



Climate Change Statutes

STATE OF NEW YORK

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [Climate Change Statutes](#).

Current through the 2010 Legislative Session of the New York State Assembly.

NY CLS Energy § 6-102. State energy planning board.

1. There shall be established a state energy planning board, hereinafter referred to as the "board", which shall consist of the chair of the public service commission, the commissioner of environmental conservation, the commissioner of economic development, the commissioner of transportation, the commissioner of labor, the director of the state emergency management office, the chair of the consumer protection board, the commissioner of health, the president of the New York state urban development corporation, the secretary of state and the president of the New York state energy research and development authority. The governor, the speaker of the assembly and the temporary president of the senate shall each appoint one representative to serve on the board. The presiding officer of the federally designated electric bulk system operator (BSO) shall serve as a non-voting member of the board. Any decision or action by the board shall be by majority vote. The president of the New York state energy research and development authority shall serve as chair of the board. Members of the board may designate an executive staff representative to participate on the board on their behalf.

2. Regional planning councils shall be established, whose members shall work with the state energy planning board. Regional planning council members shall not be considered to be members of the state energy planning board for purposes of participation in board meetings, except council members may participate as non-voting members when items relating specifically to that member's region, as determined by the board, are on the agenda of a board meeting. Two regions shall be established as follows:

(a) Downstate region - New York City and Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Ulster and Westchester counties;

(b) Upstate region - Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tioga, Tompkins, Warren, Washington, Wayne, Wyoming and Yates counties.

The governor, temporary president of the senate and the speaker of the assembly shall each appoint three regional planning council members per region. Regional planning council members shall serve without compensation, and shall have their principal residence within the region for which they are appointed. Such regional council members may solicit input from stakeholder interests within their region, including but not limited to local governments, municipal utilities, rural electric cooperatives, utilities, labor unions, ratepayers, businesses, trade associations, generators, and community organizations, and shall transmit to the board a report containing any recommendations specific to their region on a schedule concurrent with the release of the draft energy plan.

3. Staff services shall be performed by personnel of the department of public service, the department of environmental conservation, the department of transportation, the department of economic development, the state emergency management office and the New York state energy research and development authority, as directed by the board. Assistance shall also be made available, as requested by the board, from other agencies, departments and public authorities of the state. The board may provide for its own representation in all actions or proceedings in which it is a party.

4. The board shall have the powers:

(a) to adopt a state energy plan in accordance with the provisions of this article;

(b) to adopt rules and regulations as necessary or appropriate to implement this article;

(c) to issue subpoenas and subpoenas duces tecum; and

(d) to authorize any person to conduct hearings which the board is authorized to conduct, to take testimony with respect to the subject or matter under investigation, and to report the testimony to the board. In the conduct of such hearings, any person so authorized by the board shall have all the powers of the board.

5. The board shall in the consideration and development of policies, programs, and other actions, be guided by the goals of: improving the reliability of the state's energy systems; insulating consumers from volatility in market prices; reducing the overall cost of energy in the state; and minimizing public health and environmental impacts, in particular, environmental impacts related to climate change. Each energy plan shall also identify policies and programs designed to maximize cost-effective energy efficiency and conservation activities to meet projected demand growth.

(a) The board shall identify the most appropriate state agency or authority with the responsibility for implementing or overseeing such prioritized policies and programs.

(b) Each agency or authority charged with implementing a specific policy or program in the energy plan shall report to the board annually regarding the original goal of such policy or program, steps that have been taken to implement such policy or program, progress in attaining goals, adjustments to the program or goals and reasons why adjustments are needed, and anticipated date of completion.

(c) The board shall use such progress reports in the completion of each subsequent energy plan and in each of the required biennial reports as stated in section 6-106 of this article.

6. The board shall require any contractor or subcontractor awarded a contract pursuant to the provisions of this article to comply, and otherwise exercise all of its responsibilities and conduct all of its activities consistent with the provisions of article fifteen-A of the executive law with regards to the utilization and participation of certified minority and women-owned business enterprises.