# STATE OF NEW YORK

1435

2019-2020 Regular Sessions

# IN SENATE

January 14, 2019

Introduced by Sens. RITCHIE, AKSHAR, BOYLE, HELMING, ORTT, RANZENHOFER, ROBACH, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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:**

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

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

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

LBD05028-01-9

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

2. Upon receipt of a pre-application preliminary scoping statement under this article, the chair shall promptly notify the governor, the president pro tem of the senate, the speaker of the assembly, the chief executive officers representing the municipality and the county in which the facility is proposed to be located, and, if such facility is proposed to be located within the city of New York, the mayor of the city of New York, as well as the chairperson of the community board and the borough president representing the area in which the facility is proposed to be located **and if the proposed facility is to be located within seventy-five miles of an in-state military base, the United States department of defense and the commander or senior military officer of the in-state military base**. One ad hoc member shall be appointed by the president pro tem of the senate and one ad hoc member shall be appointed by the speaker of the assembly from a list of candidates submitted to them, in the following manner. If such facility is proposed to be located outside of the city of New York, the chief executive officer representing the municipality shall nominate four candidates and the chief executive officer representing the county shall nominate four candidates for consideration. If such facility is proposed to be located outside of the city of New York and in a village located within a town, the chief executive officer representing the town shall nominate four candidates, the chief executive officer representing the county shall nominate four candidates, and the chief executive officer representing the village shall nominate four candidates for consideration. If such facility is proposed to be located in the city of New York, the chairperson of the community board, the borough president, and the mayor of the city of New York shall each nominate four candidates for consideration. Nominations shall be submitted to the president pro tem of the senate and the speaker of the assembly within fifteen days of receipt of notification of the pre-application preliminary scoping statement. In the event that the president pro tem of the senate does not appoint one of the candidates within thirty days of such nominations, the governor shall appoint the ad hoc member from the list of candidates. In the event that the speaker of the assembly does not appoint one of the candidates within thirty days of such nominations, the governor shall appoint the ad hoc member from the list of candidates. **When applicable the United States department of defense may appoint a non-voting, ad hoc member. In the event that the United States department of defense does not appoint a member within forty-five days of notification pursuant to this section, their right to do so shall be deemed waived.** In the event that one or [~~both~~] **more** of the ad hoc public members have not been appointed within forty-five days, a majority of persons named to the board shall constitute a quorum.

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