

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to requiring open meetings and the internet broadcast of open meetings of each state authority and local authority

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The public authorities law is amended by adding two new
2 sections 2824-b and 2824-c to read as follows:
3 S 2824-B. OPEN MEETINGS. EACH STATE AUTHORITY AND LOCAL AUTHORITY
4 SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFI-
5 CERS LAW.
6 S 2824-C. INTERNET BROADCAST OF OPEN MEETINGS. 1. EACH STATE AUTHORITY
7 AND LOCAL AUTHORITY SHALL BROADCAST OVER THE INTERNET, LIVE VIDEO AND
8 AUDIO OF EACH OPEN MEETING HELD BY THE AUTHORITY. THE TIME AND PLACE OF
9 EACH SUCH MEETING SHALL BE CONSPICUOUSLY POSTED ON THE STATE AUTHORITY
10 OR LOCAL AUTHORITY'S INTERNET WEBSITE AT LEAST ONE WEEK PRIOR TO SUCH
11 MEETING.
12 2. ALL MEETINGS BROADCAST IN ACCORDANCE WITH SUBDIVISION ONE OF THIS
13 SECTION SHALL BE RECORDED, ARCHIVED, AND MADE ACCESSIBLE TO THE PUBLIC
14 ON ITS WEBSITE FOR AT LEAST ONE YEAR AFTER THE DATE OF THE MEETING.
15 3. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL MEETINGS OF THE
16 BOARD AND ITS COMMITTEES, BUT SHALL NOT APPLY TO EXECUTIVE SESSIONS HELD
17 IN ACCORDANCE WITH ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.
18 4. EACH STATE AUTHORITY AND LOCAL AUTHORITY WHICH: (A) HAS REVENUE OF
19 LESS THAN ONE MILLION DOLLARS; (B) HAS OUTSTANDING BONDS OR DEBT OF LESS
20 THAN ONE MILLION DOLLARS; AND (C) IS ALLOCATED LESS THAN ONE MILLION
21 DOLLARS IN STATE, COUNTY OR MUNICIPAL ANNUAL APPROPRIATIONS, MAY WAIVE,
22 FOR A PERIOD OF ONE YEAR, THE REQUIREMENTS SET FORTH IN SUBDIVISIONS ONE

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

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1 AND TWO OF THIS SECTION, IF VOTED UPON AND APPROVED BY THE BOARD OF THE
2 STATE AUTHORITY OR LOCAL AUTHORITY.

3 5. EACH STATE AUTHORITY AND LOCAL AUTHORITY THAT APPROVES A WAIVER
4 PURSUANT TO SUBDIVISION FOUR OF THIS SECTION SHALL BE REQUIRED TO SATIS-
5 FY THE REQUIREMENTS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION IF THEY
6 SURPASS ANY OF THE RESPECTIVE ONE MILLION DOLLAR THRESHOLDS SET FORTH IN
7 SUBDIVISION FOUR OF THIS SECTION, IN ANY FISCAL YEAR.

8 6. ANY AGGRIEVED PERSON SHALL HAVE STANDING TO ENFORCE THE PROVISIONS
9 OF THIS SECTION AGAINST A STATE AUTHORITY OR LOCAL AUTHORITY BY THE
10 COMMENCEMENT OF A PROCEEDING PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE
11 CIVIL PRACTICE LAW AND RULES, OR AN ACTION FOR DECLARATORY JUDGEMENT AND
12 INJUNCTIVE RELIEF. IN ANY SUCH ACTION OR PROCEEDING, IF A COURT DETER-
13 MINES THAT A STATE AUTHORITY OR LOCAL AUTHORITY FAILED TO COMPLY WITH
14 THIS SECTION, THE COURT SHALL HAVE THE POWER, IN ITS DISCRETION, UPON
15 GOOD CAUSE SHOWN, TO DECLARE THAT THE STATE AUTHORITY OR LOCAL AUTHORITY
16 VIOLATED THIS SECTION AND/OR DECLARE THE ACTION TAKEN IN RELATION TO
17 SUCH VIOLATION VOID, IN WHOLE OR IN PART, WITHOUT PREJUDICE TO THE
18 RECONSIDERATION IN COMPLIANCE WITH THIS SECTION.

19 7. IN ANY PROCEEDING BROUGHT PURSUANT TO THIS SECTION, COSTS AND
20 REASONABLE ATTORNEY FEES MAY BE AWARDED BY THE COURT, IN ITS DISCRETION,
21 TO THE SUCCESSFUL PARTY.

22 S 2. This act shall take effect on the one hundred eightieth day after
23 it shall have become a law.