S T A T E O F N E W Y O R K

4205

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. THIELE, ALFANO, McDONOUGH, RAIA, WALKER -- Multi-Sponsored by -- M. of A. BARRA -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to the board of trustees of the Long Island power authority and repealing certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent. The legislature finds and declares that:

1. the Long Island power authority was established because the legislature believed that matters of state concern would best be dealt with by replacing such investor owned utility with a publicly owned power authority;

2. a public power authority is best governed by representatives of the public it was established to serve;

3. a democratic principal of energy production must seek to ensure an equitable responsibility for the production of power among the constituents served;

4. in the future Long Island should seek to reformulate its energy distribution methods so that the various townships will take responsibility for producing the power necessary to match growth;

5. the public election of trustees to the power authority will serve to better represent local interests and issues;

6. as a matter of public policy, relinquishing local control over power production does not allow siting and technology decisions to be made by the most impacted population. Therefore, through the election of local trustees, the communities can work to accept the responsibility for the energy production decisions necessary to accommodate their needs; and

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

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7. the Long Island Power Authority (LIPA) was created by the state to be the retail supplier of electricity and is charged with developing energy policy, rate setting and financial planning for the Long Island service territory. LIPA was intended to "provide safe and adequate service at lower rates while facilitating the shift of investment into more beneficial energy demand/energy supply management alternatives". Moreover, the state intended that LIPA utilize "to the fullest extent practicable, all economical means of conservation, and technologies that rely on renewable energy resources, cogeneration and improvements in energy efficiency which will benefit the interests of the ratepayers of the service area".

The legislature finds that the interests set forth in this section will be best served by a utility operated by an elected board of trustees.

S 2. Section 1020-d of the public authorities law, as added by chapter 506 of the laws of 1995, is REPEALED and a new section 1020-d is added to read as follows:

S 1020-D. TRUSTEES. 1. BEGINNING JANUARY FIRST, TWO THOUSAND TEN, THE AUTHORITY SHALL CONSIST OF SEVENTEEN TRUSTEES. ONE TRUSTEE, WHO SHALL BE THE CHAIR, SHALL BE APPOINTED BY THE GOVERNOR, AND SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. SIXTEEN TRUSTEES SHALL BE ELECTED WITH ONE EACH FROM EACH OF THE FOLLOWING POLITICAL SUBDIVISIONS, OR IN THE CASE OF THE COUNTY OF QUEENS, THE PORTION OF THE COUNTY OF QUEENS WITHIN THE SERVICE AREA OF THE AUTHORITY:

(A) COUNTY OF NASSAU:

(1) TOWN OF HEMPSTEAD,

(2) TOWN OF NORTH HEMPSTEAD,

(3) TOWN OF OYSTER BAY,

(4) CITY OF LONG BEACH, AND

(5) CITY OF GLEN COVE;

(B) COUNTY OF SUFFOLK:

(1) TOWN OF BABYLON,

(2) TOWN OF BROOKHAVEN,

(3) TOWN OF EAST HAMPTON,

(4) TOWN OF HUNTINGTON,

(5) TOWN OF ISLIP,

(6) TOWN OF RIVERHEAD,

(7) TOWN OF SHELTER ISLAND,

(8) TOWN OF SMITHTOWN,

(9) TOWN OF SOUTHAMPTON,

(10) TOWN OF SOUTHOLD;

(C) THAT PORTION OF THE COUNTY OF QUEENS WITHIN THE AUTHORITIES SERVICE AREA. EACH ELECTED TRUSTEE SHALL BE A RESIDENT OF THE POLITICAL SUBDIVISION FROM WHICH HE OR SHE IS ELECTED. IN THE CASE OF THE COUNTY OF QUEENS, THE TRUSTEE MUST ALSO RESIDE IN THE AUTHORITY SERVICE AREA. NO PERSON WHO IS AN ELECTED OR APPOINTED OFFICIAL OF THE STATE OR ANY MUNICIPALITY, OR ANY AGENCY OR INSTRUMENTALITY THEREOF, SHALL BE QUALIFIED TO SERVE AS AN ELECTED TRUSTEE. EACH TRUSTEE SHALL HOLD OFFICE FOR A TERM OF TWO YEARS AND SHALL BE ELECTED AT THE SAME TIME AS THE BIENNIAL TOWN ELECTION. IN THE EVENT OF A VACANCY OCCURRING IN THE OFFICE OF AN ELECTED TRUSTEE BY DEATH, RESIGNATION OR OTHERWISE, A SUCCESSOR SHALL BE CHOSEN BY THE GOVERNING BODY OF THE POLITICAL SUBDIVISION FOR THE UNEXPIRED TERM.

2. SUCH TRUSTEES SHALL BE ELECTED IN ELECTIONS CONDUCTED BY THE BOARD OF ELECTIONS PURSUANT TO THE APPLICABLE PROVISIONS OF THE ELECTION LAW.

NO POLITICAL PARTY SHALL BE ENTITLED TO NOMINATE CANDIDATES FOR THE OFFICE OF TRUSTEE AT ANY SUCH ELECTION.

3. NINE TRUSTEES SHALL CONSTITUTE A QUORUM FOR THE PURPOSE OF CONDUCTING THE BUSINESS OF THE AUTHORITY. THE VOTE OF THE MAJORITY OF THE TRUSTEES SHALL BE REQUIRED FOR THE PURPOSE OF TAKING ACTION.

4. NO TRUSTEE SHALL RECEIVE A SALARY, BUT EACH SHALL BE ENTITLED TO REIMBURSEMENT FOR REASONABLE EXPENSES IN THE PERFORMANCE OF DUTIES ASSIGNED IN THIS SECTION.

S 3. This act shall take effect immediately.