STATE OF NEW YORK

2557

2021-2022 Regular Sessions

IN SENATE

January 21, 2021

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:

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

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

§ 2. Any transferee or purchaser corporation, firm, company, partnership, limited liability company, or association engaged in the transfer, lease or sale of any franchise, works or system of a nuclear power plant within sixty miles of a city with a population of one million or more 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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current workforce as of the effective date of this act pursuant to the terms of such agreement.

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activities of the Indian Point Nuclear Power Plant, as proposed in legislative bills numbers S. 7846 and A. 10338, is REPEALED.

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activities of the Indian Point Nuclear Power Plant, as proposed in legislative bills numbers S. 7846 and A. 10338, is REPEALED.

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

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

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

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