

6865

I N S E N A T E

March 2, 2016

Introduced by Sen. RANZENHOFER -- 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 limiting the amount of time to appeal certain judgments regarding freedom of information violations

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

1 Section 1. Subdivision 4 of section 89 of the public officers law is
2 amended by adding a new paragraph (d) to read as follows:
3 (D) (I) FOR THE PURPOSES OF THIS PARAGRAPH, "PARTY" MEANS (A) ANY
4 PETITIONER REQUESTING INFORMATION UNDER THIS ARTICLE OR ANY OTHER SIMI-
5 LAR LEGISLATIVE RULE OR REGULATION, AND (B) ANY STATE OR MUNICIPAL
6 DEPARTMENT, BOARD, BUREAU, DIVISION, COMMISSION, COMMITTEE, PUBLIC
7 AUTHORITY, PUBLIC CORPORATION, COUNCIL, OFFICE OR OTHER GOVERNMENTAL
8 ENTITY PERFORMING A GOVERNMENTAL OR PROPRIETARY FUNCTION FOR THE STATE
9 OR ANY ONE OR MORE MUNICIPALITIES THEREOF, EXCEPT THE JUDICIARY.
10 (II) APPEAL TO THE APPELLATE DIVISION OF THE SUPREME COURT MUST BE
11 MADE IN ACCORDANCE WITH LAW, AND MUST BE FILED WITHIN THIRTY DAYS AFTER
12 SERVICE BY A PARTY UPON THE APPELLANT OF A COPY OF THE JUDGMENT OR ORDER
13 APPEALED FROM AND WRITTEN NOTICE OF ITS ENTRY.
14 (III) AN APPEAL TAKEN FROM AN ORDER OF THE COURT:
15 (A) SHALL BE GIVEN PREFERENCE;
16 (B) SHALL BE BROUGHT ON FOR ARGUMENT ON SUCH TERMS AND CONDITIONS AS
17 THE PRESIDING JUSTICE MAY DIRECT UPON APPLICATION OF ANY PARTY TO THE
18 PROCEEDING; AND
19 (C) SHALL BE DEEMED ABANDONED IF THE APPELLANT FAILS TO SERVE AND FILE
20 A RECORD AND BRIEF WITHIN SIXTY DAYS AFTER THE DATE OF THE NOTICE OF
21 APPEAL, UNLESS CONSENT TO FURTHER EXTENSION IS GIVEN BY ALL PARTIES OR
22 FURTHER EXTENSION IS GRANTED BY THE COURT, NOT TO EXCEED THIRTY DAYS,
23 FOR CAUSE WHERE A PARTY ESTABLISHES THAT THE MATTERS INVOLVED ARE
24 EXTREMELY COMPLEX OR INVOLVE EXTRAORDINARY CIRCUMSTANCES OUTSIDE OF THE
25 PARTY'S CONTROL.

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

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1 (IV) FAILURE BY A PARTY TO SERVE AND FILE A RECORD AND BRIEF WITHIN
2 THE ALLOTTED TIME SHALL RESULT IN THE DISMISSAL OF THE APPEAL.
3 S 2. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law.