

STATE OF NEW YORK

3031

2025-2026 Regular Sessions

IN SENATE

January 23, 2025

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 temporary president [~~pro-tem~~] of the senate, the speaker of the assem-
6 bly, the chief executive officers representing the municipality and the
7 county in which the facility is proposed to be located, and, if such
8 facility is proposed to be located within the city of New York, the
9 mayor of the city of New York, as well as the chairperson of the commu-
10 nity board and the borough president representing the area in which the
11 facility is proposed to be located. One ad hoc member shall be appointed
12 by the temporary president [~~pro-tem~~] of the senate and one ad hoc member
13 shall be appointed by the speaker of the assembly from a list of candi-
14 dates submitted to them, in the following manner. If such facility is
15 proposed to be located outside of the city of New York, the chief execu-
16 tive officer representing the municipality shall nominate four candi-
17 dates and the chief executive officer representing the county shall
18 nominate four candidates for consideration. If such facility is proposed
19 to be located outside of the city of New York and in a village located
20 within a town, the chief executive officer representing the town shall
21 nominate four candidates, the chief executive officer representing the
22 county shall nominate four candidates, and the chief executive officer
23 representing the village shall nominate four candidates for consider-

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

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

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

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

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

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