

119TH CONGRESS
2D SESSION

S. _____

To prohibit States and local governments from prohibiting or limiting the connection, reconnection, modification, installation, transportation, distribution, or expansion of a renewable energy service based on the type or source of energy to be delivered, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To prohibit States and local governments from prohibiting or limiting the connection, reconnection, modification, installation, transportation, distribution, or expansion of a renewable energy service based on the type or source of energy to be delivered, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Renewable Energy
5 Choice Act”.

6 **SEC. 2. DEFINITION OF RENEWABLE ENERGY.**

7 In this Act, the term “renewable energy” includes—

- 1 (1) wind;
- 2 (2) solar;
- 3 (3) energy storage; and
- 4 (4) geothermal.

5 **SEC. 3. LIMITATION ON REGULATION OF RENEWABLE EN-**
6 **ERGY CHOICE.**

7 A State or local government, including any instru-
8 mentality or regulatory agency of a State or local govern-
9 ment, may not adopt, implement, or enforce a law, regula-
10 tion, ordinance, building code, standard, or policy that
11 prohibits or limits, or has the effect of directly or indi-
12 rectly prohibiting or limiting, the connection, reconnection,
13 modification, installation, transportation, distribution, or
14 expansion of, or access to, an energy service based on the
15 type or source of renewable energy sold in interstate com-
16 merce to be delivered to an end-user of that energy service,
17 including by—

- 18 (1) permanently banning renewable energy
19 projects;
- 20 (2) executing a moratorium on renewable en-
21 ergy projects for a period greater than 6 months, in-
22 cluding any extensions;
- 23 (3) limiting project height to less than 525 feet;
- 24 (4) creating a setback requirement greater than
25 1,000 feet;

- 1 (5) setting a sound limit below 50 decibels;
- 2 (6) refusing to enter into a road use agreement;
- 3 or
- 4 (7) charging a permitting fee the cost of which
- 5 deviates from the average fee imposed on other en-
- 6 ergy projects of similar capacity.