

CHAPTER 332
HB 1738-FN - FINAL VERSION

05/14/2026 1931s
4Jun2026... 2069CofC
4Jun2026... 2190EBA

2026 SESSION

26-2643
04/09

HOUSE BILL ***1738-FN***

AN ACT relative to ratepayer benefits from the regional greenhouse gas initiative and relative to energy procurement and nuclear regulatory duties.

SPONSORS: Rep. Harrington, Straf. 18; Rep. McGhee, Hills. 35; Rep. Vose, Rock. 5; Sen. Rosenwald, Dist 13; Sen. Watters, Dist 4

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill:

I. Changes the carbon dioxide emissions budget allowances for 2027 through 2030 and thereafter, and creates 2 cost containment allowance levels and the trigger price at which the department releases allowances for years 2027 through 2030 and thereafter.

II. Modifies the coordinator of nuclear development and regulatory activities' duties.

III. Defines "advanced nuclear reactor."

IV. Extends the deadline for electric distribution utilities to issue requests for proposals for multi-year agreements for energy, in conjunction with or independent of any attendant environmental attributes from electric energy sources, and modifies the requirements for the agreements.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to ratepayer benefits from the regional greenhouse gas initiative and relative to energy procurement and nuclear regulatory duties.

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

1 332:1 Multiple Pollutant Reduction Program; Definition; Regional Organization; RGGI allowance.
2 Amend RSA 125-O:20, XIII-XV to read as follows:

3 XIII. "Regional organization" means a non-profit organization formed by the signatory states to
4 RGGI to provide technical and administrative assistance for such things as: emissions and allowance
5 tracking, [~~offsets development and implementation,~~] allowance market monitoring, and data collection.
6 The organization shall have no regulatory or enforcement authority.

7 XIV. "Retire" means submitting a RGGI allowance to the department for compliance or other
8 purpose or retaining a RGGI allowance by the department such that the allowance may never be sold or
9 otherwise used again.

10 XV. "RGGI allowance" means a limited authorization to emit one ton of CO2 issued by the
11 department or other state with a program that the department determines is in accordance with this
12 subdivision or the RGGI program, including emissions limitations as documented by the regional
13 organization, and shall include budget allowances[~~, offset allowances, and early reduction allowances~~].

14 332:2 Carbon Dioxide Emissions Budget Trading Program. Amend RSA 125-O:21, II to read as
15 follows:

16 II. The program shall include a statewide budget allowance total for each year calculated as
17 follows:

18 [~~2019 4,184,333 minus FCPBA minus SCPBA~~

19 ~~2020 4,079,725 minus FCPBA minus SCPBA~~

20 ~~2021 3,960,999 minus TBA~~

21 ~~2022 3,842,274 minus TBA~~

22 ~~2023 3,723,549 minus TBA~~

23 ~~2024 3,604,823 minus TBA~~

24 ~~2025 3,486,098 minus TBA]~~

25 2026 3,367,373

26 2027 [~~3,248,648~~] **2,993,220**

27 2028 [~~3,129,922~~] **2,619,068**

28 2029 [~~3,011,197~~] **2,244,915**

29 2030 and thereafter [~~2,892,472~~] **1,870,763**

30 332:3 Compliance; Permit Required. Amend RSA 125-O:22, V to read as follows:

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V. In addition to the provisions set forth in RSA 125-O:7, an affected CO2 source that fails to obtain and retire sufficient RGGI allowances during a compliance period, in accordance with RSA 125-O:22, I, shall obtain and surrender 3 RGGI budget [~~or early reduction~~] allowances in the next compliance period for each RGGI allowance that the affected CO2 source was short in obtaining compliance.

332:4 Cost Containment Allowances in Addition to the Budget. RSA 125-O:29 is repealed and reenacted to read as follows:

125-O:29 Cost Containment Allowances in Addition to the Budget.

I. For the purposes of cost containment, the department shall make available for sale at one or more auctions up to the following amounts of allowances that shall be in addition to the budget allowance total for the given year under RSA 125-O:21, II, if:

(a) The CO2 allowance auction price equals or exceeds \$19.50 in 2027, up to 503,667 allowances and up to 503,667 additional allowances if it equals or exceeds \$29.25;

(b) The CO2 allowance auction price equals or exceeds \$20.87 in 2028, up to 503,667 allowances and up to 503,667 additional allowances if it equals or exceeds \$31.30;

(c) The CO2 allowance auction price equals or exceeds \$22.33 in 2029, up to 503,667 allowances and up to 503,667 additional allowances if it equals or exceeds \$33.49;

(d) The CO2 allowance auction price equals or exceeds \$23.89 in 2030, up to 503,667 allowances and up to 503,667 additional allowances if it equals or exceeds \$35.83; or

(e) In any year thereafter, the CO2 allowance auction price equals or exceeds 1.07 multiplied by the auction price at which cost containment allowances were required to be made available in the previous calendar year rounded to the nearest whole cent, until further legislative action.

II. The allowances sold pursuant to paragraph I shall be replenished, such that the full 1,007,214 allowances, if needed, are available the following calendar year.

332:5 Repeal. The following are repealed:

I. RSA 125-O:20, VII and VII-a, relative to the definition of early reduction allowances and the definition of FCPBA or first compliance period banked allowances.

II. RSA 125-O:20, X, relative to the definition of offset allowances.

III. RSA 125-O:20, XV-a, relative to the definition of second compliance period banked allowances (SCPBA).

IV. RSA 125-O:20, XVIII, relative to the definition of third adjustment for banked allowances (TBA).

332:6 Peaceful Uses of Atomic Energy; Coordination of Studies and Development Activities. Amend RSA 162-B:4, III to read as follows:

III. The coordinator of nuclear development and regulatory activities shall have the duty to coordinate and produce the reports required by RSA 162-B:3, as well as coordinate the studies conducted, and the recommendations and proposals made, in this state with like activities in New England and other states and with the policies and regulations of the United States Nuclear Regulatory Commission. *These activities may include the management of funding and oversight of nuclear incentive*

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1 *programs, such as those described by RSA 374-F:11, as well as outreach programs to inform and*
2 *educate the public, particularly regarding safety.*

3 332:7 New Paragraph; Electric Utility Restructuring; Definitions. Amend RSA 374-F:2 by inserting
4 after paragraph II the following new paragraph:

5 II-a. "Advanced nuclear reactor" has the same meaning as that provided in 42 U.S.C. section
6 16271(b)(1), as amended from time to time.

7 332:8 Purchased Power Agreements. Amend the introductory paragraph of RSA 374-F:11, I to read
8 as follows:

9 I. Investor-owned electric distribution utilities may elect to develop and, no later than June 30,
10 [2025] **2040**, issue a request for proposals for multi-year agreements for energy, in conjunction with or
11 independent of any attendant environmental attributes from electric energy sources.

12 332:9 Purchased Power Agreements. Amend RSA 374-F:11, I(g) to read as follows:

13 (g) All megawatt hours procured through agreements made pursuant to this section shall
14 come from *existing*, new, or incremental electric energy sources.

15 332:10 New Subparagraphs; Purchased Power Agreements. Amend RSA 374-F:11, I(h) by inserting
16 after subparagraph (2) the following new subparagraphs:

17 (3) "Existing electric energy sources" means all sources that currently provide energy to
18 the ISO-NE regional markets, including nuclear power generation facilities located in the ISO-NE control
19 area that commenced commercial operation before January 1, 2011.

20 (4) Upon the petition of one or more electric distribution utilities, and after notice and
21 hearing, the public utilities commission may authorize such utility or utilities to enter into multi-year
22 agreements with existing, new, or incremental electric energy sources up to a total of 3 million megawatt
23 hours statewide, on an annual basis, if it finds such agreements to be just and reasonable and in the
24 public interest.

25 (5) Further, any single source shall be eligible to procure an amount of energy not to
26 exceed 1 million megawatt hours statewide, on an annual basis, except for advanced nuclear reactors as
27 defined in RSA 374-F:2, II-a, which may procure an amount not to exceed 2 million megawatt hours on an
28 annual basis.

29 332:11 Purchased Power Agreements. Amend the introductory paragraph for RSA 374-F:11, II
30 through RSA 374-F:11, II(a) to read as follows:

31 II. Any investor-owned electric distribution utility electing to enter into an agreement pursuant to
32 this section shall petition the public utilities commission for authorization to enter the agreement no later
33 than June 30, [2026] **2041**.

34 (a) Upon the petition of one or more electric distribution utilities, and after notice and hearing,
35 the public utilities commission may authorize such utility or utilities to enter into multi-year agreements
36 with new or incremental electric energy sources up to a total of 2 million megawatt hours statewide, on an
37 annual basis, if it finds such agreements to be just and reasonable and in the public interest, *provided that*
38 *if at least 1 million megawatt hours are procured from advanced nuclear reactors as defined in RSA 374-*

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- 1 *F:2, II-a, an additional 1 million megawatt hours may be procured from existing, new, or incremental*
2 *electric energy sources for a total of up to 3 million megawatt hours statewide annually.*
3 332:12 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 15, 2026
Effective Date: September 13, 2026

