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

9027--A

I N A S S E M B L Y

March 10, 2014

Introduced by M. of A. BRENNAN -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

S 4. The public service commission. 1. There shall be in the department of public service a public service commission, which shall possess the powers and duties hereinafter specified, and also all powers necessary or proper to enable it to carry out the purposes of this chapter. The commission shall consist of MEMBERS AND EX OFFICIO MEMBERS AS FOLLOWS:

(A) five members, to be appointed by the governor, by and with the advice and consent of the senate. A commissioner APPOINTED PURSUANT TO THIS PARAGRAPH shall be designated as chairman of the commission by the governor to serve in such capacity at the pleasure of the governor or until his OR HER term as commissioner expires whichever first occurs. No more than three commissioners APPOINTED PURSUANT TO THIS PARAGRAPH may be members of the same political party [unless, pursuant to action taken under subdivision two, the number of commissioners shall exceed five, and in such event no more than four commissioners may be members of the same political party].

(B) FOUR MEMBERS SHALL BE EX OFFICIO VOTING MEMBERS, AS FOLLOWS:

(I) THE SPEAKER OF THE ASSEMBLY;

(II) THE MINORITY LEADER OF THE ASSEMBLY;

(III) THE TEMPORARY PRESIDENT OF THE SENATE; AND

(IV) THE MINORITY LEADER OF THE SENATE.

(C) TWO MEMBERS SHALL BE EX OFFICIO NON-VOTING MEMBERS, AS FOLLOWS:

(I) THE ATTORNEY GENERAL OF THE STATE OF NEW YORK; AND

(II) THE COMPTROLLER OF THE STATE OF NEW YORK.

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

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

3.] The term of office of a commissioner APPOINTED PURSUANT TO PARAGRAPH A OF SUBDIVISION ONE OF THIS SECTION shall be six years from the first day of February of the calendar year in which he OR SHE shall be appointed and SUCH commissioners shall serve on a full-time basis. Upon a vacancy [occuring] OCCURRING otherwise than by expiration of term in the office of any SUCH commissioner, the governor, by and with the advice and consent of the senate, shall fill the vacancy by appointment for the unexpired term.

3. AN EX OFFICIO MEMBER MAY APPOINT A DESIGNEE TO REPRESENT HIM OR HER ON THE COMMISSION.

S 2. This act shall take effect immediately.