STATE OF NEW YORK

4405

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

Introduced by M. of A. STECK -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to membership in 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, subdivision 1 as amended by chapter 594 of the laws of 2021 and subdivision 4 as added by chapter 584 of the laws of 2021, is amended to read as follows:

§ 4. The public service commission. 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~~] **seven** members, to be appointed by the governor, by and with the advice and consent of the senate. **Two members of the commission shall be selected from a not-for-profit organization with a mission of consumer protection and/or social justice or having a background in consumer protection and/or social justice. One member of the seven member commission shall be a resident of a nonattainment area.** 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 **or her** term as commissioner expires whichever first occurs. At least one commissioner shall have experience in utility consumer advocacy. No more than [~~three~~] **five** commissioners may be members of the same political party [~~unless, pursuant to action taken under subdivision two of this section, the number of commissioners shall exceed five, and in such event no more than four commissioners may be members of the same political party~~].

2. [~~Notwithstanding subdivision one, whenever the commission shall certify to the governor that additional commissioners are needed for the~~

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

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~~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 **or she** shall be appointed and commissioners shall serve on a full-time basis. Upon a vacancy [~~occuring~~] **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, shall fill the vacancy by appointment for the unexpired term.

[~~4.~~]**3.** Any commissioner appointed on or after July first, two thousand twenty-two, pursuant to this section shall have education and training, and three or more years of experience in one or more of the following fields: economics, engineering, law, accounting, business management, utility regulation, public policy, consumer advocacy or environmental management.

§ 2. This act shall take effect immediately.