

CHAPTER 148
HB 139 - FINAL VERSION

05/18/2023 1875s
06/01/2023 2071s

2023 SESSION

23-0702
02/04

HOUSE BILL ***139***

AN ACT relative to hydrogen energy and establishing a hydrogen advisory committee.

SPONSORS: Rep. Chretien, Hills. 41

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill establishes a hydrogen advisory committee in the department of energy.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to hydrogen energy and establishing a hydrogen advisory committee.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 148:1 Legislative Findings.

2 I. The use of hydrogen derived from a clean energy resource has the potential to be a zero- or
3 very low-carbon source of energy for use in a variety of sectors, including high-heat industrial
4 applications, zero-carbon electricity generation, and the gas distribution system. The use of hydrogen will
5 contribute to clean energy jobs in the solar energy, wind energy, energy efficiency, energy storage,
6 electric vehicle industries, and other renewable energy industries.

7 II. Hydrogen has the potential to serve as a storage fuel, especially for offshore wind energy, to
8 increase reliability in electricity generation, and to promote the transition of other forms of power
9 generation to a zero-or very low-carbon source of energy. Hydrogen can play a substantial role as a
10 transportation fuel and as an industrial fuel.

11 III. Hydrogen infrastructure will enable New Hampshire businesses to develop generation and
12 manufacturing facilities and take advantage of federal funding and investments from the offshore wind
13 industry.

14 148:2 New Sections; Fuel Diversity; Hydrogen Advisory Committee; Definitions. Amend RSA 362-H
15 inserting after section 2 the following new sections:

16 362-H:3 Hydrogen Advisory Committee Established. There is a hydrogen advisory committee
17 established in the department of energy.

18 I. The advisory committee shall consist of:

- 19 (a) The commissioner of the department of energy, or designee.
20 (b) The commissioner of the department of business and economic affairs, or designee.
21 (c) The commissioner of the department of environmental services, or designee.
22 (d) The chair of the site evaluation committee, or designee.
23 (e) The commissioner of the department of transportation, or designee.
24 (f) The chair of the Pease development authority board of directors, or designee.

25 II. The advisory committee shall have the following duties:

- 26 (a) Examine the production of hydrogen from any renewable energy source.
27 (b) Investigate and evaluate existing state and federal laws, regulations and funding sources
28 and recommend legislation related to the production, use, distribution and storage of hydrogen.
29 (c) Identify opportunities to integrate hydrogen in the transportation, energy, industrial, and
30 other sectors.
31 (d) Identify barriers to the widespread development of hydrogen and recommend government
32 policies to catalyze the deployment of hydrogen in the state economy.

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1 (e) Consider a plan to create, support, develop, or partner with a Hydrogen Hub in this state,
2 under federal funding provisions, and determine, how to maximize federal financial incentives to support
3 Hub development.

4 (f) Consider the construction of a dedicated hydrogen pipeline or network of pipelines to
5 serve users of hydrogen in this state, including power generation, transportation, manufacturing, and
6 energy storage facilities.

7 (g) Consider facilities that result in the blending of hydrogen into existing natural gas
8 transmission and distribution systems that serve residential, commercial, transportation, and industrial
9 uses, and consider policy recommendations for inclusion of hydrogen production from fossil fuel
10 feedstock.

11 (h) Streamline the permitting processes for hydrogen facilities and infrastructure, including
12 other carbon use applications and any other issues that the committee deems necessary.

13 (i) Examine cost-effective industrial rates for hydrogen production and flexible energy
14 generation configurations to maximize federal funding for hydrogen facilities, and serves the long-term
15 interests of ratepayers, and cost-effectively avoids or defers distribution system costs.

16 (j) Review the safety standards regarding the production, use, distribution and storage of
17 hydrogen by state agencies.

18 (k) Consider regenerative fuel cell generation by utilities or private entities that provides
19 distribution system benefits, including, but not limited to, avoiding or deferring distribution capacity
20 upgrades, and enhancing distribution system reliability, including, but not limited to, voltage or frequency
21 improvements.

22 (l) Determine whether hydrogen energy and infrastructure projects with a capacity to
23 generate over 20 MW of energy should be evaluated and approved by the site evaluation committee
24 under RSA 162-H.

25 III. The advisory committee shall report to the governor, the president of the senate, the speaker
26 of the house of representatives, the chair of senate energy and natural resources committee, the chair of
27 house science, technology, and energy committee on October 1 of each year on its activities, findings,
28 and recommendations.

29 362-H:4 Definitions; Hydrogen Electricity Generation. For purposes of RSA 362-H:3:

30 I. "Hydrogen" means hydrogen derived from a clean energy resource that uses water as the
31 source of the hydrogen. For purposes of hydrogen electricity generation and hydrogen transmission, a
32 hydrogen project may include associated clean energy generation, including regenerative fuel cells,
33 transmission, and other infrastructure. Hydrogen electricity generation means a power plant technology in
34 which an electrical generating unit creates electric power exclusively from electrolytic hydrogen, in a
35 manner that produces zero carbon and co-pollutant emissions, using hydrogen fuel that is electrolyzed
36 using a 100 percent zero carbon emission energy source. The term does not include hydrogen produced
37 using steam reforming or any other conversion technology that produces hydrogen from fossil fuel
38 feedstock.

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1 II. "Hydrogen facility" means any combination of a physically connected generator or generators,
2 associated prime movers, and other associated property, including appurtenant land and improvements
3 and personal property, that are normally operated together to produce 20 average megawatts or more of
4 electric power, in order to:

5 (a) Produce hydrogen through electrolysis technology;

6 (b) Store or transport hydrogen by means of a hydrogen pipeline for the transport or storage
7 of hydrogen or a hydrogen storage system for the temporary storage of hydrogen in a vessel, pipeline, or
8 geologic formation; or

9 (c) Convert hydrogen back to electricity through a hydrogen-capable power generation
10 source.

11 III. "Regenerative fuel cell" means a device that produces hydrogen and oxygen from electricity
12 and water and alternately produces electrical energy and water from stored hydrogen and oxygen.

13 148:3 New Paragraph; Division of Fire Safety; Hydrogen Facilities. Amend RSA 21-P:12 by inserting
14 after paragraph VIII the following new paragraph:

15 IX. Participation in an advisory capacity in state agency siting of hydrogen facilities,
16 transportation, and storage, and the permitting and coordination of state agency response to accidents at
17 facilities that produce more than 20 MW of electricity, involving hydrogen and hydrogen gas safety, in
18 coordination with the hydrogen advisory committee in RSA 362-H:3.

19 148:4 Prospective Repeals; 2030. The following are repealed:

20 I. RSA 362-H:3 and 4, relative to the hydrogen advisory committee and definitions.

21 II. RSA 21-P:12, IX, relative to the division of fire safety advisory capacity on hydrogen facilities.

22 148:5 Effective Date.

23 I. Section 4 of this act shall take effect November 1, 2030.

 II. The remainder of this act shall take effect July 1, 2023.

Approved: July 28, 2023

Effective Date:

I. Section 4 effective November 1, 2030

II. Remainder effective July 1, 2023