

HOUSE BILL 213

C5, M5

5lr1020

(PRE-FILED)

By: **Delegate Mangione**

Requested: October 1, 2024

Introduced and read first time: January 8, 2025

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Natural Gas Energy Generation – Authorization and**
3 **Limitation**

4 FOR the purpose of authorizing the construction, permitting, and operation of energy
5 generating systems that produce energy from natural gas until the State meets
6 certain energy goals; establishing certain requirements for energy generating
7 systems that produce energy from natural gas; requiring the Department of the
8 Environment to approve or deny an application for the construction of a new energy
9 generating system that produces energy from natural gas; prohibiting the
10 construction, permitting, or operation of an energy generating system that produces
11 energy from natural gas after a certain goal is met; requiring certain energy
12 generating systems to be decommissioned or transition to a system that produces
13 energy solely from renewable energy resources within a certain time frame; and
14 generally relating to the State's renewable energy goals and energy generating
15 systems that produce natural gas.

16 BY adding to
17 Article – Public Utilities
18 Section 7–218
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2024 Supplement)

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

23 **Article – Public Utilities**

24 **7–218.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) THE GENERAL ASSEMBLY FINDS THAT:**

2 **(1) THE STATE IS COMMITTED TO ACHIEVING THE GOAL OF MEETING**
3 **100% OF ITS ENERGY NEEDS THROUGH RENEWABLE ENERGY RESOURCES AND**
4 **SOURCES WITH NET-ZERO EMISSIONS;**

5 **(2) THE CURRENT ENERGY GENERATION INFRASTRUCTURE MAY**
6 **FACE CHALLENGES IN THE SHORT TERM IN MEETING THE STATE'S GROWING**
7 **ENERGY NEEDS SOLELY FROM RENEWABLE ENERGY RESOURCES;**

8 **(3) TO ENSURE ENERGY RELIABILITY AND SECURITY, IT IS**
9 **NECESSARY TO TEMPORARILY ALLOW THE CONSTRUCTION OF ENERGY**
10 **GENERATING SYSTEMS THAT PRODUCE ENERGY FROM NATURAL GAS WHILE**
11 **ENERGY CAPACITY FROM RENEWABLE ENERGY RESOURCES CONTINUES TO GROW;**
12 **AND**

13 **(4) NATURAL GAS PROVIDES A MORE RELIABLE AND LOWER-CARBON**
14 **ALTERNATIVE COMPARED TO COAL AND OIL, OFFERING A TRANSITIONAL SOLUTION**
15 **AS THE STATE WORKS TO ACHIEVE ITS LONG-TERM CLIMATE AND ENERGY GOALS.**

16 **(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND SUBJECT TO**
17 **SUBSECTIONS (C), (D), (E), AND (F) OF THIS SECTION, ENERGY GENERATING**
18 **SYSTEMS THAT PRODUCE ENERGY FROM NATURAL GAS MAY BE CONSTRUCTED,**
19 **PERMITTED, AND OPERATED UNTIL THE STATE REACHES THE GOAL OF MEETING**
20 **100% OF ITS ENERGY NEEDS FROM RENEWABLE ENERGY RESOURCES, INCLUDING**
21 **NUCLEAR ENERGY.**

22 **(C) A PERSON CONSTRUCTING AN ENERGY GENERATING SYSTEM UNDER**
23 **THIS SECTION SHALL COMPLY WITH THE PROVISIONS OF THIS SUBTITLE RELATING**
24 **TO REQUIREMENTS TO OBTAIN:**

25 **(1) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; OR**

26 **(2) COMMISSION APPROVAL FOR THE CONSTRUCTION OF THE**
27 **GENERATING SYSTEM.**

28 **(D) (1) (I) IN ADDITION TO ANY APPROVAL NECESSARY TO COMPLY**
29 **WITH SUBSECTION (C) OF THIS SECTION, A PERSON SHALL OBTAIN APPROVAL FROM**
30 **THE DEPARTMENT OF THE ENVIRONMENT BEFORE CONSTRUCTING AN ENERGY**
31 **GENERATING SYSTEM THAT PRODUCES ENERGY FROM NATURAL GAS.**

32 **(II) WHEN A PERSON APPLIES FOR APPROVAL UNDER**
33 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE PERSON SHALL PROVIDE TO THE**

1 DEPARTMENT OF THE ENVIRONMENT A TRANSITION PLAN OUTLINING HOW THE
2 SYSTEM WILL BE DECOMMISSIONED OR TRANSITIONED TO PRODUCE ENERGY
3 SOLELY FROM RENEWABLE ENERGY RESOURCES WHEN THE STATE REACHES THE
4 GOAL OF MEETING 100% OF ITS ENERGY NEEDS FROM RENEWABLE ENERGY
5 RESOURCES.

6 (2) (I) THE DEPARTMENT OF THE ENVIRONMENT SHALL REVIEW
7 AND APPROVE OR DENY AN APPLICATION FOR THE CONSTRUCTION OF A NEW
8 ENERGY GENERATING SYSTEM THAT PRODUCES ENERGY FROM NATURAL GAS.

9 (II) IN APPROVING OR DENYING AN APPLICATION SUBMITTED
10 UNDER THIS SUBSECTION, THE DEPARTMENT OF THE ENVIRONMENT SHALL
11 CONSIDER:

- 12 1. THE ENVIRONMENTAL IMPACT OF THE SYSTEM; AND
- 13 2. WHETHER THE SYSTEM IS NECESSARY TO MEET THE
14 STATE'S ENERGY NEEDS.

15 (E) AN ENERGY GENERATING SYSTEM THAT PRODUCES ENERGY FROM
16 NATURAL GAS SHALL USE THE BEST AVAILABLE EMISSIONS CONTROL
17 TECHNOLOGIES TO MINIMIZE GREENHOUSE GAS EMISSIONS.

18 (F) (1) AN ENERGY GENERATING SYSTEM THAT PRODUCES ENERGY
19 FROM NATURAL GAS MAY NOT BE CONSTRUCTED, PERMITTED, OR OPERATED AFTER
20 THE STATE REACHES THE GOAL OF MEETING 100% OF ITS ENERGY NEEDS FROM
21 RENEWABLE ENERGY RESOURCES.

22 (2) WITHIN 10 YEARS AFTER THE STATE REACHES THE GOAL OF
23 MEETING 100% OF ITS ENERGY NEEDS FROM RENEWABLE ENERGY RESOURCES,
24 EACH ENERGY GENERATING SYSTEM THAT PRODUCES ENERGY FROM NATURAL GAS
25 SHALL BE:

26 (I) DECOMMISSIONED; OR

27 (II) TRANSITIONED TO A SYSTEM THAT PRODUCES ENERGY
28 SOLELY FROM RENEWABLE ENERGY RESOURCES.

29 (G) ON OR BEFORE DECEMBER 31 EACH YEAR, THE COMMISSION, IN
30 CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT, SHALL SUBMIT AN
31 ANNUAL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF
32 THE STATE GOVERNMENT ARTICLE:

1 **(1) ON THE PROGRESS MADE TOWARD MEETING THE STATE'S**
2 **RENEWABLE ENERGY GOALS;**

3 **(2) ON THE ROLE OF ENERGY GENERATED FROM NATURAL GAS IN THE**
4 **STATE'S ENERGY PORTFOLIO; AND**

5 **(3) THAT INCLUDES UPDATED PROJECTIONS ON WHEN THE STATE**
6 **WILL REACH ITS GOAL OF MEETING 100% OF ITS ENERGY NEEDS THROUGH**
7 **RENEWABLE ENERGY RESOURCES.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
9 Assembly that, to the extent that the provisions of this Act are inconsistent with any other
10 provision of law, the provisions of this Act will prevail.

11 SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
12 the application of any provision of this Act to any person or circumstance is held invalid for
13 any reason in a court of competent jurisdiction, the invalidity does not affect other
14 provisions or any other application of this Act that can be given effect without the invalid
15 provision or application, and for this purpose the provisions of this Act are declared
16 severable.

17 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June
18 1, 2025.