STATE OF NEW YORK

10389

IN ASSEMBLY

March 3, 2026

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

AN ACT to amend the public service law, in relation to enacting the citizens utility board act; and making an appropriation therefor

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

Section 1. Short title. This act shall be known and may be cited as the "citizens utility board act".

§ 2. The public service law is amended by adding a new article 12 to read as follows:

ARTICLE 12
CITIZENS UTILITY BOARD

Section 250. Purpose.
251. Definitions.
252. Citizens utility board: formation and membership.
253. Powers and duties.
254. Contributions.
255. Board of directors.
256. Duties of directors.
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263. Membership of the board of directors.
264. Public records.
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266. Corrupt practices and conflicts of interest.
267. Board to be nonpartisan.
268. Expenses.
269. Dissolution.
270. Construction.
271. Liability of public utility.

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

LBD14874-02-6

§ 250. Purpose. The purpose of this article is to promote the health, welfare and prosperity of all the citizens of this state by ensuring effective and democratic representation of utility consumers before the public service commission, the federal energy regulatory commission, the federal communications commission, the courts, and other public bodies and by providing for consumer education on utility service prices and on benefits and methods of energy conservation. Such purpose shall be deemed a statewide interest and not a private or special concern.

§ 251. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Board" means the citizens utility board established pursuant to section two hundred fifty-two of this article.

2. "Board of directors" means the board of directors of the citizens utility board.

3. "Campaign contribution" means a gift, subscription, loan, advance or deposit of money or anything of value, made for the purpose of electing a candidate to the board of directors; or a contract, a promise or agreement, express or implied, whether or not legally enforceable, to make any campaign contribution; but does not include the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, or the use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for candidate-related activities.

4. "Campaign expenditures" means a purchase, payment distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of electing a candidate to the board of directors; or a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any campaign expenditure; but does not include the use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for candidate-related activities.

5. "Class A utility" means any gas, electric or water-works corporation with annual total gross operating revenues of two million five hundred thousand dollars or more or any telephone corporation with annual total gross operating revenues of one million six hundred thousand dollars or more on the effective date of this article.

6. "Director" means any member of the board of directors.

7. "District" means a board district, the boundaries of which are congruent with the boundaries of the judicial districts in the state.

8. "Immediate family" of a person means the person's spouse and legal dependents.

9. "Member" means any person who satisfies the requirements for membership pursuant to section two hundred fifty-two of this article.

10. "Periodic customer billing" means a demand for payment for utility services by a public utility to a residential utility consumer on a monthly or other regular basis.

11. "Political committee" means any committee, club, association or other group of persons which make campaign expenditures or receive campaign contributions during the year before an election of the board of directors.

12. "Public utility" shall have the same meaning as "public utility company" defined in subdivision twenty-three of section two of this

chapter, provided, however "public utility" shall additionally include entities subject to the provisions of article eleven of this chapter.

13. "Utility consumer" means any individual who is located in this state and which is furnished with a utility service by a public utility.

14. "Utility service" means electricity, natural gas, water and telephone service supplied by a public utility.

§ 252. Citizens utility board: formation and membership. 1. There is created a nonprofit public body corporate and politic to be known as the "citizens utility board". Any utility consumer who has submitted a membership form and has contributed membership dues to the board in the preceding twelve months shall be a member of the board. A member may resign from membership at any time.

2. The board shall, upon certification of their nominations pursuant to subdivision two of section two hundred sixty-three of this article and request by the candidate, within five days provide to each candidate for election to the board of directors a current list of members residing in the candidate's district. Such list shall include the names and current addresses of members within such district, and may be used by the candidate only for election purposes.

3. Notwithstanding any other provision of this article or any other provisions of law, if the board does not receive contributions from at least ten thousand citizens of this state within three years of the effective date of this article, the board shall be dissolved.

§ 253. Powers and duties. 1. The board shall:

(a) Represent and protect the interests of the residential utility consumers of this state. All actions by the board under this article shall be directed toward such duty; provided that the board may also give due consideration to the interests of business in the state.

(b) Inform, in so far as possible, all utility consumers about the board, including the procedure for obtaining membership in the board.

2. The board shall have all the powers necessary or convenient for the effective representation and protection of the interest of utility consumers and to implement this article, including the following powers in addition to all other powers granted by this article:

(a) To make, amend and repeal bylaws and rules for the regulation of its affairs and the conduct of its business; to adopt an official seal and alter it at pleasure; to maintain an office; to sue and be sued in its own name, plead and be impleaded; and to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the board.

(b) To employ such agents, employees and special advisors as it finds necessary and to fix their compensation.

(c) To solicit and accept gifts, loans, or other aid in order to support activities concerning the interests of utility consumers. Except as provided in section two hundred fifty-four of this article, the board may not accept gifts, loans or other aid from any public utility or from any director, employee or agent or member of the immediate family of a director, employee or agent of any public utility. As used in this paragraph, "aid" does not mean payment of membership dues.

(d) To intervene as a party or otherwise participate on behalf of utility consumers in any proceeding which affects the interest of utility consumers.

(e) To represent the interests of utility consumers before the commission, the federal energy regulatory commission, the federal communications commission, the courts, and other public bodies, except that no director, employee or agent of the board may engage in lobbying without

first complying with any applicable statute, administrative rule or other regulation relating to lobbying.

(f) To establish annual dues which shall be set at a level that provides sufficient funding for the board to effectively perform its powers and duties, and is reasonable and affordable for as many utility consumers as is possible.

(g) To implement solicitation for board funding and membership.

(h) To seek tax exempt status under state and federal law, including 501(c)(3) status under the United States internal revenue code.

(i) To provide information and advice to utility consumers on any matter with respect to utility service, including but not limited to information and advice on benefits and methods of energy conservation.

3. The powers, duties, rights and privileges conferred or imposed upon the board by this article shall not be transferred.

4. The board shall refrain from interfering with collective bargaining rights of any employees of a public utility.

§ 254. Contributions. Notwithstanding paragraph (c) of subdivision two of section two hundred fifty-three of this article, the board shall have the authority to solicit and accept contributions from the clean energy fund.

§ 255. Board of directors. The board shall be managed by, and its powers, functions and duties shall be exercised through a board of directors to be composed as follows:

1. Election and terms of directors. The citizens utility board districts shall be divided into two groups for the purpose of establishing terms for which the directors shall be elected in each group. One group shall be comprised of the even numbered judicial districts within the state and one at-large member. The odd numbered judicial districts within the state and one at-large member shall comprise the other group.

(a) The interim board of directors, within sixty days after their appointment, shall meet and publicly by lot determine which group shall be the first group and which group shall be the second. The board of directors members or their successors from the first group shall be elected for successive terms of two years, two years and four years; and members or their successors from the second group shall be elected for successive terms of four years, two years and two years.

(b) The first election of the board of directors is to be held no later than the thirtieth of April next succeeding the effective date of this article. Subsequent elections of the board of directors shall be held on March thirty-first of each election year. If March thirty-first falls on a weekend or holiday, the election shall occur on the next business day following March thirty-first.

(c) Interim and elected board members shall serve until their successors are elected and have qualified.

2. Qualifications. A director shall be a resident of the district they represent, provided however, that an at-large director only needs to be a resident of the state, and all directors shall be members of the board. No person who is an employee in any managerial or supervisory capacity, director, officer or agent or who is a member of the immediate family of any such employee, director, officer or agent of any public utility is eligible to be a director. No director may hold any elective position, be a candidate for any elective position, be a state public official, be employed by the commission, or be employed in a governmental position.

3. Director, family member employment. No director, nor member of their immediate family shall, either directly or indirectly, be employed for compensation as a staff member or consultant of the board.

4. Meetings. The board of directors shall hold regular meetings at least once every three months on such dates and at such places as it may determine. Special meetings may be called by the president or by a majority of the directors upon at least seven days' advance written notice. Unless otherwise provided in the bylaws, a majority of the board of directors shall constitute a quorum; provided, that in no event shall a quorum consist of less than one-third of the board of directors. The act of the majority of the directors, present at a meeting at which a quorum is present, shall be the act of the board of directors unless the act of a greater number is required by this article or bylaws. A summary of the minutes of every board meeting shall be made available to each public library in the state upon request and to individuals upon request.

5. Expenses. A director may not receive any compensation for their services but shall be reimbursed for necessary expenses, including travel expenses incurred in the discharge of duties. The board of directors shall establish standard allowances for mileage, room and meals and the purposes for which such allowances may be made and shall determine the reasonableness and necessity for such reimbursements. The board of directors shall include the schedule of such standard allowances in the annual report pursuant to paragraph (d) of subdivision four of section two hundred fifty-six of this article.

6. Bonding. Directors and employees eligible to disburse funds shall be bonded. The costs of such bonds shall be paid by the board.

§ 256. Duties of directors. The board of directors shall have the following duties:

1. To establish the policy of the board regarding appearances before regulatory agencies, legislative bodies and other public authorities, and regarding other activities which the board has the authority to perform under this article.

2. To employ an executive director who shall have the following powers and duties, subject at all times to the direction and supervision of the board of directors:

(a) To implement the policy established by the board under subdivision one of this section.

(b) To employ and discharge employees of the board.

(c) To supervise the offices, facilities and work of the employees of the board.

(d) To have custody of and maintain the books, records and membership rolls of the board under this article.

(e) To prepare and submit to the board annual and quarterly statements of the financial and substantive operations of the board, and financial estimates for the future operations of the board.

(f) To attend and participate in meetings of the board of directors, but without a vote.

(g) To file annually with the board of directors a current financial statement which includes the information required pursuant to subdivision three of section two hundred sixty-three of this article.

(h) To exercise such other powers and perform such other duties as the board of directors delegates.

3. To hold an annual meeting of the membership on a date and at a place within the state to be determined by the board pursuant to section two hundred fifty-nine of this article.

4. To assure preparation of:

(a) Up-to-date membership rolls.

(b) Quarterly statements of the financial and substantive operations of the board.

(c) An audit of the board's books at least once each fiscal year. Such audit shall be by a certified public accountant.

(d) An annual report of the board's financial and substantive operations. The board shall prepare the report at the close of the board's fiscal year and shall make the report available to each of its members, as well as to members of the news media who request it. It shall also make the report available to each library in the state that requests it, and to individuals upon request.

5. To establish and make available to the public a written policy on the availability and distribution of all records required to be kept by the board under this article.

6. To prepare membership applications in English and the six most commonly spoken non-English languages in the state and distribute such applications on the public website of the board, and in sufficient amounts or in machine copyable form to every library system in the state, so as to allow such library systems to distribute the applications to all of the public libraries throughout the state, wherefrom utility consumers may obtain the applications to submit to the board, with annual dues, for membership.

7. To prepare nominating petitions in English and the six most commonly spoken non-English languages in the state and distribute such petitions on the public website of the board, and in sufficient amounts or in machine copyable form to every library system in the state, so as to allow such library systems to distribute the petitions to all of the public libraries throughout the state, wherefrom members of the board may obtain the petitions to circulate when running for nomination for a director.

8. To provide all candidates for election to the board with a current list of members residing in the candidate's district, or within the state for an at-large nomination, upon certification of nomination pursuant to subdivision two of section two hundred sixty-three of this article and within five days of a request by the candidate.

9. To carry out all other duties and responsibilities imposed upon the board and the board under this article.

§ 257. Director statement of financial interest. Every director shall file annually with the board of directors a current financial statement which includes the information required pursuant to subdivision three of section two hundred sixty-three of this article.

§ 258. Executive director: qualifications; appointment. 1. The executive director hired by the board of directors pursuant to section two hundred fifty-six of this article shall have the same qualifications as a director pursuant to section two hundred sixty-three of this article, except that the executive director need not be a resident of this state nor a member of the board. The executive director may not be a candidate for director while serving as executive director.

2. To hire the executive director pursuant to section two hundred fifty-six of this article, the board of directors shall adhere to any applicable state or federal law prohibiting discrimination in employment.

3. The board of directors shall require all applicants for the position of executive director of the board to file a financial statement which includes the information required pursuant to subdivision four of

section two hundred sixty-three of this article. The board shall require the executive director to file a current statement annually.

§ 259. Annual membership meeting. All members shall be eligible to attend, participate in and vote in the annual membership meeting called by the board of directors pursuant to subdivision three of section two hundred fifty-six of this article. The meeting shall be open to the public and shall be held in different districts on a rotating basis. Each year a meeting shall be held in each board of directors district for the members of such district. Such members shall receive notice of that meeting at least fourteen days in advance.

§ 260. Mailing procedures. 1. As used in this section:

(a) "Enclosure" means a card, leaflet, envelope, electronic or digital materials, or combination thereof furnished by the board under this section.

(b) "Mailing" means any communication by a public utility, that is sent through the United States postal service or electronically to utility consumers.

2. To accomplish its powers and duties pursuant to section two hundred fifty-three of this article, the board, subject to the following limitations, may prepare and furnish to the secretary of state an enclosure to be provided to public utilities for inclusion in mailings of such public utilities. All enclosures prepared by the board shall be in English and the six most commonly spoken non-English languages in the state.

(a) A public utility furnished with an enclosure shall include such enclosure within the mailing designated by the board.

(b) An enclosure furnished by the board under this section shall be provided to the secretary of state and the public utility a reasonable period of time in advance of a mailing.

(c) An enclosure furnished by the board under this section shall be limited to informing the reader of the purpose, nature and activities of the board as set forth in this article and informing the reader that it may become a member of the board, maintain membership in the board and contribute money to the board directly.

(d) The secretary of state shall review and approve of the content of the enclosure prior to providing such enclosure to a public utility. The secretary of state shall approve the enclosure if it determines that the enclosure (i) is not false or misleading and (ii) satisfies the requirements of this article. The secretary of state shall be deemed to have approved the enclosure unless it disapproves the enclosure within fourteen days from the date of receipt.

§ 261. Prohibited acts. 1. No person may interfere or threaten to interfere with or cause any interference with utility service or with the utility service of or penalize any person who contributes to the board or participates in any of its activities, in retribution for such contribution or participation.

2. No person may act with intent to prevent, interfere with or hinder the activities permitted under this article.

3. A person who violates this section shall be subject to a fine of not more than one thousand dollars. Each such violation shall constitute a separate and continuing violation of this article. A person who knowingly and willfully violates this section may be imprisoned not more than six months.

§ 262. Appointment of interim board of directors. 1. Within ninety days of the effective date of this article, an interim board of directors shall be appointed. The board of directors shall consist of fifteen members. The governor, the temporary president of the senate, the speak-

er of the assembly, the minority leader of the senate and the minority leader of the assembly shall each appoint three members. The appointees shall reflect the geographical diversity of this state and shall include representation from minority groups, low-income persons, labor organizations, business, persons of different genders and senior citizens. No interim director appointed under this section may hold an elective position, be a candidate for any elective position, or be a state public official.

2. The interim board of directors appointed under this section shall:

(a) As soon as possible after appointment, organize for the transaction of business.

(b) Inform the utility consumers of this state of the existence, nature and purposes of the board, and encourage utility consumers to join the board, to participate in the board's activities and to contribute to the board.

(c) Establish annual dues to be in effect until such time as an elected board of directors assumes the duty as provided in paragraph (f) of section two hundred fifty-three of this article.

(d) Elect officers as provided pursuant to section two hundred sixty-three of this article.

(e) Employ such staff as the interim directors deem necessary to carry out the purposes of this section. The interim board appointed under this section shall follow the procedures required pursuant to section two hundred fifty-eight of this article if it hires an executive director of the board.

(f) Make all necessary preparations for the first election of directors, oversee the election campaign and tally the votes pursuant to section two hundred sixty-three of this article.

(g) Solicit funds for the board.

(h) Carry out all other duties and exercise all other powers accorded to the board of directors under this article including the powers given to the board pursuant to section two hundred sixty of this article.

§ 263. Membership of the board of directors. 1. Eligibility. To be eligible for election to the board of directors, a candidate must:

(a) Meet the qualifications for directors pursuant to subdivision two of section two hundred fifty-five of this article.

(b) Have their nomination certified by the board of directors pursuant to subdivision two of this section.

(c) Submit to the board of directors a statement of financial interests under subdivision three of this section and a statement of personal background and positions under subdivision four of this section.

(d) Make the affirmation pursuant to paragraph (e) of subdivision three of this section.

2. Nomination. A candidate for election to the board of directors shall circulate or have a member of the board circulate a petition for nomination on the candidate's behalf not sooner than one hundred twenty days preceding the election and shall file the petition with the board not later than sixty days prior to the election. The petition for nomination shall be signed by at least five members or thirty percent of the members residing in their district, whichever is less. The board of directors shall verify the validity of the signatures by comparing them to the signatures on the membership applications and the current list of members maintained by the board of directors. Within fourteen days after the petition is due, the board of directors shall determine whether a sufficient number of signatures are valid. If the board of directors

determines a sufficient number of signatures are valid, it shall certify the nomination of the candidate.

3. Statement of financial interests. A candidate for election to the board of directors whose nomination is certified under subdivision two of this section shall submit to the board of directors, not later than sixty days prior to the election, a statement of financial interests upon a form provided by the board of directors. The statement of financial interests shall include the following information:

(a) The occupation, employer and position at place of employment of the candidate and of their immediate family members.

(b) A list of all corporate directorships or other offices, and of all fiduciary relationships, held in the past three years by the candidate and by their immediate family members.

(c) The name of any creditor to whom the candidate or a member of the candidate's immediate family owes ten thousand dollars or more.

(d) The name of any corporation in which the candidate holds a security, the current market value of which is five thousand dollars or more.

(e) An affirmation, subject to penalty of perjury, that the information contained in the statement of financial interests is true and complete.

4. Statement of personal background and positions. A candidate for election to the board whose nomination is certified under subdivision two of this section shall submit to the board of directors, not later than sixty days prior to the election, on a form to be provided by the board, a statement concerning their personal background and positions on issues relating to public utilities or the operations of the board. The statement shall contain an affirmation, subject to penalty of perjury, that the candidate meets the qualifications prescribed for directors in subdivision two of section two hundred fifty-five of this article.

5. Restrictions on a reporting of campaign contributions and expenditures. (a) Each candidate for election to the board of directors shall keep complete records of all contributions to their campaign of twenty-five dollars or more from one year before the date of an election through the date of the election, and, at the board of directors' request, shall make such records available for inspection by the board of directors.

(b) Each candidate for election to the board of directors shall keep complete records of their campaign expenditures, and, at the board of directors' request, shall make such records available for inspection by the board of directors.

(c) No earlier than fourteen days and no later than eight days preceding the election and no earlier than twenty-one days and no later than thirty days after the election, each candidate for election to the board of directors shall submit to the board of directors, on a form provided by the board of directors, an accurate statement of their campaign contributions, swearing that they have fully complied with the requirements of this subdivision.

(d) No candidate for election to the board of directors may use any campaign contribution for any purpose except for campaign expenditures. Any campaign contribution not expended shall be donated no later than ninety days after the election to the board or to any charitable organization at the option of the candidate.

6. Election procedures. (a) The board of directors shall mail or distribute to each member's address on file with the board, not sooner than thirty and not later than ten days before the date fixed for the election:

(i) An official ballot listing all candidates for director from the member's district and any at-large candidates whose nominations the board of directors has certified and who satisfy the requirements of subdivision one of this section. The board of directors shall include with the ballot each candidate's statement of financial interests submitted pursuant to subdivision three of this section.

(ii) The statement by each candidate for election to the board of directors of personal background and positions as required under subdivision four of this section, if the candidate has agreed in writing to limit their campaign expenditures under paragraph (b) of subdivision five of this section.

(b) Each member may vote in the election by returning their official ballot in person or by first class mail, properly marked, to the ballot return location designated by the board. Ballots returned to the location designated by the board must be postmarked on or before the date fixed for the election or must be received at the ballot return location designated by the board on or before the date fixed for the election.

(c) Voting shall be by secret ballot.

(d) The board of directors shall tally votes with all reasonable speed and shall inform the membership promptly of the names of the candidates elected.

(e) For each district and any at-large positions the board within thirty days of the election shall certify the candidate elected to the board of directors if the candidate has the most votes in the district, or most votes overall for an at-large candidate, and if they have complied with the provisions of this section.

(f) If a vacancy in nomination occurs because no candidate has filed for nomination, the board of directors by a majority of those voting shall appoint a member of the board who resides in the district where the vacancy exists to be the candidate.

(g) If the candidate with the most votes dies, declines or resigns from candidacy prior to being certified under paragraph (e) of this subdivision, or for any other reason is not certified under paragraph (e) of this subdivision, the office for which the candidate ran shall be vacant and shall be filled by the board of directors as provided in this subdivision.

(h) If a vacancy on the board of directors occurs, with more than twelve months remaining in the term, the board of directors shall set a date for a special election for the vacant office for the purpose of electing a director to serve out the term of such vacant office and shall so notify every member in the district, or state for an at-large seat. The election shall not be less than two months nor more than four months after such notification. An election under this subdivision shall be conducted in the same manner as other elections of directors are conducted. The seat shall remain vacant if there are eight months or less remaining in the term.

7. Election rules. The board of directors may prescribe rules for the conduct of elections and election campaigns not inconsistent with this article.

§ 264. Public records. Statements filed with the board shall be available for public inspection at the office of the board during reasonable hours of the day. Such records may be copied. The board may charge a reasonable fee for the cost of such copies.

§ 265. Officers of the board of directors. 1. Election. The interim board of directors and the board of directors, at the first regular

meeting of each at which a quorum is present, shall elect by a majority vote of the directors present and voting a president, vice president, secretary and treasurer. The board may elect such other officers as it deems necessary.

2. Term of office. (a) Officers of the board of directors shall begin serving immediately upon their election and their term of office shall be one year. After their term of office has expired, an officer of the board of directors shall continue to serve until their successor is elected and certified.

(b) If a officer position of the board of directors is vacant, the board of directors shall elect a successor to serve out the term of the office.

3. Powers and duties. Officers of the board of directors shall exercise powers and perform duties as prescribed by this article or as delegated to them by the board of directors.

§ 266. Corrupt practices and conflicts of interest. 1. No person shall offer or give anything of monetary value to any director, employee or agent of the board if the offer or gift influences, or is intended to influence, the action or judgment of the director, employee or agent of the board in their capacity as director, employee or agent of the board.

2. No director, employee or agent of the board shall solicit or accept anything of monetary value from any person if the solicitation or acceptance influences, or is intended to influence, the official action or judgment of the director, employee or agent in their capacity as director, employee or agent of the board.

3. Any person who knowingly and willfully violates the provisions of this section may be fined not more than one thousand dollars or imprisoned not more than six months or both.

4. The board of directors shall remove from office any director convicted under this section and shall fill such office pursuant to paragraph (h) of subdivision six of section two hundred sixty-three of this article.

§ 267. Board to be nonpartisan. 1. The board shall not sponsor, endorse or otherwise support, nor shall it oppose any political party or the candidacy of any person for public office. The board and its directors and employees shall not in their official capacity make statements which are intended to influence elections.

2. The board shall not lobby or advocate for or against legislation. The board and its directors and employees shall not in their official capacity make statements which are intended to lobby or advocate for or against legislation.

§ 268. Expenses. All expenses of the board incurred in carrying out this article shall be payable solely from the funding as provided under this article, and no liability may be incurred by the board beyond the extent to which moneys have been provided under this article except that, for the purposes of meeting the necessary expenses of preparing the enclosure, initial organization and operation of the board for the period commencing on the effective date of this article and continuing until the first election of the board of directors pursuant to section two hundred sixty-three of this article, the board or any individual may borrow such moneys as it requires. Such moneys borrowed by the board or any individual shall subsequently be repaid with appropriate interest over a reasonable period of time.

§ 269. Dissolution. The board may dissolve or be dissolved under the not-for-profit corporation law.

§ 270. Construction. 1. This article, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect its purposes.

2. Nothing in this article shall be construed to limit the right of any person to initiate, intervene in, or otherwise participate in any regulatory agency proceeding or court action, nor to require any petition or notification to the board as a condition precedent to the exercise of such right, nor to relieve any regulatory agency or court of any obligation, or to affect its discretion, to permit intervention or participation by any person in any proceeding or action.

§ 271. Liability of public utility. No public utility shall be liable on any claim based on any action it is required to take to be in compliance with this article.

§ 3. The sum of one million dollars ($1,000,000), or so much thereof as may be necessary, is hereby appropriated to the citizens utility board out of any moneys in the state treasury in the general fund not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the chair of the board of directors of the citizens utility board in the manner prescribed by law.

§ 4. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.