

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

10443--A

I N A S S E M B L Y

May 29, 2012

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the New York state printing and public documents law, in relation to agency reports

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

1 Section 1. Section 11 of the New York state printing and public documents law is amended by adding a new subdivision 4 to read as follows:
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3 4. (A) THE STATE LIBRARY SHALL, IN CONSULTATION WITH THE LEGISLATIVE
4 LIBRARIAN PROVIDED FOR IN SECTION SEVEN-A OF THE LEGISLATIVE LAW, MAINTAIN
5 ON ITS WEBSITE AN INDEX OF ALL REPORTS THAT STATE LAW REQUIRES ANY
6 STATE AGENCY TO MAKE, ISSUE, SUBMIT, DELIVER, DISTRIBUTE, OR FORWARD TO
7 THE "LEGISLATURE" OR TO "MEMBERS OF THE LEGISLATURE" OR TO "BOTH HOUSES
8 OF THE LEGISLATURE" OR TO ANY PARTICULAR LEGISLATIVE OFFICERS OR CHAIR-
9 PERSONS OF LEGISLATIVE COMMITTEES, SUBCOMMITTEES, OR COMMISSIONS. SUCH
10 INDEX SHALL BE ENTITLED THE "INDEX OF REPORTS TO THE LEGISLATURE" AND AN
11 ELECTRONIC LINK TO SUCH INDEX SHALL BE AVAILABLE AND CLEARLY IDENTIFIED
12 ON THE HOMEPAGE OF SUCH WEBSITE. TO THE EXTENT PRACTICABLE, SUCH INDEX
13 SHALL INCLUDE A LINK TO THE CONTENTS OF EACH SUCH REPORT IN AN ELECTRONIC,
14 ONLINE, OR MACHINE READABLE FORMAT, AVAILABLE EITHER ON THE STATE
15 LIBRARY'S WEBSITE, THE WEBSITE OF THE AGENCY REQUIRED TO MAKE, ISSUE,
16 SUBMIT, DELIVER, DISTRIBUTE, OR FORWARD THE REPORT, OR ANOTHER WEBSITE
17 MAINTAINED BY A STATE AGENCY. IF SUCH REPORT IS NOT AVAILABLE IN AN
18 ELECTRONIC, ONLINE, OR MACHINE READABLE FORMAT, THE INDEX SHALL INDICATE
19 HOW A LEGISLATOR OR THE PUBLIC MAY OBTAIN A PRINTED COPY.
20 (B) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, NOTHING IN THIS
21 SUBDIVISION SHALL REQUIRE OR PERMIT THE STATE LIBRARY OR ANY STATE AGENCY
22 TO MAKE PUBLIC ANY SECURE OR CONFIDENTIAL INFORMATION THAT IS NOT
23 OTHERWISE MADE AVAILABLE TO THE PUBLIC BY A STATE AGENCY. WITHOUT LIMITATION,
24 SUCH INFORMATION THAT SHALL NOT BE REQUIRED OR PERMITTED BY THIS
25 SUBDIVISION TO BE MADE PUBLIC SHALL INCLUDE CONFIDENTIAL INFORMATION
26 ABOUT SECURITY MEASURES CONTAINED IN CERTAIN REPORTS PREPARED BY THE
27 DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND CONFIDENTIAL

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

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1 TAXPAYER INFORMATION CONTAINED IN CERTAIN REPORTS PREPARED BY THE DIVI-
2 SION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND CONFIDENTIAL
3 TAXPAYER INFORMATION CONTAINED IN CERTAIN REPORTS OF THE DEPARTMENT OF
4 TAXATION AND FINANCE, WHEN SUCH INFORMATION IS SUBMITTED TO THE LEGISLA-
5 TURE SUBJECT TO A REQUIREMENT THAT FURTHER DISCLOSURE IS PROHIBITED.

6 (C) INCLUSION OF ANY REPORT IN THE INDEX PROVIDED FOR IN THIS SECTION
7 SHALL NOT PRECLUDE THE STATE LIBRARY OR ANY STATE AGENCY FROM MAKING
8 SUCH REPORT AVAILABLE ON A DIFFERENT WEBPAGE OR THROUGH OTHER MEANS.

9 S 2. Subdivision 4 of section 12 of the New York state printing and
10 public documents law, as added by chapter 524 of the laws of 2005, is
11 amended to read as follows:

12 4. (a) Whenever state law requires a state agency to make, issue,
13 submit, deliver, distribute, or forward a report to the "legislature" or
14 to "members of the legislature" or to "both houses of the legisla-
15 ture[,]" or to any particular legislative officers or chairpersons of
16 legislative committees, subcommittees, or commissions, the agency shall
17 satisfy such requirement by NOTIFYING THE STATE LIBRARY THAT THE REPORT
18 SHOULD BE INCLUDED IN THE INDEX OF SUCH REPORTS PROVIDED FOR IN SUBDIVI-
19 SION FOUR OF SECTION ELEVEN OF THIS ARTICLE, PROVIDING ANY INFORMATION
20 THE STATE LIBRARY SHALL REQUIRE TO INCLUDE THE REPORT IN SUCH INDEX, AND
21 either:

22 (i) making, issuing, submitting, delivering, distributing or forward-
23 ing a printed copy of the report to each member of the legislature, or
24 to the specified legislative officers or chairpersons, as the case may
25 be; or

26 (ii) making [such document] THE REPORT available on its website and
27 sending [a] NOTICE BY printed letter or [notice] ELECTRONIC MAIL to each
28 member of the legislature, or to the specified legislative officers or
29 chairpersons, as the case may be, indicating the availability of such
30 report on the agency's website.

31 (b) Such [letter or] notice shall include: the name of the specific
32 report[,]; the specific web address at which the report can be accessed
33 or instructions on how to access the report from the agency's homepage[,
34 and]; the name of the person at the state agency to whom the legislator
35 may direct a request to obtain a printed copy of the report, free of
36 charge, if [so desired] SUCH REPORT MAY NOT EASILY BE PRINTED FROM THE
37 WEBSITE OF THE AGENCY BECAUSE IT IS NOT FORMATTED TO BE PRINTED ON STAN-
38 DARD LETTER- OR LEGAL-SIZE PAPER.

39 (C) WHEN MAKING, ISSUING, SUBMITTING, DELIVERING, DISTRIBUTING, OR
40 FORWARDING A PRINTED COPY OF THE REPORT OR PROVIDING NOTICE THAT IT IS
41 AVAILABLE ON THE AGENCY'S WEBSITE, THE AGENCY SHALL CONFIRM TO THE
42 LEGISLATOR THAT THE STATE LIBRARY HAS BEEN NOTIFIED THAT THE REPORT
43 SHOULD BE INCLUDED IN THE INDEX OF SUCH REPORTS AS PROVIDED IN PARAGRAPH
44 (A) OF THIS SUBDIVISION.

45 S 3. This act shall take effect on the one hundred twentieth day after
46 it shall have become a law.