STATE OF NEW YORK

447

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. HOYLMAN, BENJAMIN, BROOKS, JACKSON, KAPLAN, KRUEGER, SEPULVEDA -- 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 compliance with the open meetings law during a state disaster emergency; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Subdivision (a) of section 103 of the public officers law, as amended by chapter 368 of the laws of 1977, and as renumbered by chapter 652 of the laws of 1983, is amended and a new subdivision (g) is added to read as follows:

(a) Every meeting of a public body shall be open to the general public, except as provided in subdivision (g) of this section, and except that an executive session of such body may be called and business transacted thereat in accordance with section ninety-five of this [~~arti-cle~~] chapter.

(g) 1. During a state disaster emergency, as defined in section twenty of the executive law, a public body in the affected area may make a determination that, as a direct result of the state disaster emergency, complying with a particular requirement of this section would unduly threaten the health or safety of members of the public body or the general public.

2. A public body making such a determination shall ensure that the meeting of such public body is as compliant with the intent of this article as is practicable, and shall promptly provide notice to the general public pursuant to section one hundred four of this article detailing: (i) the particular requirement of this section that the meeting will not comply with; (ii) an explanation of how complying with the particular requirement would unduly threaten the health or safety of

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

LBD02100-01-1

members of the public body or the general public; and (iii) a description of alternate means by which the public can monitor, watch, listen to, participate in, and/or attend the meeting.

3. Such determination shall be considered a final determination by the public body, and shall be subject to challenge pursuant to section one hundred seven of this article.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2023.