STATE OF NEW YORK

1150

2021-2022 Regular Sessions

IN SENATE

January 7, 2021

Introduced by Sen. KAPLAN -- 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 making certain documents available for open meetings

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

Section 1. Subdivisions (e) and (f) of section 103 of the public officers law, subdivision (e) as added by chapter 603 of the laws of 2011 and subdivision (f) as amended by chapter 319 of the laws of 2016, are amended to read as follows:

(e) Agency records available to the public pursuant to article six of this chapter, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by a public body during an open meeting shall be made available, upon request therefor, [~~to the extent practicable as determined by the agency or the department,~~] at least twenty-four hours prior to [~~or at~~] the meeting during which the records will be discussed. Copies of such records may be made available for a reasonable fee, determined in the same manner as provided therefor in article six of this chapter. If the agency in which a public body functions maintains a regularly and routinely updated website and utilizes a high speed internet connection, such records shall be posted on the website [~~to the extent practicable as determined by the agency or the department,~~] at least twenty-four hours prior to the meeting. An agency may, but shall not be required to, expend additional moneys to implement the provisions of this subdivision.

(f) Open meetings of [~~an agency or authority~~] a public body shall be, to the extent practicable and within available funds, broadcast to the public and maintained as records of the [~~agency or authority~~] public body. If the [~~agency or authority~~] public body maintains a website and

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

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utilizes a high speed internet connection, such open meeting shall be, to the extent practicable and within available funds, streamed on **or available through** such website in real-time, and **video recordings of such open meeting shall be** posted on such website within **five business days of the meeting** and for a reasonable time after the meeting **and such recordings shall be maintained for a period of not less than five years**. [~~**For the purposes of this subdivision, the term "agency" shall mean only a state department, board, bureau, division, council or office and any public corporation the majority of whose members are appointed by the governor. For purposes of this subdivision, the term "authority" shall mean a public authority or public benefit corporation created by or existing under any state law, at least one of whose members is appointed by the governor (including any subsidiaries of such public authority or public benefit corporation), other than an interstate or international authority or public benefit corporation.**~~]

§ 2. This act shall take effect immediately.