

STATE OF NEW YORK

9024

IN ASSEMBLY

January 21, 2022

Introduced by M. of A. SIMON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to authorizing members of public bodies and members of the public to appear at meetings using teleconferencing, videoconferencing, or similar technology

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 102 of the public officers law, as
2 amended by chapter 289 of the laws of 2000, is amended to read as
3 follows:

4 1. "Meeting" means the official convening of a public body for the
5 purpose of conducting public business, including the use of teleconfer-
6 encing, videoconferencing or similar technology for attendance and
7 participation by the members of the public body. Participation by tele-
8 conferencing, videoconferencing, or similar technology shall constitute
9 presence in person and counted for quorum purposes.

10 § 2. Subdivision (c) of section 103 of the public officers law, as
11 added by chapter 289 of the laws of 2000, is amended to read as follows:

12 (c) A public body that uses teleconferencing, videoconferencing or
13 similar technology to conduct its meetings shall provide an opportunity
14 for the public to attend, listen and observe at any site at which a
15 member participates. Such site may include the internet address of the
16 website streaming such meeting if such meeting is occurring wholly using
17 teleconferencing, videoconferencing or similar technology. If such meet-
18 ing is occurring partially using teleconferencing, videoconferencing or
19 similar technology, the public body shall provide both any physical site
20 at which a member participates and the internet website streaming such
21 meeting. Such website shall include a means for the public to contempo-
22 raneously participate in such meetings electronically.

23 § 3. Section 103 of the public officers law is amended by adding a new
24 subdivision (g) to read as follows:

25 (g) A public body may meet remotely, in whole or in part, through the
26 use of a telephone conference, a video conference, and/or other similar

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

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1 technology and may take all actions authorized by law at meetings held
2 remotely provided:

3 1. the meeting is conducted pursuant to rules approved by such public
4 body;

5 2. the public has the ability to view or listen to such proceedings
6 and contemporaneously participate electronically;

7 3. the minutes of the meeting are recorded and are later transcribed;

8 4. all required documents and records utilized at the meeting are
9 available in an electronic format on the internet and upon request; and

10 5. each notice of the meeting clearly provides instructions for the
11 participants at the meeting to access the meeting, locate necessary
12 documentation for the meeting and submit comments and notice to the
13 general public in accordance with section one hundred four of this arti-
14 cle.

15 § 4. Subdivision 4 of section 104 of the public officers law, as added
16 by chapter 289 of the laws of 2000, is amended to read as follows:

17 4. If teleconferencing, videoconferencing or similar technology is
18 used to conduct a meeting, including if any member attending such meet-
19 ing is attending using teleconferencing, videoconferencing, or similar
20 technology, the public notice for the meeting shall inform the public
21 that teleconferencing, videoconferencing or similar technology will be
22 used, identify the locations for the meeting and the internet website
23 streaming such meeting, and state that the public has the right to
24 attend and participate in the meeting at any of the locations, including
25 via the internet website streaming such meeting.

26 § 5. Subdivision 2 of section 105 of the public officers law, as added
27 by chapter 511 of the laws of 1976 and such section as renumbered by
28 chapter 652 of the laws of 1983, is amended to read as follows:

29 2. Attendance at an executive session shall be permitted to any member
30 of the public body and any other persons authorized by the public body.
31 Members and any other persons authorized by the public body shall be
32 permitted to appear through the use of a telephone conference, a video
33 conference, and/or other similar technology.

34 § 6. This act shall take effect immediately.