# 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:**

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

1. "Meeting" means the official convening of a public body for the purpose of conducting public business, including the use of **teleconferencing,** videoconferencing **or similar technology** for attendance and participation by the members of the public body. **Participation by teleconferencing, videoconferencing, or similar technology shall constitute presence in person and counted for quorum purposes.**

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

(c) A public body that uses **teleconferencing,** videoconferencing **or similar technology** to conduct its meetings shall provide an opportunity for the public to attend, listen and observe at any site at which a member participates. **Such site may include the internet address of the website streaming such meeting if such meeting is occurring wholly using teleconferencing, videoconferencing or similar technology. If such meeting is occurring partially using teleconferencing, videoconferencing or similar technology, the public body shall provide both any physical site at which a member participates and the internet website streaming such meeting. Such website shall include a means for the public to contemporaneously participate in such meetings electronically.**

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

**(g) A public body may meet remotely, in whole or in part, through the 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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technology and may take all actions authorized by law at meetings held remotely provided:

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

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

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

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

5. each notice of the meeting clearly provides instructions for the participants at the meeting to access the meeting, locate necessary documentation for the meeting and submit comments and notice to the general public in accordance with section one hundred four of this article.

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

4. If teleconferencing, videoconferencing or similar technology is used to conduct a meeting, including if any member attending such meeting is attending using teleconferencing, videoconferencing, or similar technology, the public notice for the meeting shall inform the public that teleconferencing, videoconferencing or similar technology will be used, identify the locations for the meeting and the internet website streaming such meeting, and state that the public has the right to attend and participate in the meeting at any of the locations, including via the internet website streaming such meeting.

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

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

§ 6. This act shall take effect immediately.