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HOUSE BILL 406

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Cathrynn N. Brown

AN ACT

RELATING TO ENERGY; AMENDING A SECTION OF THE RENEWABLE ENERGY  
ACT TO PROVIDE THAT NUCLEAR ENERGY IS A RENEWABLE ENERGY  
SOURCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 62-16-3 NMSA 1978 (being Laws 2004,  
Chapter 65, Section 3, as amended) is amended to read:

"62-16-3. DEFINITIONS.--As used in the Renewable Energy  
Act:

A. "commission" means the public regulation  
commission;

B. "municipality" means a municipal corporation,  
organized under the laws of the state, and H class counties;

C. "public utility" means an entity certified by  
the commission to provide retail electric service in New Mexico

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1 pursuant to the Public Utility Act but does not include rural  
2 electric cooperatives;

3 D. "reasonable cost threshold" means the cost  
4 established by the commission above which a public utility  
5 shall not be required to add renewable energy to its electric  
6 energy supply portfolio pursuant to the renewable portfolio  
7 standard;

8 E. "renewable energy" means electric energy:

9 (1) generated by use of low- or zero-emissions  
10 generation technology with substantial long-term production  
11 potential; and

12 (2) generated by use of renewable energy  
13 resources that may include:

14 (a) solar, wind, nuclear and geothermal  
15 resources;

16 (b) hydropower facilities brought in  
17 service after July 1, 2007;

18 (c) fuel cells that are not fossil  
19 fueled; and

20 (d) biomass resources, such as  
21 agriculture or animal waste, small diameter timber, salt cedar  
22 and other phreatophyte or woody vegetation removed from river  
23 basins or watersheds in New Mexico, landfill gas and  
24 anaerobically digested waste biomass; but

25 (3) does not include electric energy generated

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1 by use of fossil fuel [~~or nuclear energy~~];

2 F. "renewable energy certificate" means a  
3 certificate or other record, in a format approved by the  
4 commission, that represents all the environmental attributes  
5 from one kilowatt-hour of electricity generation from a  
6 renewable energy resource;

7 G. "renewable portfolio standard" means the  
8 percentage of retail sales by a public utility to electric  
9 consumers in New Mexico that is required by the Renewable  
10 Energy Act to be supplied by renewable energy; and

11 H. "renewable purchased power agreement" means an  
12 agreement that binds an entity generating power from renewable  
13 energy resources to provide power at a specified price and  
14 binds a public utility to purchase the power at that price."