

STATE OF NEW YORK

11433

IN ASSEMBLY

May 15, 2026

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

AN ACT in relation to enacting the "NYS ratepayer protection nuclear moratorium act"; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "NYS ratepayer protection nuclear moratorium act".

3 § 2. Legislative findings. The legislature hereby finds and declares:

4 1. It is the policy of New York state to protect natural resources,
5 public health, and economic well-being by preventing pollution and
6 advancing safe, clean and affordable energy systems.

7 2. The proposed development of nuclear power facilities represents a
8 fundamental shift in state energy policy that is inconsistent with the
9 Climate Leadership and Community Protection Act (CLCPA) mandate for an
10 affordable, clean, and renewable energy transition.

11 3. New York's own experience, including the Shoreham facility, illus-
12 trates the financial risks of nuclear power facilities, which resulted
13 in substantial and lasting costs to ratepayers without delivering energy
14 benefits.

15 4. Historical and recent evidence demonstrates that nuclear power
16 facilities are among the most expensive and slowest energy sources to
17 deploy, with significant cost overruns and delays. Recent U.S. projects,
18 including the Vogtle nuclear power facilities, far exceeded original
19 budgets and imposed long-term financial burdens on ratepayers.

20 5. Five gigawatts, the equivalent of five nuclear power facilities-es-
21 timated at \$100 billion total-are being advanced without a financial and
22 environmental assessment, sufficient legislative oversight, or public
23 transparency, contrary to principles of fiscal responsibility and good
24 governance.

25 6. Given the availability of faster-to-deploy, more flexible and
26 affordable renewable energy, efficiency and grid modernization alterna-

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

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1 tives, nuclear power facilities present major opportunity costs that can
2 delay and undermine achievement of the CLCPA's mandates.

3 7. The Climate Action Council's 2022 Scoping Plan calls for a rigor-
4 ous, comprehensive evaluation of nuclear power facilities, including its
5 costs, safety, environmental and health impacts, waste disposal, and
6 alternatives. Such an evaluation has not been done.

7 8. No comprehensive, independent, and publicly available financial,
8 environmental, or health assessment of new nuclear power facilities in
9 New York has been conducted, despite recommendations and evidence that
10 such projects may impose major costs and risks to ratepayers and taxpay-
11 ers.

12 9. Nuclear power facilities pose inherent safety and environmental
13 risks, including potential catastrophic accidents, long-term radioactive
14 waste with no permanent disposal solution, and significant public health
15 concerns for surrounding communities.

16 10. Federal liability limits under the Price-Anderson Act expose New
17 York residents and taxpayers to potentially enormous financial risks in
18 the event of an accident at a nuclear power facility.

19 11. Long-term radioactive waste management presents unresolved and
20 costly challenges, with existing waste in New York already requiring
21 perpetual storage and significant ongoing expense.

22 12. Scientific research indicates potential adverse health impacts for
23 communities located near nuclear facilities, including increased cancer
24 mortality and radioactive contamination of indoor dust and soil in homes
25 near nuclear power facilities, warranting further public health and
26 environmental investigation.

27 Therefore, the legislature of the state of New York adopts a two-year
28 and six-month moratorium on funding, subsidies, tax credits, bonding
29 authority, or other financial commitments for new nuclear power facili-
30 ties by state agencies, authorities, or commissions. A comprehensive,
31 evidence-based assessment will be conducted during this time to analyze
32 the expense, health, safety, security, opportunity costs, community
33 impact and environmental impacts of nuclear power facilities, including
34 but not limited to, mining and fuel production, construction, operation,
35 nuclear waste long-term management, site and off-site remediation, and a
36 comparison to alternative energy sources.

37 § 3. Definitions. For the purposes of this act, the following terms
38 shall have the following meanings:

39 1. "Nuclear power facility" shall mean any electricity generating
40 plant that uses nuclear fission or related nuclear technology to produce
41 electricity.

42 2. "State agency" shall mean any state board, body, bureau, commis-
43 sion, council, department, public authority, public corporation, divi-
44 sion, office or other governmental entity performing a governmental or
45 proprietary function for the state.

46 3. "Subsidy" shall mean any expenditure funded by ratepayers and/or
47 taxpayers, including, but not limited to, a fee, surcharge, credit, loan
48 guarantees or premium charge added to customer bills or any state
49 expenditure designed to plan, promote, underwrite, construct or increase
50 the revenue of a nuclear power facility.

51 § 4. Prohibition of subsidies. Notwithstanding any other provision of
52 law, for a period commencing on the effective date of this act and
53 ending thirty months thereafter, no state agency shall approve, imple-
54 ment, or authorize any program that provides financial assistance,
55 including but not limited to, zero-emission credits, clean energy stand-
56 ard credits, bond proceeds, ratepayer-funded surcharges or subsidies, or

1 taxpayer-funded appropriations, to plan, promote, underwrite, construct
2 any new nuclear power facility or related entity. Funding for existing
3 planning, promotion, underwriting, construction or any state-funded
4 activity on new nuclear power facilities shall be placed on hold for
5 thirty months beginning on the effective date of this act.

6 § 5. Prohibition of renewable energy funds for nuclear projects.
7 Notwithstanding any other provision of law, for a period commencing on
8 the effective date of this act and ending thirty months thereafter, no
9 funds dedicated to supporting renewable energy projects, energy effi-
10 ciency programs, climate mitigation, or grid modernization shall be
11 diverted to support the new or continued planning, promotion,
12 construction or operation of new nuclear power facilities.

13 § 6. Nuclear assessment task force. 1. (a) (i) There is hereby estab-
14 lished a task force on nuclear assessment, which shall consist of
15 fifteen members to be appointed as follows: (1) six members appointed by
16 the temporary president of the senate; (2) six members appointed by the
17 speaker of the assembly; (3) two members appointed by the office of the
18 state comptroller; and (4) one member appointed by the attorney general.

19 (ii) No member of the task force shall be appointed who holds or
20 retains any past or current relation to or financial interest in an
21 electric utility corporation or nuclear power corporation.

22 (iii) For the purposes of this act, the term "task force" shall mean
23 the task force on nuclear assessment established pursuant to subpara-
24 graph (i) of this paragraph.

25 (b) At a minimum, nine of the fifteen members of the task force
26 appointed pursuant to paragraph (a) of this subdivision shall be repre-
27 sentatives impacted by nuclear power facilities as follows: (i) six
28 representatives from non-profit environmental organizations and communi-
29 ty organizations; and (ii) three tribal nation representatives.

30 (c) Each member of the task force shall have demonstrated expertise in
31 at least one of the following areas: grid modernization, renewable ener-
32 gy, environmental sciences, security, toxicology, medicine, particularly
33 in pediatrics, public health, or economics.

34 (d) The task force shall meet at least every two months at the call of
35 the chair, who shall be elected by the members of the task force. Meet-
36 ings may be held via teleconference. Special meetings may be called by
37 the chair at the request of a majority of the members of the task force.

38 (e) The task force shall create an environmental justice subcommittee
39 of no less than five of its members to examine, evaluate and assess any
40 and all environmental justice issues that may be related to the
41 construction of new nuclear power facilities, including issues relating
42 to mining for uranium, the placement of potential nuclear power facili-
43 ties in or near low income areas, the potential impact to the ecosystem,
44 and the impact of exposure to radioactive and toxic emissions on local
45 populations including any disproportionate impacts based on gender, age
46 or ethnicity.

47 (f) Each member of the task force shall receive the sum of four
48 hundred dollars for each day in which such member is engaged in the
49 performance of their duties in accordance with this section. Every
50 member shall be entitled to receive reimbursement for the actual and
51 necessary expenses incurred by such member in the performance of such
52 duties.

53 (g) The task force shall have the authority to engage consultants,
54 engineers, scientists, economists, doctors, non-profit organizations,
55 and universities as such task force may deem necessary to carry out the
56 duties and responsibilities of this act.

1 2. The task force and its selected contractors shall:

2 (a) Examine, evaluate and assess the potential cost of constructing
3 new nuclear power facilities in the state, taking into consideration
4 recent nuclear power projects undertaken elsewhere in the country, and
5 the financial impact of such construction on ratepayers and taxpayers in
6 the state, particularly the likelihood of significant utility rate
7 increases. Such examination, evaluation and assessment shall include,
8 but not be limited to, the following:

9 (i) quantitative and qualitative analysis and modeling of the finan-
10 cial costs to ratepayers and taxpayers over sixty years, or the
11 evidence-based projected life of nuclear power facilities, including
12 small modular reactors;

13 (ii) comparison of past cost estimates and actual costs of building
14 both existing nuclear power facilities and cancelled nuclear power
15 facilities in the U.S. and elsewhere;

16 (iii) the cost of each of the existing nuclear power facilities'
17 radioactive waste in the state and the estimated cost of new nuclear
18 power facilities for on-site storage to isolate such waste from the
19 environment for its hazardous life, which shall be defined as twenty
20 times the half-life of the radioactive substances in such waste;

21 (iv) the total cost of all past and any ongoing taxpayer and ratepayer
22 subsidies, including but not limited to, loans, grants and tax write-
23 offs or credits for existing nuclear power facilities in the state, and
24 the estimated projected costs of any such subsidies for new nuclear
25 power facilities;

26 (v) the estimated cost of decommissioning each of the existing nuclear
27 power facilities in the state and an analysis as to whether current
28 decommissioning trust funds will adequately cover such costs;

29 (vi) the estimated cost of fully remediating radioactive and toxic
30 contamination at each of the existing nuclear power facility sites in
31 accordance with the soil cleanup objective criteria pursuant to §27-1415
32 of the environmental conservation law;

33 (vii) if such sites are not fully remediated, the estimated cost of
34 the loss of use of land in perpetuity for each reactor site and the
35 negative impacts from such loss regionally on economic development,
36 agriculture, tourism, real estate and fisheries, any negative impacts to
37 the ecosystem of neighboring states;

38 (viii) the cost of emergency, resilience and protection programs from
39 extreme weather events, including flooding, at each of the existing
40 reactor sites over one thousand years, and such costs for nuclear power
41 facility sites for the same time period;

42 (ix) the socio-economic costs incurred by conditions, incidents or
43 accidents, including repairs, loss of jobs, health care, and relocation,
44 at existing and proposed nuclear power facilities;

45 (x) the potential liability and cost to the state from a range of
46 different plausible worst-case accidents, especially given design inade-
47 quacies, aging existing nuclear power facilities, escalating extreme
48 weather conditions, liability caps and possible legal action related to
49 harmful exposure to radioactive releases from nuclear power facilities;

50 (xi) evaluating the consistency with fiscal, environmental and energy
51 policy of classifying nuclear power facilities as a low-carbon or zero
52 emission technology, taking into account the full life cycle of nuclear
53 power facilities; and

54 (xii) the potential liability and cost to the state for remediation of
55 any nuclear and toxic contamination due to incomplete site remediation
56 at the existing nuclear power facilities;

1 (b) Examine, evaluate and assess the human health impacts of
2 constructing and operating new nuclear power facilities in the state,
3 including the mining of raw nuclear materials and the impact of such
4 mining on local populations near mining sites; the potential exposure of
5 residents living in proximity to nuclear facilities to known carcinogen-
6 ic, radioactive and toxic materials; the risk of human exposure to
7 nuclear waste materials, including the risks associated with transport-
8 ing such waste to remote locations; the risks of releasing radioactive
9 water into local water sources which may be used by other communities as
10 a source of drinking water; and the risks of explosions, meltdowns,
11 unintentional releases, and other accidents on local and remote popu-
12 lations;

13 (c) Examine, evaluate and assess the environmental impacts of operat-
14 ing new nuclear power facilities in the state, particularly the poten-
15 tial impacts on ecosystems, including habitat destruction, soil, ground
16 water, surface water and air contamination from radioactive and toxic
17 chemical emissions and releases, thermal pollution, impingement and
18 entrainment, and food web contamination;

19 (d) Examine, evaluate and assess the realistic time frame for the
20 construction of new nuclear power facilities, taking into consideration
21 the time required to construct new nuclear power facilities recently
22 completed elsewhere in the country;

23 (e) Examine, evaluate and assess the security risks of nuclear power
24 facilities, including but not limited to the impact of weakened federal
25 regulations, climate-related weather events, and potential terrorist
26 attacks using advanced technology;

27 (f) Examine, evaluate and assess the cost, environmental and health
28 impacts of alternative renewable energy sources and energy efficiencies,
29 including solar and wind power, geothermal energy and heat pumps, stor-
30 age and other energy-related measures that are affordable and environ-
31 mentally beneficial; and

32 (g) Examine, evaluate and assess the legal and liability risks to the
33 state from any pursuit of nuclear power facilities, including but not
34 limited to, the New York state energy research and development authori-
35 ty, the public service commission, the New York power authority and the
36 department of economic development. Such assessment shall include the
37 following analyses:

38 (i) whether it is the role of state government to promote and invest
39 in nuclear power facilities;

40 (ii) whether state law or the state constitution sanctions such
41 promotion and investment or designates this role to private industry;

42 (iii) whether the state's past promotion and pursuit of nuclear power
43 facilities resulted in negative environmental, public health, equity and
44 economic impacts;

45 (iv) whether nuclear power protects the ratepayer and is the most
46 affordable energy option available;

47 (v) how the state's development of nuclear power facilities may under-
48 mine the state's legal requirement to transition to safe affordable
49 renewable energy, energy efficiency and energy storage to meet the goals
50 of the New York state climate leadership and community protection act,
51 pursuant to chapter one hundred six of the laws of two thousand nine-
52 teen;

53 (vi) the consistency with environmental and energy policy of classify-
54 ing nuclear power facilities as a low-carbon technology, taking into
55 account the full life cycle of nuclear power facilities, routine and

1 accidental release of radioactive substances, and impact on communities,
2 including tribal nations; and
3 (vii) whether the state's development and/or investment in nuclear
4 power facilities creates an unacceptable liability risk, and whether
5 such investment creates a burden that reduces the government's ability
6 to respond to vital needs of the citizens of the state and unfairly
7 transfers costs and hazards to future generations.

8 3. To effectuate the purposes of this act, the task force may request
9 and shall receive from any state agency such assistance, information,
10 data, studies and analyses as will enable the task force to properly
11 carry out its powers and duties hereunder. All such agencies shall coop-
12 erate with and otherwise assist the task force in a timely manner.

13 4. The task force is authorized, subject to amounts made available by
14 appropriation by the legislature, to retain the services of organiza-
15 tions, contractors, consultants, universities, non-profits and other
16 entities as the task force may deem necessary to fulfill the assessment
17 obligations of this section.

18 5. The task force shall submit a draft report of its findings, conclu-
19 sions, recommendations and activities to the public, the governor and
20 the legislature no later than thirteen months after the effective date
21 of this act. After the submission of such draft report, the task force
22 shall hold no less than six public hearings throughout the state. Each
23 such hearing shall allow for a minimum of fifteen minutes for each
24 person testifying, a question-and-answer discussion of at least one
25 hour, and a public comment period of no less than one hundred twenty
26 days. No later than thirty months after the effective date of this act,
27 the task force shall submit a final report of its findings, conclusions,
28 recommendations, including any legislative proposals it deems necessary,
29 and activities to the public, the governor and the legislature.

30 § 7. This act shall take effect immediately and shall expire and be
31 deemed repealed sixty days after transmission of the final report of the
32 task force to the public, the governor and the legislature, as provided
33 in section six of this act. Provided, however, that the president of the
34 New York state energy research and development authority shall notify
35 the legislative bill drafting commission upon the transmission of the
36 final report of the task force, as provided in section six of this act,
37 in order that the commission may maintain an accurate and timely effec-
38 tive data base of the official text of the laws of the state of New York
39 in furtherance of effectuating the provisions of section 44 of the
40 legislative law and section 70-b of the public officers law.