

STATE OF NEW YORK

11433--A

IN ASSEMBLY

May 15, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Simon, Shimsky, Gallagher, Steck, Shrestha, Ramos, Hevesi) -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

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1 6. Given the availability of faster-to-deploy, more flexible and
2 affordable renewable energy, efficiency and grid modernization alterna-
3 tives, nuclear power facilities present major opportunity costs that can
4 delay and undermine achievement of the CLCPA's mandates.

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

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

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

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

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

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

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

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

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

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

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

54 § 4. Prohibition of subsidies. Notwithstanding any other provision of
55 law, for a period commencing on the effective date of this act and
56 ending thirty months thereafter, no state agency shall approve, imple-

1 ment, or authorize any program that provides financial assistance,
2 including but not limited to, zero-emission credits, clean energy stand-
3 ard credits, bond proceeds, ratepayer-funded surcharges or subsidies, or
4 taxpayer-funded appropriations, to plan, promote, underwrite, construct
5 any new nuclear power facility or related entity. Funding for existing
6 planning, promotion, underwriting, construction or any state-funded
7 activity on new, reopened or rebuilt closed nuclear power facilities
8 shall be placed on hold for thirty months beginning on the effective
9 date of this act.

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

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

23 (ii) No person may be so appointed who retains or has held any offi-
24 cial relation to or financial interest in an electric utility corpo-
25 ration or nuclear power corporation, nor shall such person have been a
26 director, officer, or employee thereof.

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

30 (b) At a minimum, nine of the fifteen members of the task force
31 appointed pursuant to paragraph (a) of this subdivision shall be repre-
32 sentatives impacted or concerned about nuclear power facilities as
33 follows: (i) six representatives from non-profit environmental organiza-
34 tions and community organizations; and (ii) three tribal nation repre-
35 sentatives.

36 (c) Each member of the task force shall have demonstrated expertise in
37 at least one of the following areas: grid modernization, renewable ener-
38 gy, environmental sciences, security, toxicology, medicine, particularly
39 in pediatrics, public health, nuclear energy economics, environmental
40 and energy policy or programs related to nuclear energy or monitoring
41 one or more nuclear power plants in the state.

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

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

1 (f) Each such member, unless such member holds another state or local
2 office, except the office of public notary, and for which such member
3 receives compensation, shall receive the sum of four hundred dollars for
4 each day in which such member is actually engaged in the performance of
5 such member's duties herein, such as task force meetings in accordance
6 with this section. Every member shall be entitled to receive reimburse-
7 ment for the actual and necessary expenses incurred by such member in
8 the performance of such duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (b) Examine, evaluate and assess the human health impacts of
14 constructing and operating new nuclear power facilities in the state,
15 including the mining of raw nuclear materials and the impact of such
16 mining on local populations near mining sites; the potential exposure of
17 residents living in proximity to nuclear facilities to known carcinogen-
18 ic, radioactive and toxic materials; the risk of human exposure to
19 nuclear waste materials, including the risks associated with transport-
20 ing such waste to remote locations; the risks of releasing radioactive
21 water into local water sources which may be used by other communities as
22 a source of drinking water; and the risks of explosions, meltdowns,
23 unintentional releases, and other accidents on local and remote popu-
24 lations;

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

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

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

39 (f) Examine, evaluate and assess the cost, environmental and health
40 impacts of alternative renewable energy sources and energy efficiencies,
41 including solar and wind power, geothermal energy and heat pumps, stor-
42 age and other energy-related measures that are affordable and environ-
43 mentally beneficial; and

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

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

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

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

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

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

9 (vi) the consistency with environmental and energy policy of classify-
10 ing nuclear power facilities as a low-carbon technology, taking into
11 account the full life cycle of nuclear power facilities, routine and
12 accidental release of radioactive substances, and impact on communities,
13 including tribal nations; and

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

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

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

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

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