

HOUSE BILL No. 5990

March 24, 2010, Introduced by Reps. Agema, Rick Jones, Crawford, Haveman, Green, Denby, Booher, Meekhof, Marleau, Walsh, DeShazor, Bolger, Paul Scott, Young, Pearce, Lori, Horn and Stamas and referred to the Committee on Energy and Technology.

A bill to amend 2008 PA 295, entitled
"Clean, renewable, and efficient energy act,"
by amending section 11 (MCL 460.1011).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. As used in this act:

2 (a) "Renewable energy" means electricity generated using a
3 renewable energy system.

4 (b) "Renewable energy capacity portfolio" means the number of
5 megawatts calculated under section 27(2) for a particular year.

6 (c) "Renewable energy contract" means a contract to acquire
7 renewable energy and the associated renewable energy credits from 1
8 or more renewable energy systems.

9 (d) "Renewable energy credit" means a credit granted pursuant

1 to section 41 that represents generated renewable energy.

2 (e) "Renewable energy credit portfolio" means the sum of the
3 renewable energy credits achieved by a provider for a particular
4 year.

5 (f) "Renewable energy credit standard" means a minimum
6 renewable energy portfolio required under section 27.

7 (g) "Renewable energy generator" means a person that, together
8 with its affiliates, has constructed or has owned and operated 1 or
9 more renewable energy systems with combined gross generating
10 capacity of at least 10 megawatts.

11 (h) "Renewable energy plan" or "plan", means a plan approved
12 under section 21 or 23 or found to comply with this act under
13 section 25, with any amendments adopted under this act.

14 (i) "Renewable energy resource", **SUBJECT TO SUBDIVISION (J)**,
15 means a resource that naturally replenishes over a human, not a
16 geological, time frame; ~~and that is ultimately derived from solar~~
17 ~~power, water power, or wind power. Renewable energy resource does~~
18 ~~not include petroleum, nuclear, natural gas, or coal. A renewable~~
19 ~~energy resource comes from the sun, WATER, WIND, or from THE~~
20 ~~thermal inertia of the earth; and THAT minimizes the output of~~
21 ~~toxic material in the conversion of the energy. and RENEWABLE~~
22 **ENERGY RESOURCE** includes, but is not limited to, all of the
23 following:

24 (i) Biomass.

25 (ii) Solar and solar thermal energy.

26 (iii) Wind energy.

27 (iv) Kinetic energy of moving water, including all of the

1 following:

2 (A) Waves, tides, or currents.

3 (B) Water released through a dam.

4 (v) Geothermal energy.

5 (vi) Municipal solid waste, **INCLUDING SHINGLES, WHETHER OR NOT**
6 **COMMINGLED WITH OTHER WASTE.**

7 (vii) Landfill gas produced by municipal solid waste.

8 (J) **"RENEWABLE ENERGY RESOURCE" DOES NOT INCLUDE PETROLEUM,**
9 **NATURAL GAS, COAL, OR NUCLEAR.**

10 (K) ~~(j)~~ "Renewable energy standard" means the minimum
11 renewable energy capacity portfolio, if applicable, and the
12 renewable energy credit portfolio required to be achieved under
13 section 27.

14 (I) ~~(k)~~ "Renewable energy system" means a facility, electricity
15 generation system, or set of electricity generation systems that
16 use 1 or more renewable energy resources to generate electricity.
17 Renewable energy system does not include any of the following:

18 (i) A hydroelectric pumped storage facility.

19 (ii) A hydroelectric facility that uses a dam constructed after
20 ~~the effective date of this act~~ **OCTOBER 6, 2008** unless the dam is a
21 repair or replacement of a dam in existence on ~~the effective date~~
22 ~~of this act~~ **OCTOBER 6, 2008** or an upgrade of a dam in existence on
23 ~~the effective date of this act~~ **OCTOBER 6, 2008** that increases its
24 energy efficiency.

25 (iii) An incinerator unless the incinerator is a municipal solid
26 waste incinerator as defined in section 11504 of the natural
27 resources and environmental protection act, 1994 PA 451, MCL

1 324.11504, that was brought into service before ~~the effective date~~
2 ~~of this act~~ **OCTOBER 6, 2008**, including any of the following:

3 (A) Any upgrade of such an incinerator that increases energy
4 efficiency.

5 (B) Any expansion of such an incinerator before ~~the effective~~
6 ~~date of this act~~ **OCTOBER 6, 2008**.

7 (C) Any expansion of such an incinerator on or after ~~the~~
8 ~~effective date of this act~~ **OCTOBER 6, 2008** to an approximate design
9 rated capacity of not more than 950 tons per day pursuant to the
10 terms of a final request for proposals issued on or before October
11 1, 1986.

12 (l) "Revenue recovery mechanism" means the mechanism for
13 recovery of incremental costs of compliance established under
14 section 21 **FOR A PROVIDER WHOSE RATES ARE REGULATED BY THE**
15 **COMMISSION**.