

STATE OF NEW YORK

7332

2021-2022 Regular Sessions

IN SENATE

August 18, 2021

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

AN ACT to amend the legislative law and the public officers law, in relation to witness testimony before legislative committees via videoconferencing

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

1 Section 1. Section 60 of the legislative law, as amended by chapter
2 416 of the laws of 1954, is amended to read as follows:

3 § 60. Testimony before legislative committees. 1. A legislative
4 committee may require the attendance of witnesses in this state whom the
5 committee may wish to examine, or may issue a commission for the exam-
6 ination of witnesses who are out of the state or unable to attend the
7 committee or excused from attendance, which commission if directed by
8 the house or legislature by which the committee is appointed may be
9 executed during the recess of the legislature. A commission issued as
10 provided by this section shall be in the form used in the courts of
11 record of this state and shall be executed in like manner. Unless other-
12 wise instructed by the committee appointing them the commissioners shall
13 examine privately every witness attending before them and shall not make
14 public the particulars of such examination. No committee of either house
15 or a joint committee of both houses shall have the power to take testi-
16 mony at a private hearing or at a public hearing unless at least two of
17 its members are present at such hearing.

18 2. Upon a request for reasonable accommodation by a witness, a legis-
19 lative committee may grant such witness permission to testify before
20 such legislative committee via videoconferencing. Such request for
21 reasonable accommodation shall not be approved unless such witness has
22 demonstrated, to the satisfaction of such legislative committee, an
23 inability to testify in-person due to disability, cost of travel, severe

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

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1 weather conditions, or another reason deemed justifiable by such legis-
2 lative committee.

3 § 2. Subdivisions (d), (e) and (f) of section 103 of the public offi-
4 cers law, subdivision (d) as added by chapter 43 of the laws of 2010,
5 subdivision (e) as added by chapter 603 of the laws of 2011 and subdivi-
6 sion (f) as amended by chapter 319 of the laws of 2016, are amended and
7 a new subdivision (h) is added to read as follows:

8 [~~(d)~~] (e) 1. Any meeting of a public body that is open to the public
9 shall be open to being photographed, broadcast, webcast, or otherwise
10 recorded and/or transmitted by audio or video means. As used herein the
11 term "broadcast" shall also include the transmission of signals by
12 cable.

13 2. A public body may adopt rules, consistent with recommendations from
14 the committee on open government, reasonably governing the location of
15 equipment and personnel used to photograph, broadcast, webcast, or
16 otherwise record a meeting so as to conduct its proceedings in an order-
17 ly manner. Such rules shall be conspicuously posted during meetings and
18 written copies shall be provided upon request to those in attendance.

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

34 [~~(f)~~] (g) Open meetings of an agency or authority shall be, to the
35 extent practicable and within available funds, broadcast to the public
36 and maintained as records of the agency or authority. If the agency or
37 authority maintains a website and utilizes a high speed internet
38 connection, such open meeting shall be, to the extent practicable and
39 within available funds, streamed on such website in real-time, and post-
40 ed on such website within and for a reasonable time after the meeting.
41 For the purposes of this subdivision, the term "agency" shall mean only
42 a state department, board, bureau, division, council or office and any
43 public corporation the majority of whose members are appointed by the
44 governor. For purposes of this subdivision, the term "authority" shall
45 mean a public authority or public benefit corporation created by or
46 existing under any state law, at least one of whose members is appointed
47 by the governor (including any subsidiaries of such public authority or
48 public benefit corporation), other than an interstate or international
49 authority or public benefit corporation.

50 (h) In a meeting held by a committee of either house of the state
51 legislature or by a joint committee of both houses of the state legisla-
52 ture, witness testimony may be taken via videoconference, in accordance
53 with section sixty of the legislative law.

54 § 3. This act shall take effect immediately.