

# STATE OF NEW YORK

7846

## IN SENATE

February 26, 2020

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

AN ACT to amend the labor law and the public service law, in relation to establishing requirements for the transfer, sale, lease and any decommissioning activities of the Indian Point Nuclear Power Plant

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

1 Section 1. The labor law is amended by adding a new section 220-i to  
2 read as follows:

3 § 220-i. Amounts due in the case of certain nuclear power plants. 1.  
4 Notwithstanding any other provision of law to the contrary, any corpo-  
5 ration, firm, company, partnership, limited liability company or associ-  
6 ation with a contract to purchase the Indian Point Nuclear Power Plant,  
7 or involved in any transfer or lease, as well as any decommissioning  
8 activities, by the Indian Point Nuclear Power Plant of its franchise,  
9 works or system or any part of such franchise, works or system shall  
10 provide that employees of the Indian Point Nuclear Power Plant shall be  
11 paid a wage of not less than the prevailing wage in the locality where  
12 the Indian Point Nuclear Power Plant is located pursuant to section two  
13 hundred twenty of this article.

14 2. Nothing in this section shall be deemed to diminish the rights,  
15 privileges, or remedies of any current or former employee under any  
16 other law or regulation or under any collective bargaining agreement or  
17 employment contract.

18 § 2. The labor law is amended by adding a new section 231-a to read as  
19 follows:

20 § 231-a. Prevailing wage in the case of certain nuclear power plants.  
21 1. Notwithstanding any other provision of law to the contrary, any  
22 corporation, firm, company, partnership, limited liability company or  
23 association with a contract to purchase the Indian Point Nuclear Power  
24 Plant, or involved in any transfer or lease, as well as any decommis-  
25 sioning activities, by the Indian Point Nuclear Power Plant of its fran-  
26 chise, works or system or any part of such franchise, works or system  
27 shall provide that employees of the Indian Point Nuclear Power Plant

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

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1 shall be paid a wage of not less than the prevailing wage in the locali-  
2 ty where the Indian Point Nuclear Power Plant is located pursuant to  
3 section two hundred thirty-one of this article.

4 2. Nothing in this section shall be deemed to diminish the rights,  
5 privileges, or remedies of any current or former employee under any  
6 other law or regulation or under any collective bargaining agreement or  
7 employment contract.

8 § 3. Section 70 of the public service law is amended by adding a new  
9 subdivision 8 to read as follows:

10 8. (a) No consent shall be given by the commission to the transfer,  
11 lease, or sale of any franchise, works, system, stock, or bonds of a  
12 nuclear power plant within sixty miles of a city with a population of  
13 one million or more in accordance with this section unless it shall have  
14 been shown that any transferee or purchaser corporation, firm, company,  
15 partnership, limited liability company or association shall:

16 (i) maintain the current workforce through the conclusion of the  
17 transfer, lease, or sale of such nuclear power plant and such workforce  
18 shall be bound by any collective bargaining agreement applicable to such  
19 workforce pursuant to the terms of such agreement, provided that to the  
20 extent practicable such workforce shall also be maintained through  
21 decommissioning, and also provided that the workforce providing security  
22 services shall be maintained through the decommissioning and close of  
23 such nuclear power plant and shall be bound by any collective bargaining  
24 agreement applicable to such workforce pursuant to the terms of such  
25 agreement;

26 (ii) in hiring any new employees, hire from a pool of current employ-  
27 ees to the extent practicable and to the extent such employee's skills  
28 meet the requirements needed;

29 (iii) enter into a labor peace agreement, with a bona fide labor  
30 organization or labor organizations that are actively engaged in repres-  
31 enting or attempting to represent the transferee or purchaser's employ-  
32 ees and the maintenance of such a labor peace agreement or agreements  
33 shall be an ongoing material condition of consent; and

34 (iv) comply with applicable labor laws including but not limited to  
35 article twenty-five-A of the labor law.

36 (b) For the purposes of this subdivision, "labor peace agreement"  
37 means an agreement between an entity and a labor organization that, at a  
38 minimum, protects the state's proprietary interests by prohibiting labor  
39 organizations and members from engaging in picketing, work stoppages,  
40 boycotts, and any other economic interference with the entity.

41 § 4. This act shall take effect on the ninetieth day after it shall  
42 have become a law; provided, however, that section three of this act  
43 shall take effect immediately.