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

7300--A

2015-2016 Regular Sessions

I N A S S E M B L Y

May 4, 2015

Introduced by M. of A. BRENNAN, BRONSON, GOTTFRIED, JAFFEE, KEARNS, LINARES, MAYER, MOSLEY, SILVER, SIMON, TITONE, CAHILL, ORTIZ -- Multi-Sponsored by -- M. of A. ABBATE, BLAKE, COOK, DAVILA, ENGLEBRIGHT, GLICK, GUNTHER, HEVESI, HIKIND, LENTOL, MARKEY, McDONOUGH, MONTESANO, NOLAN, RAIA, RIVERA, SCHIMMINGER, THIELE -- 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 to read as follows:

S 4. The public service commission. (A) 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 [five] ELEVEN members, NINE VOTING AND TWO NON-VOTING, AS FOLLOWS: SEVEN VOTING MEMBERS to be appointed by the governor, by and with the advice and consent of the senate, ONE UPON THE RECOMMENDATION OF THE ATTORNEY GENERAL AND ONE UPON THE RECOMMENDATION OF THE STATE COMPTROLLER; ONE VOTING MEMBER APPOINTED BY THE SPEAKER OF THE ASSEMBLY; ONE VOTING MEMBER APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; AND ONE NON-VOTING MEMBER APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY AND ONE NON-VOTING MEMBER APPOINTED BY THE MINORITY LEADER OF THE SENATE. [A commissioner 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 term as commissioner expires whichever first occurs. No more than three commissioners may be members of the same political party unless, pursuant to action taken under

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

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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.] THE VOTING MEMBERS OF THE COMMISSION SHALL ELECT A CHAIRPERSON FROM AMONG ITS MEMBERS.

(B) TO THE MAXIMUM EXTENT POSSIBLE, THE COMMISSIONERS SHALL POSSESS BROAD AND EXTENSIVE KNOWLEDGE AND EXPERIENCE IN THE AREAS OF ENERGY AND TELECOMMUNICATIONS ISSUES, FINANCING AND REGULATION OF UTILITIES, RATE-MAKING, OR CONSUMER PROTECTION AND ADVOCACY.

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 shall be six years from the first day of February of the calendar year in which he shall be appointed and commissioners shall serve on a full-time basis. Upon a vacancy occurring otherwise than by expiration of term in the office of any commissioner, [the governor, by and with the advice and consent of the senate,] THE APPROPRIATE APPOINTING AUTHORITY DESCRIBED IN SUBDIVISION ONE OF THIS SECTION shall fill the vacancy by appointment for the unexpired term, PROVIDED THAT ANY APPOINTMENT MADE BY THE GOVERNOR TO FILL A VACANCY PURSUANT TO THIS SUBDIVISION SHALL BE BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.

S 2. This act shall take effect immediately.