

SENATE BILL NO. 334—SENATORS SPEARMAN, KRASNER,
HAMMOND, PAZINA, STONE; AND HANSEN

MARCH 20, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to renewable energy.
(BDR 58-30)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to energy; revising the definition of “renewable energy” to include clean hydrogen for the purposes of provisions governing the portfolio standard; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Public Utilities Commission of Nevada to establish a
2 portfolio standard for each provider of electric service in this State. The portfolio
3 standard must require each provider to generate, acquire or save from renewable
4 energy systems or energy efficiency measures a certain percentage of the total
5 amount of electricity sold by the provider to its retail customers in this State during
6 a calendar year. (NRS 704.7821) **Section 1** of this bill revises the definition of
7 “renewable energy” for the purposes of the portfolio standard to provide that the
8 term includes hydrogen produced in a manner that generates an environmental
9 impact equivalent to that of not more than 2 kilograms of carbon dioxide for each
10 kilogram of hydrogen produced, commonly known as “clean hydrogen.” **Section 2**
11 of this bill makes a conforming change so that the amendatory provisions of **section**
12 **1** do not impact the definition of “renewable energy” for the purposes of certain
13 provisions governing renewable natural gas activities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 704.7811 is hereby amended to read as
2 follows:
3 704.7811 1. “Renewable energy” means:
4 (a) Biomass;



- 1 (b) *Clean hydrogen*;
- 2 (c) Geothermal energy;
- 3 ~~[(e)]~~ (d) Solar energy;
- 4 ~~[(d)]~~ (e) Waterpower; and
- 5 ~~[(e)]~~ (f) Wind.

6 2. The term does not include coal, natural gas, oil, propane or
7 any other fossil fuel, or nuclear energy.

8 3. As used in this section ~~[(, “waterpower”)]~~:

9 (a) *“Clean hydrogen” means hydrogen produced in a manner*
10 *that generates an environmental impact equivalent to that of not*
11 *more than 2 kilograms of carbon dioxide for each kilogram of*
12 *hydrogen produced.*

13 (b) *“Waterpower” means power derived from standing, running*
14 *or falling water which is used for any plant, facility, equipment or*
15 *system to generate electricity. Except as otherwise provided in this*
16 ~~[(subsection,)]~~ *paragraph, the term includes, without limitation,*
17 *power derived from water that has been pumped from a lower to a*
18 *higher elevation if the generating capacity of the plant, facility,*
19 *equipment or system for which the water is used is not more than 30*
20 *megawatts, and the plant, facility, equipment or system was in*
21 *existence and used to derive power from pumped water before*
22 *January 1, 2019. The term does not include power:*

23 ~~[(a)]~~ (1) That requires a new or increased appropriation or
24 diversion of water for its creation;

25 ~~[(b)]~~ (2) That requires the use of any fossil fuel for its creation,
26 unless the primary purpose of the use of the fossil fuel is not the
27 creation of the power; or

28 ~~[(e)]~~ (3) That was produced before April 22, 2019, from a
29 renewable energy system with a generating capacity of more than 30
30 megawatts placed into operation before July 1, 1997.

31 **Sec. 2.** NRS 704.9994 is hereby amended to read as follows:

32 704.9994 1. “Renewable energy” ~~[(has the meaning ascribed~~
33 ~~to it in NRS 704.7811.)]~~ *means:*

- 34 (a) *Biomass*;
- 35 (b) *Geothermal energy*;
- 36 (c) *Solar energy*;
- 37 (d) *Waterpower*; and
- 38 (e) *Wind*.

39 2. *The term does not include coal, natural gas, oil, propane*
40 *or any other fossil fuel, or nuclear energy.*

41 3. *As used in this section, “waterpower” means power derived*
42 *from standing, running or falling water which is used for any*
43 *plant, facility, equipment or system to generate electricity. Except*
44 *as otherwise provided in this subsection, the term includes,*
45 *without limitation, power derived from water that has been*



1 *pumped from a lower to a higher elevation if the generating*
2 *capacity of the plant, facility, equipment or system for which the*
3 *water is used is not more than 30 megawatts, and the plant,*
4 *facility, equipment or system was in existence and used to derive*
5 *power from pumped water before January 1, 2019. The term does*
6 *not include power:*

7 *(a) That requires a new or increased appropriation or*
8 *diversion of water for its creation;*

9 *(b) That requires the use of any fossil fuel for its creation,*
10 *unless the primary purpose of the use of the fossil fuel is not the*
11 *creation of the power; or*

12 *(c) That was produced before April 22, 2019, from a renewable*
13 *energy system with a generating capacity of more than 30*
14 *megawatts placed into operation before July 1, 1997.*

15 **Sec. 3.** This act becomes effective upon passage and approval.

