

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:

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

3 S 4. The public service commission. 1. There shall be in the depart-
4 ment of public service a public service commission, which shall possess
5 the powers and duties hereinafter specified, and also all powers neces-
6 sary or proper to enable it to carry out the purposes of this chapter.
7 The commission shall consist of MEMBERS AND EX OFFICIO MEMBERS AS
8 FOLLOWS:

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

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

20 (I) THE SPEAKER OF THE ASSEMBLY;

21 (II) THE MINORITY LEADER OF THE ASSEMBLY;

22 (III) THE TEMPORARY PRESIDENT OF THE SENATE; AND

23 (IV) THE MINORITY LEADER OF THE SENATE.

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

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

26 (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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1 2. [Notwithstanding subdivision one, whenever the commission shall
2 certify to the governor that additional commissioners are needed for the
3 proper disposition of the business before it, the governor may increase
4 the membership of the commission to seven members by appointing two
5 additional commissioners by and with the advice and consent of the
6 senate. The terms of office of such additional commissioners and the
7 filling of vacancies during such terms shall be governed by subdivision
8 three, except that upon the expiration of the terms of such additional
9 commissioners, no further appointments or reappointments shall be made
10 to such additional offices, unless the commission shall first certify to
11 the governor that the need for additional commissioners continues to
12 exist.

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

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

23 S 2. This act shall take effect immediately.