

# STATE OF NEW YORK

10397

## IN ASSEMBLY

April 19, 2018

Introduced by M. of A. BLANKENBUSH -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to the siting of major electric generating facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 160 of the public service law, as  
2 added by chapter 388 of the laws of 2011, is amended to read as follows:

3 4. "Board" means the New York state board on electric generation  
4 siting and the environment, which shall be in the department and consist  
5 of seven persons: the chair of the department, who shall serve as chair  
6 of the board; the commissioner of environmental conservation; the  
7 commissioner of health; the chair of the New York state energy research  
8 and development authority; the commissioner of economic development and  
9 two ad hoc public members, both of whom shall reside within the munici-  
10 pality in which the facility is proposed to be located, except if such  
11 facility is proposed to be located within the city of New York, then all  
12 ad hoc members shall reside within the community district in which the  
13 facility is proposed to be located. One ad hoc member shall be appointed  
14 by the president pro tem of the senate and one ad hoc member shall be  
15 appointed by the speaker of the assembly, in accordance with subdivision  
16 two of section one hundred sixty-one of this article. The term of the ad  
17 hoc public members shall continue until a final determination is made in  
18 the particular proceeding for which they were appointed. Provided  
19 however, if a proposed facility is to be located within seventy-five  
20 miles of an in-state military base, the United States department of  
21 defense may appoint an eighth non-voting, ad hoc member whose term shall  
22 continue until a final determination is made in the particular proceed-  
23 ing for which they were appointed.

24 § 2. Subdivision 2 of section 161 of the public service law, as added  
25 by chapter 388 of the laws of 2011, is amended to read as follows:

26 2. Upon receipt of a pre-application preliminary scoping statement  
27 under this article, the chair shall promptly notify the governor, the  
28 president pro tem of the senate, the speaker of the assembly, the chief

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

LBD13665-04-8

1 executive officers representing the municipality and the county in which  
2 the facility is proposed to be located, and, if such facility is  
3 proposed to be located within the city of New York, the mayor of the  
4 city of New York, as well as the chairperson of the community board and  
5 the borough president representing the area in which the facility is  
6 proposed to be located and if the proposed facility is to be located  
7 within seventy-five miles of an in-state military base, the United  
8 States department of defense and the commander or senior military offi-  
9 cer of the in-state military base. One ad hoc member shall be appointed  
10 by the president pro tem of the senate and one ad hoc member shall be  
11 appointed by the speaker of the assembly from a list of candidates  
12 submitted to them, in the following manner. If such facility is proposed  
13 to be located outside of the city of New York, the chief executive offi-  
14 cer representing the municipality shall nominate four candidates and the  
15 chief executive officer representing the county shall nominate four  
16 candidates for consideration. If such facility is proposed to be located  
17 outside of the city of New York and in a village located within a town,  
18 the chief executive officer representing the town shall nominate four  
19 candidates, the chief executive officer representing the county shall  
20 nominate four candidates, and the chief executive officer representing  
21 the village shall nominate four candidates for consideration. If such  
22 facility is proposed to be located in the city of New York, the chair-  
23 person of the community board, the borough president, and the mayor of  
24 the city of New York shall each nominate four candidates for consider-  
25 ation. Nominations shall be submitted to the president pro tem of the  
26 senate and the speaker of the assembly within fifteen days of receipt of  
27 notification of the pre-application preliminary scoping statement. In  
28 the event that the president pro tem of the senate does not appoint one  
29 of the candidates within thirty days of such nominations, the governor  
30 shall appoint the ad hoc member from the list of candidates. In the  
31 event that the speaker of the assembly does not appoint one of the  
32 candidates within thirty days of such nominations, the governor shall  
33 appoint the ad hoc member from the list of candidates. When applicable  
34 the United States department of defense may appoint a non-voting, ad hoc  
35 member. In the event that the United States department of defense does  
36 not appoint a member within forty-five days of notification pursuant to  
37 this section, their right to do so shall be deemed waived. In the event  
38 that one or [~~both~~] more of the ad hoc public members have not been  
39 appointed within forty-five days, a majority of persons named to the  
40 board shall constitute a quorum.

41 § 3. This act shall take effect immediately, and shall apply to all  
42 applications for a certificate filed on or after such date.