ASSEMBLY CONCURRENT RESOLUTION No. 206

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 21, 2020

Sponsored by:
Assemblyman JOHN F. MCKEON
District 27 (Essex and Morris)

SYNOPSIS

Amends Constitution to prohibit construction of new fossil fuel power plants.

CURRENT VERSION OF TEXT

As introduced.

A CONCURRENT RESOLUTION proposing to amend Article I of the New Jersey Constitution by adding a new paragraph thereto.

BE IT RESOLVED *by the Senate of the State of New Jersey (the General Assembly concurring):*

1. The following proposed amendment to the Constitution of the State of New Jersey is agreed to:

PROPOSED AMENDMENT

Amend Article I of the State Constitution by the addition of the following paragraph:

24. No person shall construct or reconstruct, and the State shall not permit or otherwise approve the construction or reconstruction of, any new electric power generation facility in the State that produces electric power, in whole or in part, from the combustion of coal, natural gas, oil, or petroleum products. The prohibition in this paragraph shall not apply to the repair or maintenance of an electric power generation facility in existence prior to the adoption of this amendment.

2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Secretary of State, not less than three months prior to the general election.

3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

There shall be printed on each official ballot to be used at the general election, the following:

a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question as follows:

If you favor the proposition printed below make a cross (X), plus (+), or check (✔) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (✔) in the square opposite the word "No."

b. In every municipality the following question:

	YES	CONSTITUTIONAL AMENDMENT TO PROHIBIT THE CONSTRUCTION OF NEW FOSSIL FUEL POWER PLANTS Do you approve amending the State Constitution to prohibit the construction of new fossil fuel power plants in the State? Fossil fuel power plants produce electricity by burning coal, oil, natural gas, or petroleum products.
	NO	INTERPRETIVE STATEMENT This amendment to the State Constitution would prohibit the construction of new fossil fuel power plants in the State. Fossil fuel power plants produce electricity by burning coal, oil, natural gas, or other petroleum products. This amendment would also prohibit the State from approving the construction of new fossil fuel power plants. The prohibition would not apply to the repair and maintenance of existing fossil fuel power plants.

STATEMENT

This constitutional amendment would prohibit the construction of new fossil fuel power plants in the State.

Fossil fuel power plants produce electricity by burning coal, oil, natural gas, or other petroleum products. The burning of these fuels produces greenhouse gases, which contribute to climate change. New Jersey is already experience the impacts of climate change, as evidenced by warmer temperatures, changing weather patterns, more severe storms, sea level rise, dangerous algal blooms, and the spread of vector-borne diseases. Average temperatures in the State have climbed by 2 degrees Celsius since 1895 – double the average for the lower 48 states. Nine of the ten hottest calendar years on record for the State have occurred since 1990. The Special Report of the Intergovernmental Panel on Climate Change, issued in October 2018, found that greenhouse gas emissions must be reduced from 2010 levels by 45 percent by 2030 and to net zero by 2050 in order to limit the rise in atmospheric temperature to 1.5 degrees Celsius, a level that results in severe ecological, health, and economic impacts.

Fossil fuel power plants are one of the largest sources of greenhouse gas emissions in the State, and a significant source of air pollution. Despite this, new fossil fuel power plants and related infrastructure continue to be proposed and constructed in New

Jersey. In 2007, the Legislature adopted the "Global Warming Response Act," which requires the State to reduce its emissions to 80 percent below the 2006 level by the year 2050. In order to meet this ambitious target, and curb the effects of climate change in New Jersey, more aggressive action to curb greenhouse gas emissions is needed. This constitutional amendment would prohibit the construction or reconstruction of new fossil fuel power plants in the State. It would also prohibit the State from permitting or otherwise approving new fossil fuel power plants. The constitutional amendment would not apply to the repair or maintenance of an existing fossil fuel power plant.