

# STATE OF NEW YORK

6015

2017-2018 Regular Sessions

## IN ASSEMBLY

February 21, 2017

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to the membership of the public service commission

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

1 Section 1. Section 4 of the public service law, as amended by chapter  
2 155 of the laws of 1970, is amended to read as follows:

3 § 4. The public service commission. (a) 1. There shall be in the  
4 department of public service a public service commission, which shall  
5 possess the powers and duties hereinafter specified, and also all powers  
6 necessary or proper to enable it to carry out the purposes of this chap-  
7 ter. The commission shall consist of [~~five~~] eleven members, nine voting  
8 and two non-voting, as follows: seven voting members to be appointed by  
9 the governor, by and with the advice and consent of the senate, one upon  
10 the recommendation of the attorney general and one upon the recommenda-  
11 tion of the state comptroller; one voting member appointed by the speak-  
12 er of the assembly; one voting member appointed by the temporary presi-  
13 dent of the senate; and one non-voting member appointed by the minority  
14 leader of the assembly and one non-voting member appointed by the minor-  
15 ity leader of the senate. [~~A commissioner shall be designated as chair-~~  
16 ~~man of the commission by the governor to serve in such capacity at the~~  
17 ~~pleasure of the governor or until his term as commissioner expires~~  
18 ~~whichever first occurs. No more than three commissioners may be members~~  
19 ~~of the same political party unless, pursuant to action taken under~~  
20 ~~subdivision two, the number of commissioners shall exceed five, and in~~  
21 ~~such event no more than four commissioners may be members of the same~~  
22 ~~political party.] The voting members of the commission shall elect a~~  
23 chairperson from among its members.

24 (b) To the maximum extent possible, the commissioners shall possess  
25 broad and extensive knowledge and experience in the areas of energy and

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

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1 telecommunications issues, financing and regulation of utilities, rate-  
2 making, or consumer protection and advocacy.

3 2. [~~Notwithstanding subdivision one, whenever the commission shall~~  
4 ~~certify to the governor that additional commissioners are needed for the~~  
5 ~~proper disposition of the business before it, the governor may increase~~  
6 ~~the membership of the commission to seven members by appointing two~~  
7 ~~additional commissioners by and with the advice and consent of the~~  
8 ~~senate. The terms of office of such additional commissioners and the~~  
9 ~~filling of vacancies during such terms shall be governed by subdivision~~  
10 ~~three, except that upon the expiration of the terms of such additional~~  
11 ~~commissioners, no further appointments or reappointments shall be made~~  
12 ~~to such additional offices, unless the commission shall first certify to~~  
13 ~~the governor that the need for additional commissioners continues to~~  
14 ~~exist.~~

15 3.] The term of office of a commissioner shall be six years from the  
16 first day of February of the calendar year in which he shall be  
17 appointed and commissioners shall serve on a full-time basis. Upon a  
18 vacancy occurring otherwise than by expiration of term in the office of  
19 any commissioner, [~~the governor, by and with the advice and consent of~~  
20 ~~the senate,~~] the appropriate appointing authority described in subdivi-  
21 sion one of this section shall fill the vacancy by appointment for the  
22 unexpired term, provided that any appointment made by the governor to  
23 fill a vacancy pursuant to this subdivision shall be by and with the  
24 advice and consent of the senate.

25 § 2. This act shall take effect immediately.