

# STATE OF NEW YORK

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2557

2021-2022 Regular Sessions

## IN SENATE

January 21, 2021

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Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public service law, in relation to including nuclear power reactors as part of the definition of "electric plant"; to provide for employees of the Indian Point Nuclear Power Plant to be paid certain wages in the event such plant is sold, transferred or leased; and to repeal certain provisions of the labor law and the public service law relating thereto

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

1 Section 1. Notwithstanding any other provision of law to the contrary,  
2 any corporation, firm, company, partnership, limited liability company  
3 or association with a contract to purchase the Indian Point Nuclear  
4 Power Plant, or involved in any transfer or lease, as well as any decom-  
5 missioning activities, by the Indian Point Nuclear Power Plant of its  
6 franchise, works or system or any part of such franchise, works or  
7 system shall provide that employees of the Indian Point Nuclear Power  
8 Plant shall be paid a wage of not less than the prevailing wage in the  
9 locality where the Indian Point Nuclear Power Plant is located. The  
10 provisions of this act shall be enforced in a manner consistent with  
11 article 8 of the labor law in the case of construction work, or article  
12 9 of the labor law in the case of building service work.

13 Nothing in this act shall be deemed to diminish the rights, privi-  
14 leges, or remedies of any current or former employee under any other law  
15 or regulation or under any collective bargaining agreement or employment  
16 contract.

17 § 2. Any transferee or purchaser corporation, firm, company, partner-  
18 ship, limited liability company, or association engaged in the transfer,  
19 lease or sale of any franchise, works or system of a nuclear power plant  
20 within sixty miles of a city with a population of one million or more  
21 shall be bound by any collective bargaining agreement applicable to the

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

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1 current workforce as of the effective date of this act pursuant to the  
2 terms of such agreement.

3 § 3. Section 220-i of the labor law, as added by a chapter of the laws  
4 of 2020, amending the labor law and the public service law relating to  
5 establishing requirements for the transfer, sale, lease and any decom-  
6 missioning activities of the Indian Point Nuclear Power Plant, as  
7 proposed in legislative bills numbers S. 7846 and A. 10338, is REPEALED.

8 § 4. Section 231-a of the labor law, as added by a chapter of the laws  
9 of 2020, amending the labor law and the public service law relating to  
10 establishing requirements for the transfer, sale, lease and any decom-  
11 missioning activities of the Indian Point Nuclear Power Plant, as  
12 proposed in legislative bills numbers S. 7846 and A. 10338, is REPEALED.

13 § 5. Subdivision 8 of section 70 of the public service law, as added  
14 by a chapter of the laws of 2020, amending the labor law and the public  
15 service law relating to establishing requirements for the transfer,  
16 sale, lease and any decommissioning activities of the Indian Point  
17 Nuclear Power Plant, as proposed in legislative bills numbers S. 7846  
18 and A. 10338, is REPEALED.

19 § 6. Subdivision 12 of section 2 of the public service law is amended  
20 to read as follows:

21 12. The term "electric plant," when used in this chapter, includes all  
22 real estate, fixtures and personal property operated, owned, used or to  
23 be used for or in connection with or to facilitate the generation, tran-  
24 smission, distribution, sale or furnishing of electricity for light,  
25 heat or power; and any conduits, ducts or other devices, materials,  
26 apparatus or property for containing, holding or carrying conductors  
27 used or to be used for the transmission of electricity for light, heat  
28 or power, and also includes retired nuclear power reactors and their  
29 associated systems, structures, fuel and waste storage facilities, real  
30 estate, fixtures and personal property.

31 § 7. This act shall take effect on the same date and in the same  
32 manner as a chapter of the laws of 2020, amending the labor law and the  
33 public service law relating to establishing requirements for the trans-  
34 fer, sale, lease and any decommissioning activities of the Indian Point  
35 Nuclear Power Plant, as proposed in legislative bills numbers S. 7846  
36 and A. 10338, takes effect, provided, however, that sections two and six  
37 of this act shall take effect immediately.