

# STATE OF NEW YORK

5399--A

2019-2020 Regular Sessions

## IN ASSEMBLY

February 11, 2019

Introduced by M. of A. CARROLL, COLTON, ARROYO, SIMON, PICHARDO, D'URSO, ORTIZ, GRIFFIN -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to placing a moratorium on fossil fuel infrastructure

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

Section 1. Article 23 of the environmental conservation law is amended by adding a new title 29 to read as follows:

### TITLE 29

#### MORATORIUM ON FOSSIL FUEL INFRASTRUCTURE

Section 23-2901. Moratorium on fossil fuel infrastructure.

§ 23-2901. Moratorium on fossil fuel infrastructure.

1. Legislative intent. New York state faces an existential climate, ecological, economic, and security emergency which threatens our municipalities, state, nation, and the world; a World War II-scale mobilization is needed to eliminate greenhouse gas emissions. Human-caused climate change and air pollution are due to using fossil fuels. Climate change disproportionately impacts communities of color, children, elderly, Native Americans, indigenous peoples, the ill, the poor, farmers, and future generations. The state shall promote a controlled reduction of fossil fuel utilization and a transition to clean, renewable energy for the purpose of improving safety, public health, environmental protection, economic growth, and energy reliability as well as providing cost savings, creating jobs, and preventing climate catastrophe.

2. For the purposes of this section, "fossil fuel" shall mean coal, petroleum products and fuel gases.

3. A moratorium shall be established on any and all fossil fuel infrastructure projects. No new permits, licenses, or any form of permission shall be granted for any fossil fuel infrastructure project

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

LBD09246-06-9

1 nor shall any funding, investment, or any other financial assistance be  
2 granted to any fossil fuel infrastructure project as long as there are  
3 economically and technologically feasible alternatives to ensure energy  
4 reliability. This section shall not apply to upgrades in existing  
5 infrastructure for the purposes of improving safety, public health,  
6 environmental protection, and increased energy efficiency. Such morato-  
7 rium shall apply to the entirety of the state including all departments,  
8 agencies, offices, municipalities, and any other governmental body.

9 4. The moratorium shall be lifted upon an act of the legislature.

10 § 2. This act shall take effect immediately.