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:

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

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

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

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

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

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

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

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

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

LBD15562-01-6

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

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

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

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

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

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

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

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

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

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

2. "State agency" shall mean any state board, body, bureau, commission, council, department, public authority, public corporation, division, office or other governmental entity performing a governmental or proprietary function for the state.

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

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

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

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

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

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

(iii) For the purposes of this act, the term "task force" shall mean the task force on nuclear assessment established pursuant to subparagraph (i) of this paragraph.

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

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

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

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

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

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

2. The task force and its selected contractors shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Examine, evaluate and assess the human health impacts of constructing and operating new nuclear power facilities in the state, including the mining of raw nuclear materials and the impact of such mining on local populations near mining sites; the potential exposure of residents living in proximity to nuclear facilities to known carcinogenic, radioactive and toxic materials; the risk of human exposure to nuclear waste materials, including the risks associated with transporting such waste to remote locations; the risks of releasing radioactive water into local water sources which may be used by other communities as a source of drinking water; and the risks of explosions, meltdowns, unintentional releases, and other accidents on local and remote populations;

(c) Examine, evaluate and assess the environmental impacts of operating new nuclear power facilities in the state, particularly the potential impacts on ecosystems, including habitat destruction, soil, ground water, surface water and air contamination from radioactive and toxic chemical emissions and releases, thermal pollution, impingement and entrainment, and food web contamination;

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

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

(f) Examine, evaluate and assess the cost, environmental and health impacts of alternative renewable energy sources and energy efficiencies, including solar and wind power, geothermal energy and heat pumps, storage and other energy-related measures that are affordable and environmentally beneficial; and

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

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

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

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

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

(v) how the state's development of nuclear power facilities may undermine the state's legal requirement to transition to safe affordable renewable energy, energy efficiency and energy storage to meet the goals of the New York state climate leadership and community protection act, pursuant to chapter one hundred six of the laws of two thousand nineteen;

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

accidental release of radioactive substances, and impact on communities, including tribal nations; and

(vii) whether the state's development and/or investment in nuclear power facilities creates an unacceptable liability risk, and whether such investment creates a burden that reduces the government's ability to respond to vital needs of the citizens of the state and unfairly transfers costs and hazards to future generations.

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

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

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

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