STATE OF NEW YORK

1328

2023-2024 Regular Sessions

IN SENATE

January 11, 2023

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

AN ACT to amend the executive law, in relation to requiring the commissioner of general services to maintain a list of all state boards and requiring each state board to maintain a publicly accessible website; and to amend a chapter of the laws of 2022 amending the executive law relating to information on state boards, as proposed in legislative bills numbers S. 8145 and A. 843-A, in relation to the effectiveness thereof

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

Section 1. Section 203-b of the executive law, as added by a chapter of the laws of 2022 amending the executive law relating to information on state boards, as proposed in legislative bills numbers S. 8145 and A. 843-A, is amended to read as follows:

§ 203-b. Additional duties of the commissioner regarding information on state boards. 1. As used in this section, "commissioner" means the commissioner of [~~the office of~~] general services and, "board" means any board, commission, committee, council, task force or any similar state public organization, required to be established pursuant to the state constitution, state statutes or executive order, for the exercise of any function of state government and to which members are appointed or elected. "Board" does not include:

a. any informal advisory organization **not** established [~~exclusively~~] by [~~a state agency to advise the commissioner, secretary, or director of that agency on an informal basis~~] **law**;

b. any joint standing committee of the legislature or any committee of the assembly and/or senate composed entirely of members of the legislature;

c. any court;

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

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d. the board of trustees of any institution of higher education financially supported in whole or in part by the state;

e. any entity of local government;

f. any public authority or public benefit corporation, a majority of whose members are appointed by the governor or serve as members by virtue of holding state offices to which they were appointed by the governor, or any combination thereof; and

g. any board of elections.

2. The commissioner shall maintain a [~~compilation of the membership and meeting information~~] list of all state boards, including state boards deemed active and regularly meeting on and after the effective date of this section. The commissioner shall keep such [~~inventory in a public record available for inspection, and updated annually~~] list on a website designated by the commissioner for the purpose of public access, and such list shall have a link to the website for each such board established pursuant to subdivision three of this section. [~~Such compilation shall include, but not be limited to:~~

~~a. statutory language, executive order or other legal basis or authorization for the establishment of such board;~~

~~b. public information including departmental affiliation, contact address, phone number, and website;~~

~~c. a brief description of the purpose of the board and its legally required duties, including required reports or other products;~~

~~d. the size of board membership, current member names, and any qualifications;~~

~~e. whether members of a board are eligible for payment of expenses or other compensation in the performance of their duties as members of that board;~~

~~f. dates and locations of all meetings held, and to be held within six months, or a location, including but not limited to another website, in which such information can be publicly accessed;~~

~~g. geographic and other relevant qualifications of all current members of the board, including the county in which the member resides and the background or expertise the member possesses where such background or expertise is required for membership on such board; and~~

~~h. any other information the commissioner may require. Nothing in this section shall authorize the release or publication of any board member's residential address.~~

~~2-a. The commissioner shall also, to the extent practicable, maintain and update annually a compilation of all available information of all state boards currently authorized by provisions of the state constitution, state statutes or executive orders that the commissioner deems inactive. For purposes of this section, a board shall be deemed inactive if it has not held a meeting in the year prior to the effective date of this section. A board shall hereafter be treated as inactive for the purposes of this section if it has not met in the preceding calendar year.~~

~~3. The commissioner shall update on an annual basis beginning April first, two thousand twenty-three on the designated website, all vacancies, expired terms, those terms expiring within one year, and the process for filling such vacancies on such boards~~] The designated website shall be updated annually.

[~~4.~~] 3. Each board or the state agency that provides administrative support or is otherwise affiliated with a board shall establish and maintain a website available to the public and provide a link to such website to the commissioner. Each board or the state agency that

provides administrative support or is otherwise affiliated with a board shall annually on or before January first, [~~submit to the commissioner all information pursuant to this section in a manner specified by the commissioner to facilitate the publication requirements of this section. Each submission shall also include information on compensation and expenses incurred in the prior and current fiscal years, as well as projected costs for the coming fiscal year~~] update the information on its website.

[~~5. The commissioner shall receive from any department, division, board, bureau, commission or other agency of the state any information and resources as will enable him or her to properly carry out the purposes of this section.~~]

4. The website established by each board or the state agency that provides administrative support or is otherwise affiliated with a board shall include, but not be limited to:

a. statutory language, executive order or other legal basis or authorization for the establishment of such board;

b. public information including departmental affiliation, contact address, phone number, and website;

c. a brief description of the purpose of the board and its legally required duties, including required reports or other products;

d. the size of board membership, current member names, and any qualifications;

e. whether members of a board are eligible for payment of expenses or other compensation in the performance of their duties as members of such board and information on compensation and expenses incurred in the prior and current fiscal years, as well as projected costs for the coming fiscal year;

f. meeting minutes and agendas, dates and locations of all meetings held, and to be held within six months, or a location, including but not limited to another website, in which such information can be publicly accessed;

g. geographic and other relevant qualifications of all current members of the board, including the county in which the member resides and the background or expertise the member possesses where such background or expertise is required for membership on such board; and

h. any other information the commissioner may require. Nothing in this section shall authorize the release or publication of any board member's residential address.

5. Each board or the state agency that provides administrative support or is otherwise affiliated with a board shall update on an annual basis beginning November first, two thousand twenty-three on its website, all vacancies, expired terms, terms expiring within one year, and the process for filling such vacancies on such boards.

6. On or before January first, two thousand twenty-four, the commissioner shall report to the governor, the speaker of the assembly, the temporary president of the senate, the chair of the assembly oversight, analysis and investigation committee and the chair of the senate investigations and government operations committee on the status of the [~~inventory~~] list including but not limited to the number of boards reported and verified[~~; the aggregate demographic information of appointments made by each appointing authority including but not limited to race, sex, and geographic representation of such appointees provided that no information shall be personally identifiable, and the content and completeness of the information gathered in accordance with the~~

~~requirements of this section~~]. The commissioner shall also report on any impediments to obtaining information.

§ 2. Section 2 of a chapter of the laws of 2022 amending the executive law relating to information on state boards, as proposed in legislative bills numbers S. 8145 and A. 843-A, is amended to read as follows:

§ 2. This act shall take effect [~~April~~] November 1, 2023.

§ 3. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the executive law relating to information on state boards, as proposed in legislative bills numbers S. 8145 and A. 843-A, takes effect.