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

7587

I N S E N A T E

May 15, 2014

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to requiring open meetings and the internet broadcast of open meetings of each state authority and local authority

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

Section 1. The public authorities law is amended by adding two new sections 2824-b and 2824-c to read as follows:

S 2824-B. OPEN MEETINGS. EACH STATE AUTHORITY AND LOCAL AUTHORITY SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

S 2824-C. INTERNET BROADCAST OF OPEN MEETINGS. 1. EACH STATE AUTHORITY AND LOCAL AUTHORITY SHALL BROADCAST OVER THE INTERNET, LIVE VIDEO AND AUDIO OF EACH OPEN MEETING HELD BY THE AUTHORITY. THE TIME AND PLACE OF EACH SUCH MEETING SHALL BE CONSPICUOUSLY POSTED ON THE STATE AUTHORITY OR LOCAL AUTHORITY'S INTERNET WEBSITE AT LEAST ONE WEEK PRIOR TO SUCH MEETING.

2. ALL MEETINGS BROADCAST IN ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION SHALL BE RECORDED, ARCHIVED, AND MADE ACCESSIBLE TO THE PUBLIC ON ITS WEBSITE FOR AT LEAST ONE YEAR AFTER THE DATE OF THE MEETING.

3. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL MEETINGS OF THE BOARD AND ITS COMMITTEES, BUT SHALL NOT APPLY TO EXECUTIVE SESSIONS HELD IN ACCORDANCE WITH ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

4. EACH STATE AUTHORITY AND LOCAL AUTHORITY WHICH: (A) HAS REVENUE OF LESS THAN ONE MILLION DOLLARS; (B) HAS OUTSTANDING BONDS OR DEBT OF LESS THAN ONE MILLION DOLLARS; AND (C) IS ALLOCATED LESS THAN ONE MILLION DOLLARS IN STATE, COUNTY OR MUNICIPAL ANNUAL APPROPRIATIONS, MAY WAIVE, FOR A PERIOD OF ONE YEAR, THE REQUIREMENTS SET FORTH IN SUBDIVISIONS ONE AND TWO OF THIS SECTION, IF VOTED UPON AND APPROVED BY THE BOARD OF THE STATE AUTHORITY OR LOCAL AUTHORITY.

5. EACH STATE AUTHORITY AND LOCAL AUTHORITY THAT APPROVES A WAIVER PURSUANT TO SUBDIVISION FOUR OF THIS SECTION SHALL BE REQUIRED TO SATIS-

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

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FY THE REQUIREMENTS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION IF THEY SURPASS ANY OF THE RESPECTIVE ONE MILLION DOLLAR THRESHOLDS SET FORTH IN SUBDIVISION FOUR OF THIS SECTION, IN ANY FISCAL YEAR.

6. ANY AGGRIEVED PERSON SHALL HAVE STANDING TO ENFORCE THE PROVISIONS OF THIS SECTION AGAINST A STATE AUTHORITY OR LOCAL AUTHORITY BY THE COMMENCEMENT OF A PROCEEDING PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES, OR AN ACTION FOR DECLARATORY JUDGEMENT AND INJUNCTIVE RELIEF. IN ANY SUCH ACTION OR PROCEEDING, IF A COURT DETERMINES THAT A STATE AUTHORITY OR LOCAL AUTHORITY FAILED TO COMPLY WITH THIS SECTION, THE COURT SHALL HAVE THE POWER, IN ITS DISCRETION, UPON GOOD CAUSE SHOWN, TO DECLARE THAT THE STATE AUTHORITY OR LOCAL AUTHORITY VIOLATED THIS SECTION AND/OR DECLARE THE ACTION TAKEN IN RELATION TO SUCH VIOLATION VOID, IN WHOLE OR IN PART, WITHOUT PREJUDICE TO THE RECONSIDERATION IN COMPLIANCE WITH THIS SECTION.

7. IN ANY PROCEEDING BROUGHT PURSUANT TO THIS SECTION, COSTS AND REASONABLE ATTORNEY FEES MAY BE AWARDED BY THE COURT, IN ITS DISCRETION, TO THE SUCCESSFUL PARTY.

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