

10196

I N A S S E M B L Y

March 10, 2010

Introduced by -- M. of A. DESTITO -- read once and referred to the
Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to the enforcement
of the open meetings law

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

1 Section 1. Subdivision 1 of section 107 of the public officers law, as
2 added by chapter 511 of the laws of 1976 and such section as renumbered
3 by chapter 652 of the laws of 1983, is amended to read as follows:

4 1. Any aggrieved person shall have standing to enforce the provisions
5 of this article against a public body by the commencement of a proceed-
6 ing pursuant to article seventy-eight of the civil practice law and
7 rules, [and/or] OR an action for declaratory judgment and injunctive
8 relief. In any such action or proceeding, IF A COURT DETERMINES THAT A
9 PUBLIC BODY FAILED TO COMPLY WITH THIS ARTICLE, the court shall have the
10 power, in its discretion, upon good cause shown, to declare [any action
11 or part thereof taken in violation of this article void in whole or in
12 part] THAT THE PUBLIC BODY VIOLATED THIS ARTICLE AND/OR DECLARE THE
13 ACTION TAKEN IN RELATION TO SUCH VIOLATION VOID, IN WHOLE OR IN PART,
14 WITHOUT PREJUDICE TO RECONSIDERATION IN COMPLIANCE WITH THIS ARTICLE. IF
15 THE COURT DETERMINES THAT A PUBLIC BODY HAS VIOLATED THIS ARTICLE, THE
16 COURT MAY REQUIRE THE MEMBERS OF THE PUBLIC BODY TO PARTICIPATE IN A
17 TRAINING SESSION CONCERNING THE OBLIGATIONS IMPOSED BY THIS ARTICLE
18 CONDUCTED BY THE STAFF OF THE COMMITTEE ON OPEN GOVERNMENT.

19 An unintentional failure to fully comply with the notice provisions
20 required by this article shall not alone be grounds for invalidating any
21 action taken at a meeting of a public body. The provisions of this arti-
22 cle shall not affect the validity of the authorization, acquisition,
23 execution or disposition of a bond issue or notes.

24 S 2. This act shall take effect on the sixtieth day after it shall
25 have become a law.

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

LBD16186-01-0