proposed Legislation to Modify a Standard

State		Bill Number (Companion)	Last Action	Bill Status (Date of Last Action)	Bill Summary	Link
1	California	SB 548	Introduced	Inactive (3/19/2013)	Allows small utilities to include renewable energy sources installed before 2010.	Bill Text
2	California	SB 715	Introduced	Inactive (4/30/2013)	Expands eligibility of municipal solid waste-to-energy facilities.	Bill Text
3	California	SB 767	Passed 1st Chamber	Active (5/30/2013)	Extends period of eligibility for biomethane delivered through a common carrier pipeline.	Bill Text
4	California	AB 793 (SB 591)	Passed 1st Chamber	Active (6/06/2013)	Amends procurement requirements certain local publicly owned utilities.	Bill Text
5	Colorado	SB 13-063	Introduced	Closed	Expands definition of "recycled energy" to include energy that is produced using synthetic gas derived from waste materials through pyrolysis.	Bill Text
6	Connecticut	SB 1138	Signed	Enacted	Expands eligibility of hydropower, amends target: 25% by 2025, up to 7.5% from Class IA.	Bill Text
7	Connecticut	HB 6086	Introduced	Closed	Include all hydropower defined as a Class II renewable energy source as Class I.	Bill Text
8	Connecticut	HB 6531	Introduced	Closed	Add waste-to-energy facilities to eligible class II resources.	Bill Text
9	Connecticut	HB 6532	Introduced	Closed	Relates to eligibility for Class I and Class II renewable energy sources and Class III sources, multiple provisions related to RECs.	Bill Text
10	Illinois	HB 103	Introduced	Closed	Amends cost cap and other language related to the Clean Coal Standard.	Bill Text
11	Illinois	SB 103 (HB 2864)	Introduced	Closed	New REC funding and procurement guidelines, includes cost recovery.	Bill Text
12	Maine	SP 237	Introduced	Closed	Removes the 100 MW capacity limit for purposes of meeting the State's requirement.	Bill Text
13	Maine	SP 565	Introduced	Closed	Provides that renewable energy credits may be based on renewable energy thermal sources.	Bill Text
14	Maryland	HB 1084 (SB 797)	Signed	Enacted	Establishes the Maryland Thermal Renewable Energy Credit Task Force.	Bill Text
15	Maryland	HB 1534 (SB 1064)	Signed	Enacted	Altering the definition of "solar water heating system" to include concentrating solar thermal collectors.	Bill Text
16	Maryland	SB 684 (HB 1102)	Passed 1st Chamber	Closed	Limiting eligibility of qualifying biomass as a Tier 1 resource.	Bill Text
17	Massachusetts	H 2954	Introduced	Active (6/10/2013)	Increasing size of eligible hydroelectric facilities from 5 MW to 7.5 MW.	Bill Text
18	Massachusetts	H 2915	Introduced	Active (6/10/2013)	Securing cost recovery for portfolio compliance.	Bill Text
19	Massachusetts	S 1583	Introduced	Active (6/10/2013)	Extending eligible hydropower facilities, up to 30 MW.	Bill Text
20	Massachusetts	S 1593	Introduced	Active (6/10/2013)	Extending eligibility to thermal energy.	Bill Text
21	Minnesota	HF 190 (SF 203)	Introduced	Closed	Adding a standard of evaluation to be used regarding requests for delay in implementation.	Bill Text
22	Minnesota	HF 1079 (SF 1349)	Introduced	Closed	Extending eligibility to geothermal heating and cooling systems.	Bill Text
23	Missouri	SB 400	Introduced	Closed	Repeal expiration of solar carve out requirement, maintain financing for customer generated solar.	Bill Text
24	Montana	SB 45	Signed	Enacted	Extends eligibility to hydro expansions.	Bill Text
25	Montana	SB 52	Signed	Enacted	REC reporting requirements.	Bill Text
26	Montana	SB 106	Signed	Enacted	Extends eligibility to certain compressed air.	Bill Text

27	Montana	SB 125	Passed 2nd Chamber	Vetoed	Provides administrative penalties for failure to comply.	Bill Text
28	Montana	SB 164	Signed	Enacted	Exempts small utilities that serve 50 or fewer customers.	Bill Text
29	Montana	SB 26	Passed 2nd Chamber Committee	Closed	Provides an additional month to the deadline for compliance.	Bill Text
30	Nevada	SB 339	Introduced	Closed	20% cap on excess generation that can be carried forward. Cap reduced to 10% in 2016.	Bill Text
31	Nevada	SB 326	Introduced	Closed	Allows sale of excess RECs.	Bill Text
32	New Hampshire	SB 148 (similar: HB 542)	Passed 1st Chamber Committee	Active (6/05/2013)	Increases ACPs, all classes; amends thermal energy requirements to .1% from .2% annually.	Bill Text
33	New Jersey	A 192	Introduced	Inactive (1/10/2012)	One SREC for every 850 kWh if the equipment used to produce the solar energy is manufactured in New Jersey.	Bill Text
34	New Jersey	A 1088	Introduced	Inactive (1/10/2012)	Board of Public Utilities to require non-utility load serving entities SREC contracts by are long-term (15+ yrs.).	Bill Text
35	New Jersey	A 1213 (S 828)	Introduced	Inactive (1/10/2012)	Add geothermal heat pumps to Class I.	Bill Text
36	New Jersey	A 3108	Introduced	Inactive (6/18/2012)	Repeal offshore wind REC program.	Bill Text
37	New Jersey	S 825	Introduced	Inactive (1/10/2012)	Add geothermal heat pumps and energy efficiency technologies to Class I, provisions for conservation RECs.	Bill Text
38	New Jersey	S 529 (A 222)	Introduced	Inactive (1/10/2012)	Expands SREC eligible technologies.	Bill Text
39	New Jersey	S 293	Introduced	Inactive (1/10/2012)	Add aneutronic fusion to Class I.	Bill Text
40	New Mexico	HB 266	Introduced	Closed	Expands applicability of cost cap.	Bill Text
41	New Mexico	SB 204	Passed 1st Chamber	Closed	Eligibility for thermal energy, biomass, and landfill gas.	Bill Text
42	New Mexico	SB 321	Passed 2nd Chamber	Vetoed	Exempt certain educational institutions from charges by a utility for renewable energy procurements.	Bill Text
43	New York	A 6398	Introduced	Inactive (3/26/2013)	Corporations & authorities to surrender all RECs to customer-generators.	Bill Text
44	Ohio	SB 58	Introduced	Inactive (2/27/2013)	General Assembly to review and consider modifying energy efficiency, peak demand reduction, and alternative energy provisions.	Bill Text
45	Oregon	HB 2108	Introduced	Inactive (1/22/2013)	Small electric utilities can exclude certain sales to single large consumer from calculation of total sales.	Bill Text
46	Pennsylvania	HB 1151	Introduced	Inactive (4/09/2013)	Add waste-to-energy facilities to Tier I.	Bill Text
47	Texas	SB 1478	Passed 1st Chamber Committee	Closed	Require a percentage of renewable energy procurement in the El Paso area to be produced in state.	Bill Text
48	Virginia	HB 1917	Signed	Enacted	Extends eligibility to thermal energy.	Bill Text
49	Virginia	HB 1987	Introduced	Closed	Remove performance incentives.	Bill Text
50	Virginia	HB 2180 (SB 1259)	Signed	Enacted	Requires renewable energy is generated in Virginia to qualify.	Bill Text
51	Virginia	HB 2090 (SB 852)	Introduced	Closed	Defines "generation facility" to exclude a facility located outside of the state.	Bill Text
52	Virginia	HB 2261 (SB 1339)	Signed	Enacted	Eliminates provision allowing IOUs a 50 basis point increase in rate of return for meeting goals.	Bill Text
53	Virginia	SB 1269 (HB 1946)	Passed 1st Chamber	Closed	Excludes facilities located outside of the state, and requires procurement of certain resources.	Bill Text
54	Washington	HB 1289	Introduced	Active (1st Special Session)	Multiplier and eligibility for energy storage systems.	Bill Text

Table continued next page.

55	Washington	HB 1699 (SB 5448)	Introduced	Active (1st Special Session)	Narrows the requirement that utilities purchase electricity, RECs, or facilities not needed to serve customers' loads.	Bill Text
56	Washington	HB 1950 (HB 1415 , SB 5290)	Passed 2nd Chamber Committee	Active (1st Special Session)	Eligibility for generation of electricity from an irrigation district.	Bill Text
57	Washington	SB 5432	Introduced	Active (1st Special Session)	Excludes retail hydroelectric sales from the definition of load.	Bill Text
58	Washington	SB 5438	Passed 2nd Chamber Committee	Active (1st Special Session)	Allows rollover of 50% of excess savings to meet a subsequent target.	Bill Text
59	Washington	SB 5400 (HB 1426)	Signed	Enacted	Allow utilities to use eligible resources located within the WECC area.	Bill Text
60	Washington	SB 5297 (HB 1222)	Signed	Enacted	Allows utilities without load growth to purchase coal transition power and meet the reduced cost cap.	Bill Text
61	Washington	SB 5298 (HB 1221)	Passed 1st Chamber Committee	Active (1st Special Session)	Amends definition of load to exclude coal transition power.	Bill Text
62	Washington	HB 1347 (SB 5412)	Introduced	Active (1st Special Session)	Extends eligibility to efficiency improvements at Bonneville hydroelectric facilities.	Bill Text
63	Washington	SB 5648	Passed 1st Chamber Committee	Active (1st Special Session)	Allows utilities to rollover excess conservation credits to comply with a subsequent biennial target.	Bill Text
64	Washington	SB 5769	Introduced	Active (1st Special Session)	Eligibility for hydroelectric generation under 30 MW.	Bill Text
65	Washington	HB 1977 (SB 5807)	Introduced	Active (1st Special Session)	Multiplier for distributed solar.	Bill Text
66	West Virginia	HB 2316	Introduced	Closed	Extends period of eligibility for natural gas.	Bill Text