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

4676

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. BRENNAN, BENJAMIN, COLTON, PHEFFER -- Multi-Sponsored by -- M. of A. CHRISTENSEN, CLARK, GABRYSZAK, GLICK, GOTTFRIED, HOOPER, JACOBS, JOHN, NOLAN, SWEENEY -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to the manner in which the members of the New York state energy research and development authority shall be appointed

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

Section 1. Subdivision 2 of section 1852 of the public authorities law, as amended by chapter 83 of the laws of 1995, is amended to read as follows:

2. The membership of the authority shall consist of thirteen members, to be as follows: the commissioner of the department of transportation, the commissioner of the department of environmental conservation, the chair of the public service commission, the chair of the power authority of the State of New York, all of whom shall serve ex-officio; and [nine] SIX members appointed by the governor by and with the advice and consent of the senate[; one of whom shall be an engineer or a research scientist with a degree in the physical sciences or engineering who has not been employed in the nuclear fission field for three years preceding the appointment and who shall not be so employed during his or her term; one of whom shall be an economist who shall not have received more than one-tenth of his or her income from an electric utility or gas utility for three years preceding the appointment and who shall not so derive more than one-tenth of his or her income during such term; one of whom who shall be a member of a not-for-profit environmental group; one of whom shall be a member of a not-for-profit consumer group; one of whom who shall be an officer of a utility primarily engaged in the distribution of gas; and one whom shall be an officer of an electric utility.], ONE MEMBER APPOINTED BY THE COMPTROLLER, ONE MEMBER APPOINTED BY THE

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

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TEMPORARY PRESIDENT OF THE SENATE, AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE ASSEMBLY. THE MEMBERS APPOINTED BY THE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL NOT BE EMPLOYEES OF THE STATE. The governor shall designate the chair. [Of the nine members appointed by the governor, two shall be appointed for terms expiring April first, nineteen hundred seventy-eight, two for terms expiring April first, nineteen hundred eighty, two for terms expiring April first, nineteen hundred eighty-one, and three for terms expiring April first, nineteen hundred eighty-two.] OF THE MEMBERS FIRST APPOINTED PURSUANT TO THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS SUBDIVISION, TWO MEMBERS APPOINTED BY THE GOVERNOR SHALL SERVE FOR TERMS OF TWO YEARS, TWO MEMBERS APPOINTED BY THE GOVERNOR SHALL SERVE FOR TERMS OF FOUR YEARS, TWO MEMBERS APPOINTED BY THE GOVERNOR SHALL SERVE FOR TERMS OF SIX YEARS, THE MEMBER APPOINTED BY THE COMPTROLLER SHALL SERVE FOR A TERM OF SIX YEARS, THE MEMBER APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE SHALL SERVE FOR A TERM OF FOUR YEARS AND THE MEMBER APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL SERVE FOR A TERM OF TWO YEARS. Persons appointed [by the governor] for full terms as successors to such members shall serve for terms of six years each [commencing as of April first]. In the event of a vacancy occurring in the office of a member by death, resignation or otherwise, the [governor] ORIGINAL APPOINTING AUTHORITY shall appoint a successor[, by and with the advice and consent of the senate,] to serve the balance of the unexpired term.

S 2. This act shall take effect immediately.