

8078

I N   S E N A T E

June 10, 2016

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

AN ACT to amend the executive law, in relation to information on persons  
subjected to section 73-a of the public officers law and who hold  
policy-making positions

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

1     Section 1. The executive law is amended by adding a new section 100-a  
2     to read as follows:  
3     S 100-A. INFORMATION ON STATE AGENCIES PERTAINING TO PERSONS SUBJECTED  
4     TO SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW AND WHO HOLD POLI-  
5     CY-MAKING POSITIONS. 1. AS USED IN THIS SECTION "AGENCY" MEANS:  
6     (A) ANY STATE DEPARTMENT, BOARD, BUREAU, DIVISION, COUNCIL, COMMITTEE,  
7     COMMISSION, OR OFFICE;  
8     (B) ANY OTHER SIMILAR STATE PUBLIC ORGANIZATION ESTABLISHED PURSUANT  
9     TO STATE STATUTES, EXECUTIVE ORDER, OR OTHER EXECUTIVE ACTION FOR THE  
10    EXERCISE OF ANY FUNCTION OF STATE GOVERNMENT AND TO WHICH MEMBERS ARE  
11    APPOINTED OR ELECTED; AND  
12    (C) ANY PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPORATION A MAJORITY OF  
13    WHOSE MEMBERS ARE APPOINTED BY THE GOVERNOR OR SERVE AS MEMBERS BY  
14    VIRTUE OF HOLDING STATE OFFICES TO WHICH THEY WERE APPOINTED BY THE  
15    GOVERNOR, OR ANY COMBINATION THEREOF.  
16    2. "AGENCY" DOES NOT INCLUDE:  
17    (A) ANY INFORMAL ADVISORY ORGANIZATION ESTABLISHED EXCLUSIVELY BY A  
18    STATE AGENCY TO ADVISE A COMMISSIONER, SECRETARY, OR OTHER DIRECTOR OF  
19    THAT AGENCY ON AN INFORMAL BASIS;  
20    (B) THE STATE LEGISLATURE; AND  
21    (C) ANY LOCAL GOVERNMENT OR SUBDIVISION OR ENTITY THEREOF.  
22    3. THE SECRETARY OF STATE SHALL MAINTAIN A COMPILATION OF PERSONS  
23    SUBJECTED TO SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW AND WHO  
24    HOLD POLICY-MAKING POSITIONS AT ALL STATE AGENCIES, INCLUDING STATE  
25    AGENCIES ESTABLISHED AFTER THE EFFECTIVE DATE OF THIS SECTION. SUCH  
26    COMPILATION SHALL IDENTIFY BY AGENCY THE PERSONS SUBJECTED TO SECTION  
27    SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW AND WHO HOLD POLICY-MAKING

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

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1 POSITIONS, THE LENGTH OF TIME SUCH POSITIONS HAVE BEEN HELD, AND A  
2 REPRESENTATION OF POLICY-MAKING POSITIONS AT SUCH AGENCY HELD BY WOMEN  
3 COMPARED TO POLICY-MAKING POSITIONS HELD BY MEN. THE SECRETARY OF STATE  
4 SHALL KEEP SUCH INVENTORY IN A PUBLIC RECORD AVAILABLE FOR INSPECTION,  
5 AND UPDATED ANNUALLY ON THE DEPARTMENT OF STATE WEBSITE.

6 4. EACH AGENCY SHALL ANNUALLY ON OR BEFORE JANUARY FIRST, SUBMIT TO  
7 THE SECRETARY OF STATE ALL INFORMATION REQUIRED PURSUANT TO THIS SECTION  
8 IN A MANNER SPECIFIED BY THE SECRETARY OF STATE TO FACILITATE THE PUBLI-  
9 CATION REQUIREMENTS OF THIS SECTION.

10 5. FOR THE PURPOSES OF THIS SECTION, "PERSONS SUBJECTED TO SECTION  
11 SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW AND WHO HOLD POLICY-MAKING  
12 DECISIONS" SHALL INCLUDE, BUT NOT BE LIMITED TO, A COMMISSIONER, A  
13 SUPERINTENDENT, AN EXECUTIVE DIRECTOR, AND OTHER CHIEF EXECUTIVE OFFI-  
14 CERS, POSITIONS APPOINTED BY THE GOVERNOR, AS WELL AS THE APPOINTMENTS  
15 OF THE AFOREMENTIONED WHOSE FUNCTION IS ESSENTIAL TO THE POLICY-MAKING  
16 PROCESSES OF SUCH AGENCY, AND ANY OTHER POSITION WHOSE FUNCTION IS  
17 ESSENTIAL TO THE POLICY-MAKING PROCESSES OF SUCH AGENCY.

18 S 2. This act shall take effect on the first of April next succeeding  
19 the date on which it shall have become a law.