

# STATE OF NEW YORK

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3714

2021-2022 Regular Sessions

## IN SENATE

January 30, 2021

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Introduced by Sen. ORTT -- 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 appointing ad hoc members to the New York state board on electric generation siting and the environment

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

1 Section 1. Subdivision 2 of section 161 of the public service law, as  
2 added by chapter 388 of the laws of 2011, is amended to read as follows:  
3 2. (a) Upon receipt of a pre-application preliminary scoping statement  
4 under this article, the chair shall promptly notify the governor, the  
5 president pro tem of the senate, the speaker of the assembly, the chief  
6 executive officers representing the municipality and the county in which  
7 the facility is proposed to be located, and, if such facility is  
8 proposed to be located within the city of New York, the mayor of the  
9 city of New York, as well as the chairperson of the community board and  
10 the borough president representing the area in which the facility is  
11 proposed to be located. One ad hoc member shall be appointed by the  
12 president pro tem of the senate and one ad hoc member shall be appointed  
13 by the speaker of the assembly from a list of candidates submitted to  
14 them, in the following manner. If such facility is proposed to be  
15 located outside of the city of New York, the chief executive officer  
16 representing the municipality shall nominate four candidates and the  
17 chief executive officer representing the county shall nominate four  
18 candidates for consideration. If such facility is proposed to be located  
19 outside of the city of New York and in a village located within a town,  
20 the chief executive officer representing the town shall nominate four  
21 candidates, the chief executive officer representing the county shall  
22 nominate four candidates, and the chief executive officer representing  
23 the village shall nominate four candidates for consideration. If such

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

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1 facility is proposed to be located in the city of New York, the chair-  
2 person of the community board, the borough president, and the mayor of  
3 the city of New York shall each nominate four candidates for consider-  
4 ation. Nominations shall be submitted to the president pro tem of the  
5 senate and the speaker of the assembly within fifteen days of receipt of  
6 notification of the pre-application preliminary scoping statement. In  
7 the event that the president pro tem of the senate does not appoint one  
8 of the candidates within thirty days of such nominations, the governor  
9 shall appoint the ad hoc member from the list of candidates within  
10 forty-five days. In the event that the speaker of the assembly does not  
11 appoint one of the candidates within thirty days of such nominations,  
12 the governor shall appoint the ad hoc member from the list of candidates  
13 within forty-five days. [~~In the event that one or both of the ad hoc~~  
14 ~~public members have not been appointed within forty-five days, a majori-~~  
15 ~~ty of persons named to the board shall constitute a quorum.~~]

16 (b) In the event that one or both of the ad hoc members have not been  
17 appointed, pursuant to paragraph (a) of this subdivision, the chair  
18 shall, within thirty days, notify all parties required to be notified of  
19 the pre-application preliminary scoping statement of the status of the  
20 candidates submitted. The state senator or senators and state assembly  
21 member or members who represent the districts wherein the proposed  
22 project is planned shall also be notified of the status of the candi-  
23 dates submitted.

24 (c) If one or both of the ad hoc members have not been appointed  
25 pursuant to paragraph (a) of this subdivision, then the state senator  
26 or senators and state assembly member or members who represent the  
27 districts wherein the proposed project is planned shall be authorized to  
28 appoint ad hoc members from the lists of candidates submitted in the  
29 same manner as the president pro tem of the senate and the speaker of  
30 the assembly.

31 (d) Upon the appointment of all ad hoc members, a majority of persons  
32 named to the board shall constitute a quorum.

33 § 2. This act shall take effect immediately and shall apply to all  
34 current and future ad hoc member openings on the New York state board on  
35 electric generation siting and the environment.