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I N S E N A T E

August 8, 2014

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public officers law, in relation to the availability of subject matter lists of records in the possession of a state agency

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

1 Section 1. Paragraph (c) of subdivision 3 of section 87 of the public
2 officers law, as amended by chapter 499 of the laws of 2008, is amended
3 to read as follows:

4 (c) a reasonably detailed current list by subject matter of all
5 records in the possession of the agency, whether or not available under
6 this article. Each agency shall update its subject matter list annually,
7 and the date of the most recent update shall be conspicuously indicated
8 on the list. Each state agency as defined in subdivision four of this
9 section SHALL PROVIDE A COPY OF ITS CURRENT LIST WITHOUT CHARGE TO A
10 PERSON WHO REQUESTS IT, AND SHALL TRANSMIT A COPY OF ITS CURRENT LIST TO
11 THE COMMITTEE ON OPEN GOVERNMENT WITHIN THIRTY DAYS OF UPDATING SUCH
12 LIST. EACH SUCH STATE AGENCY that maintains a website shall post its
13 current list on its website [and such posting shall be linked to the
14 website of the committee on open government. Any such agency that does
15 not maintain a website shall arrange to have its list posted on the
16 website of the committee on open government]. IN ITS ANNUAL REPORT TO
17 THE GOVERNOR AND THE LEGISLATURE, THE COMMITTEE ON OPEN GOVERNMENT SHALL
18 IDENTIFY ANY STATE AGENCY THAT HAS NOT TRANSMITTED AN UPDATED SUBJECT
19 MATTER LIST AS REQUIRED BY THIS PARAGRAPH.

20 S 2. Notwithstanding the provisions of section one of this act, the
21 department of corrections and community supervision shall not be
22 required to make copies of its current list of all records by subject
23 matter available to inmates without charge provided that one or more
24 copies of such list is available to inmates without charge provided that
25 one or more copies of such list is available to inmates for review at
26 every correctional facility inmate law library.

27 S 3. This act shall take effect on the first of November next succeed-
28 ing the date on which it shall have become a law; provided, however,
29 that the committee on open government shall not be required to identify
30 any state agency that has not transmitted an updated subject matter list
31 in its first annual report subsequent to such date.

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

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