STATE OF NEW YORK

3714

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

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:

Section 1. 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. **(a)** 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. 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

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

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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 **within forty-five days**. 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 **within forty-five days**. [~~**In the event that one or both 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.**~~]

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

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

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

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