

STATE OF NEW YORK

457

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

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

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

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

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inability to testify in-person due to disability, cost of travel, severe weather conditions, or another reason deemed justifiable by such legislative committee.

§ 2. Subdivisions (d), (e) and (f) of section 103 of the public officers law, subdivision (d) as added by chapter 43 of the laws of 2010, subdivision (e) as amended by chapter 481 of the laws of 2021 and subdivision (f) as amended by chapter 319 of the laws of 2016, are amended and a new subdivision (h) is added to read as follows:

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

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

~~[(e)]~~ (f) 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 at least twenty-four hours prior to 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 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)]~~ (g) Open meetings of an agency or authority shall be, to the extent practicable and within available funds, broadcast to the public and maintained as records of the agency or authority. If the agency or authority maintains a website and utilizes a high speed internet connection, such open meeting shall be, to the extent practicable and within available funds, streamed on such website in real-time, and posted on such website within and for a reasonable time after the meeting. 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.

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

§ 3. This act shall take effect immediately.