



NEW YORK STATE SENATOR

Robert G. Ortt

## Ortt, Byrnes Join Forces Opposing Article X

ROBERT G. ORTT September 18, 2019

| ISSUE: **ARTICLE 10, LOCAL CONTROL, ENERGY**



Today, Senator Rob Ortt (R,C,I,Ref-North Tonawanda) joined Assemblywoman Marjorie Byrnes (R,C-Caledonia) to oppose New York's handling of proposed Article X projects across the state. Due to Gov. Cuomo and the energy policy his administration has laid out for the state, small and rural communities across upstate and Western New York will be forced to contend with state implemented solar and wind energy production facilities.

New York State's Article X law allows the governor and his administration to bypass requirements for local representation on these state energy projects and proceed with siting

board planning without any input from local residents or officials. In New York State, the Leader of the Senate Majority, Speaker of the Assembly, and governor all have the ability to appoint representatives to energy project siting boards from a list submitted to them by the local representatives in the locations where they are proposed. However, Article X states that should the governor, Leader of the Senate and Speaker of the Assembly fail to select local representatives from the submitted list of candidates, the project may move forward absent of any local representation.

As of May 2019, in 19 out of 25 ad hoc eligible projects across the state, the governor, leader, and speaker have all failed to appoint a full slate of local representation to the project's board.

Because of this systemic failure of state leaders (Gov. Cuomo, Leader Stewart-Cousins, and Speaker Heastie) to appoint local representatives, Sen. Ortt and Assemblywoman Byrnes have joined forces to sponsor legislation requiring local representation on these Article X siting boards.

Senate Bill 6338 (A8311), which is sponsored by Sen. Ortt and co-sponsored by Assemblywoman Byrnes, would require local ad hoc selections to be appointed to energy project siting boards in order to constitute a quorum. Currently, a quorum may be formed without these local appointees.

**Senator Rob Ortt (R,C,I,Ref-North Tonawanda)** said, "Local representation is vital for these projects, yet to date, Gov. Cuomo, Speaker Heastie and Leader Stewart-Cousins have failed to do their duties as legislative leaders by neglecting to select local members for project siting boards. When Democrats took full control of the state legislature, they made a promise that we would be one state and the interests of all New York's residents would be looked after. Unfortunately, these words ring hollow as they continually fail to do their jobs and appoint

local members to these upstate and Western New York energy project siting boards.”

**Assemblywoman Marjorie Byrnes (R,C-Caledonia)** said, “The hypocrisy we’re seeing from the Democrat leadership in Albany is shameful and undercuts the idea of a representative democracy. By failing to appoint local community members to siting boards, they’re leaving our communities in the dark. Our communities have a right to participate in the decision making process and I am proud to sponsor legislation that ensures that the Democrat leadership does their job.”

**Senator Pat Gallivan (R,C,I-Elma)** said, “It is imperative that Article X siting boards include local and regional membership and I am disappointed that legislative leaders and the governor have failed to act on the recommendations of community representatives. This legislation will ensure that local voices are heard and have direct input in the decision making process, as state law intended.”

**Sen. Pam Helming (R,C,I-Canandaigua)** said, “Local input is critical to the success of any project, especially those that could fundamentally change the character of a community. This legislative proposal is about restoring transparency and protecting the rights of local residents and communities. All too often we see projects move forward before important questions from neighbors have been addressed. We owe it to taxpayers to protect their rights and property values by restoring transparency and accountability in the permitting process. I appreciate the leadership of Senator Ortt and Assemblywoman Byrnes on this important issue and look forward to working with them both on behalf of our region.”

**Senator Rich Funke (R,C,I-Fairport)** said, “While I strongly support renewable energy I also believe just as strongly in ensuring that local communities have a say in any projects that may impact their municipality. Article X includes a process for local appointees but unfortunately, the Governor and the Senate and Assembly Majorities have thus far ignored

their responsibilities under the law. I call on Governor Cuomo to act immediately and make local appointments to the siting board so that the voice of my constituents and that of my colleagues can be heard.”

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#### RELATED LEGISLATION

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### 2019-S6338

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- Introduced
  
- - In Committee Assembly
  - In Committee Senate
  
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- - Passed Assembly
  - Passed Senate
  
- Delivered to Governor
  
- Signed By Governor
  
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Relates to requiring ad hoc members to be appointed in order to constitute a quorum

June 05, 2019

In Senate Committee [Energy and Telecommunications](#)

Sponsored by [Robert G. Ort](#)

Do you support this bill?