

STATE OF NEW YORK

11582

IN ASSEMBLY

June 5, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Jensen) --
read once and referred to the Committee on Energy

AN ACT to amend the energy law, the public authorities law, the executive law and the environmental conservation law, in relation to bolstering the use of hydrogen in relation to the state energy plan

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative intent. The legislature hereby finds that the
2 state of New York must roll back its climate and energy goals, in keep-
3 ing with the looming grid reliability crisis, while maintaining a heal-
4 thy mix of energy sources. To that end, and given the abundance of
5 opportunities in the sphere of alternative energy sources, it is prudent
6 to implement the use of hydrogen, at the very least, in the context of
7 energy storage and as a transportation fuel source, in keeping with the
8 state energy plan, which dubs hydrogen a "clean energy source available
9 to New York". The New York state energy research and development
10 authority echoes the sentiment, emphasizing that this fuel source,
11 amongst others, is "expected to play a targeted role in specific parts
12 of the power generation system". The feasibility of both modular trans-
13 port of hydrogen and the on-site storage thereof comprises another set
14 of considerations. And in terms of fuel, the first place hydrogen vehi-
15 cles should be used is in state fleets, per the governor's executive
16 order 22 of 2022. Thereafter, use could trickle down to passenger vehi-
17 cles, buses, and trucks, as well as the aviation industry, maritime
18 shipping, ferry transportation, heavy-duty trucking, and high-tempera-
19 ture industrial processes. It is relatively feasible to put in a hydro-
20 gen refueling hub for fleet vehicles that return to a home base at the
21 end of the day, or a shift. It is prudent to expand hydrogen sourcing
22 beyond electrolysis, at the suggestion of the state energy plan, while
23 actively encouraging the use of electrolysis methods that are more ener-
24 gy-efficient.

25 § 2. Subparagraphs (i) and (ii) of paragraph (a) of subdivision 2 of
26 section 6-104 of the energy law, as amended by chapter 195 of the laws
27 of 2011, are amended to read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (i) demand for electricity, natural gas, coal, petroleum products,
2 including heating and transportation fuels, and [~~alternate~~] alternative
3 fuels, including ethanol and other biofuels, and hydrogen, to the extent
4 possible, taking into account energy conservation, load management and
5 other demand-reducing measures which can be achieved in a cost-effective
6 manner, including the basis for such projection, including an examina-
7 tion of possible alternate levels of demand and discussion of the fore-
8 casting methodologies and input variables used in making the forecasts;

9 (ii) energy supply requirements needed to satisfy demand for electric-
10 ity, natural gas, coal, petroleum products, including heating and trans-
11 portation fuels, and [~~alternate~~] alternative energy sources and fuels,
12 such as hydrogen, for each region of the state, and for the state as a
13 whole, including with respect to electricity, the amount of capacity
14 needed to provide adequate reserve margins and capacity needed to ensure
15 reliability and competitive markets in the various regions of the state;

16 § 3. The public authorities law is amended by adding a new section
17 1886 to read as follows:

18 § 1886. Hydrogen strategic plan. 1. As used or referred to in this
19 section, unless a different meaning clearly appears from the context:

20 (a) "hydrogen" shall mean: (i) an alternative fuel source and power
21 generation resource serving as a generally low-capacity factor resource
22 paired with a high levelized cost of energy, and is generally known as a
23 dispatchable emissions-free resource, and which is further defined under
24 subdivision twelve of section 1-103 of the energy law; and (ii) in the
25 context of a hydrogen fuel cell electric vehicle, fuel comprised prima-
26 rially of molecular hydrogen, stored in either a gaseous or liquid state,
27 suitable for use and consumption in the engine.

28 (b) "low-capacity factor resources" shall mean resources that are
29 highly flexible, potentially duration-unlimited, and responsive to vary-
30 ing grid needs.

31 (c) "fuel cell" shall mean a device that produces electricity directly
32 from hydrogen or hydrocarbon fuel through a non-combustive electro-chem-
33 ical process.

34 (d) "fuel cell electric generating system" shall mean an arrangement
35 or combination of equipment designed to produce electrical energy
36 through reaction of chemicals, including but not limited to hydrogen,
37 oxygen, methane, and natural gas.

38 (e) "hydrogen fuel cell electric vehicle" shall have the same meaning
39 as the term "eligible vehicle" as defined by subdivision one of section
40 sixty-six-o of the public service law and the term "electric vehicles"
41 as defined by subdivision one of section sixty-six-s of the public
42 service law.

43 (f) "zero-emission school bus" shall have the same meaning as in
44 section thirty-six hundred thirty-eight of the education law.

45 (g) "electrolysis" shall mean the electro-chemical process whereby an
46 electrical potential is applied to electrodes that are in contact with
47 water, with the byproducts being hydrogen gas and oxygen gas, which,
48 when sourced from renewables, is referred to as "green hydrogen", and,
49 when it is sourced from nuclear reactors, is referred to as "pink hydro-
50 gen".

51 (h) "pyrolysis," or "methane pyrolysis," shall mean the thermal decom-
52 position process whereby methane is heated in a reactor to high temper-
53 atures in the absence of oxygen, splitting it into hydrogen gas and
54 solid carbon, without the formation of carbon dioxide, which is referred
55 to as "turquoise hydrogen".

1 2. By January first, two thousand twenty-seven, the authority, in
2 consultation with the state energy planning board, the federally desig-
3 nated electric bulk system operator, power authority of the state of New
4 York, department of environmental conservation, department of public
5 service and its office of renewable energy siting and electric trans-
6 mission, office of general services, department of transportation,
7 department of education, and inter-agency fire safety working group, is
8 hereby authorized and directed to analyze and implement key findings
9 from the assessment released in September of the year two thousand twen-
10 ty-five, which was prompted by order of the public service commission in
11 May of two thousand twenty-three, in order to prepare a hydrogen strate-
12 gic plan, in keeping with the findings of the state energy plan. The
13 hydrogen strategic plan shall centralize benchmarks towards the imple-
14 mentation of hydrogen in hydrogen-capable power generation assets and
15 also in fuel, consistent with the greenhouse gas reduction goals and
16 related considerations established in the public service law; section
17 75-0107 of the environmental conservation law; sections 3-101, 3-103 and
18 11-104 of the energy law; section three hundred seventy-seven of the
19 executive law; section two hundred ten-B of the tax law; section nine-
20 ty-seven-g of the state finance law; and any other applicable provision
21 of law.

22 3. The strategic plan shall prioritize expanding hydrogen sourcing
23 beyond electrolysis, including thermal hydrogen and hydrogen derived
24 from waste products, to reduce electricity system impacts from
25 production, per the state energy plan, as well as pyrolysis. The strate-
26 gic plan shall also: (a) encourage the use of hydrogen, including
27 hydrogen fuel cells, sourced from renewable energy; (b) encourage the
28 use of hydrogen and hydrogen fuel cells in a manner that ultimately
29 minimizes flammability; (c) prioritize the application of said hydrogen,
30 as far as reasonably practicable, to state fleets, zero-emission school
31 buses, public transit, aviation, maritime shipping, ferry transporta-
32 tion, heavy-duty trucking, and high-temperature industrial processes;
33 (d) further analyze the feasibility of both modular transport of hydro-
34 gen and the on-site storage thereof for use; (e) describe the current
35 and projected cost differences between powering such sectors and proc-
36 esses with said hydrogen compared to powering such sectors and processes
37 with common renewable energy sources and also with natural gas and other
38 fossil fuels; (f) further explore the differences between various forms
39 of creating and harvesting hydrogen; and (g) further explore how hydro-
40 gen can address residual combustion in the industrial, transportation,
41 and building sectors.

42 4. Special emphasis in the strategic plan shall be placed on studying
43 the feasibility and safety of energy storage in the context of powering
44 the grid. The fire code of New York state shall also be referenced ther-
45 ein.

46 5. Where power generation is concerned, the strategic plan should
47 emphasize the use of linear generators, or the use of proton exchange
48 membrane fuel cells, with slightly less prioritization of combustion
49 turbines or solid oxide fuel cells.

50 6. The authority shall publicize the strategic plan on its public
51 facing website and submit a copy of the plan to the governor, legisla-
52 ture, temporary president of the senate, speaker of the assembly, senate
53 minority leader and assembly minority leader by January first, two thou-
54 sand twenty-seven, and update the plan accordingly every two years ther-
55 eafter.

1 § 4. Subdivision 3 of section 1884 of the public authorities law is
2 renumbered subdivision 4 and a new subdivision 3 is added to read as
3 follows:

4 3. The authority shall incorporate findings from the hydrogen strate-
5 gic plan, established under section eighteen hundred eighty-six of this
6 title.

7 § 5. Clause (B) of subparagraph (iii) of paragraph (h) of subdivision
8 27-a of section 1005 of the public authorities law, as added by section
9 1 of part QQ of chapter 56 of the laws of 2023, is amended to read as
10 follows:

11 (B) manufacturers of green hydrogen produced through electrolysis or
12 other zero-emission technology, such as thermal hydrogen and hydrogen
13 derived from waste products, to displace fossil fuel use in the state
14 for use at facilities located in the state;

15 § 6. The executive law is amended by adding a new section 201-b to
16 read as follows:

17 § 201-b. Hydrogen strategic plan. The office of general services is
18 hereby authorized and directed to coordinate with the New York state
19 energy research and development authority in working towards the
20 creation of the hydrogen strategic plan, pursuant to section eighteen
21 hundred eighty-six of the public authorities law, and all updates there-
22 to.

23 § 7. Section 56-0603 of the environmental conservation law is amended
24 by adding a new subdivision 3 to read as follows:

25 3. The office of general services is authorized and directed, consist-
26 ent with the hydrogen strategic plan developed pursuant to section eigh-
27 teen hundred eighty-six of the public authorities law, to conduct a
28 project to emphasize the acquisition of clean-fueled vehicles that are
29 hydrogen fuel cell electric vehicles and to develop and acquire the
30 associated infrastructure, including but not limited to depot
31 construction.

32 § 8. This act shall take effect immediately.