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

7054

I N S E N A T E

March 9, 2010

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government 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:

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

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

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

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

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

LBD16186-01-0