S T A T E O F N E W Y O R K

7369--A

Cal. No. 413

I N S E N A T E

April 1, 2010

Introduced by Sen. C. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the executive law, in relation to information on state boards

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

Section 1. The executive law is amended by adding a new section 100-a to read as follows:

S 100-A. INFORMATION ON STATE BOARDS. 1. AS USED IN THIS SECTION "BOARD" MEANS ANY BOARD, COMMISSION, COMMITTEE, COUNCIL, TASK FORCE OR ANY SIMILAR STATE PUBLIC ORGANIZATION, REQUIRED TO BE ESTABLISHED PURSUANT TO STATE STATUTES OR EXECUTIVE ORDER, FOR THE EXERCISE OF ANY FUNCTION OF STATE GOVERNMENT AND TO WHICH MEMBERS ARE APPOINTED OR ELECTED. "BOARD" DOES NOT INCLUDE:

A. ANY INFORMAL ADVISORY ORGANIZATION ESTABLISHED EXCLUSIVELY BY A STATE AGENCY TO ADVISE THE COMMISSIONER, SECRETARY, OR DIRECTOR OF THAT AGENCY ON AN INFORMAL BASIS;

B. ANY JOINT STANDING COMMITTEE OF THE LEGISLATURE OR ANY COMMITTEE OF THE ASSEMBLY AND/OR SENATE COMPOSED ENTIRELY OF MEMBERS OF THE LEGISLATURE;

C. ANY COURT;

D. THE BOARD OF TRUSTEES OF ANY INSTITUTION OF HIGHER EDUCATION FINANCIALLY SUPPORTED IN WHOLE OR IN PART BY THE STATE;

E. ANY ENTITY OF LOCAL GOVERNMENT;

F. ANY PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPORATION, A MAJORITY OF WHOSE MEMBERS ARE APPOINTED BY THE GOVERNOR OR SERVE AS MEMBERS BY VIRTUE OF HOLDING STATE OFFICES TO WHICH THEY WERE APPOINTED BY THE GOVERNOR, OR ANY COMBINATION THEREOF; AND

G. ANY BOARD OF ELECTIONS.

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

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2. THE SECRETARY OF STATE SHALL MAINTAIN A COMPILATION OF THE MEMBERSHIP AND MEETING INFORMATION OF ALL STATE BOARDS, INCLUDING STATE BOARDS ESTABLISHED AFTER THE EFFECTIVE DATE OF THIS SECTION. THE SECRETARY OF STATE MUST KEEP SUCH INVENTORY IN A PUBLIC RECORD AVAILABLE FOR INSPECTION, AND UPDATED ANNUALLY ON THE DEPARTMENT OF STATE WEBSITE. SUCH COMPILATION SHALL INCLUDE, BUT NOT BE LIMITED TO:

A. STATUTORY LANGUAGE, EXECUTIVE ORDER OR OTHER LEGAL BASIS FOR THE ESTABLISHMENT OF SUCH BOARD;

B. PUBLIC INFORMATION INCLUDING DEPARTMENTAL AFFILIATION, CONTACT ADDRESS, PHONE NUMBER, AND WEBSITE;

C. A BRIEF DESCRIPTION OF THE PURPOSE OF THE BOARD AND ITS STATUTORILY REQUIRED DUTIES, INCLUDING REQUIRED REPORTS OR OTHER PRODUCTS;

D. THE SIZE OF BOARD MEMBERSHIP, CURRENT MEMBER NAMES, AND ANY QUALIFICATIONS;

E. WHETHER MEMBERS OF A BOARD ARE ELIGIBLE FOR PAYMENT OF EXPENSES OR OTHER COMPENSATION IN THE PERFORMANCE OF THEIR DUTIES AS MEMBERS OF THAT BOARD;

F. DATES AND LOCATIONS OF ALL MEETINGS HELD, AND TO BE HELD WITHIN SIX MONTHS; AND

G. ANY OTHER INFORMATION THE SECRETARY OF STATE MAY REQUIRE.

3. THE SECRETARY OF STATE SHALL UPDATE ON AN ANNUAL BASIS BEGINNING APRIL FIRST, TWO THOUSAND TWELVE ON THE DEPARTMENT OF STATE WEBSITE, ALL VACANCIES, EXPIRED TERMS, THOSE TERMS EXPIRING WITHIN ONE YEAR, AND THE PROCESS FOR FILLING SUCH VACANCIES ON SUCH BOARDS.

4. EACH BOARD OR THE STATE AGENCY THAT PROVIDES ADMINISTRATIVE SUPPORT OR IS OTHERWISE AFFILIATED WITH A BOARD SHALL ANNUALLY ON OR BEFORE JANUARY FIRST, SUBMIT TO THE SECRETARY OF STATE ALL INFORMATION PURSUANT TO THIS SECTION IN A MANNER SPECIFIED BY THE SECRETARY OF STATE TO FACILITATE THE PUBLICATION REQUIREMENTS OF THIS SECTION. EACH SUBMISSION SHALL ALSO INCLUDE INFORMATION ON COMPENSATION AND EXPENSES INCURRED IN THE PRIOR AND CURRENT FISCAL YEARS, AS WELL AS PROJECTED COSTS FOR THE COMING FISCAL YEAR.

5. THE SECRETARY OF STATE SHALL RECEIVE FROM ANY DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION OR OTHER AGENCY OF THE STATE ANY INFORMATION AND RESOURCES AS WILL ENABLE HIM OR HER TO PROPERLY CARRY OUT THE PURPOSES OF THIS SECTION.

6. ON OR BEFORE JUNE FIRST, TWO THOUSAND TWELVE, THE SECRETARY OF STATE SHALL REPORT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIR OF THE ASSEMBLY OVERSIGHT, ANALYSIS AND INVESTIGATION COMMITTEE AND THE CHAIR OF THE SENATE INVESTIGATIONS AND GOVERNMENT OPERATIONS COMMITTEE ON THE STATUS OF THE INVENTORY INCLUDING BUT NOT LIMITED TO THE NUMBER OF BOARDS REPORTED AND VERIFIED; AND THE CONTENT AND COMPLETENESS OF THE INFORMATION GATHERED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION. THE SECRETARY SHALL ALSO REPORT ON ANY IMPEDIMENTS TO OBTAINING INFORMATION.

S 2. This act shall take effect April 1, 2011.