

# STATE OF NEW YORK

3615

2025-2026 Regular Sessions

## IN ASSEMBLY

January 29, 2025

Introduced by M. of A. SIMONE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law and the state technology law, in relation to requirements for open meetings; to amend part WW of chapter 56 of the laws of 2022 amending the public officers law relating to permitting videoconferencing and remote participation in public meetings under certain circumstances, in relation to making such provisions permanent; to amend the state finance law and the state technology law, in relation to establishing the municipal hybrid meeting trust fund; and providing for the repeal of certain provisions upon the expiration thereof

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

1 Section 1. Section 4 of part WW of chapter 56 of the laws of 2022  
2 amending the public officers law relating to permitting videoconferenc-  
3 ing and remote participation in public meetings under certain  
4 circumstances, as amended by section 1 of part KK of chapter 58 of the  
5 laws of 2024, is amended to read as follows:

6 § 4. This act shall take effect immediately [~~and shall expire and be~~  
7 ~~deemed repealed July 1, 2026~~].

8 § 2. Subdivisions 2 and 3 of section 103-a of the public officers law,  
9 as added by section 2 of part WW of chapter 56 of the laws of 2022,  
10 paragraph (c) of subdivision 2 as amended by section 1 of part X of  
11 chapter 58 of the laws of 2023, are amended to read as follows:

12 2. A public body [~~may, in its discretion,~~ shall use web-based video-  
13 conferencing with the ability to enable closed captioning to conduct its  
14 meetings pursuant to the requirements of this article provided that for  
15 bodies composed of elected officials, a minimum number of members are  
16 present to fulfill the public body's quorum requirement in the same  
17 physical location or locations where the public can attend [~~and the~~  
18 ~~following criteria are met~~]. For all appointed boards and commissions,

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

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1 ~~or non-elected agencies or authorities, at a minimum, the presiding~~  
2 ~~officer shall be present in person for all public meetings. A presiding~~  
3 ~~officer who is unable to be present in person for any reason set forth~~  
4 ~~in paragraph (b) of this subdivision may designate an alternate member~~  
5 ~~of the public body to be present in such officer's place.~~

6 (a) ~~[the] The~~ governing board of a county, city, town or village [~~has~~  
7 ~~adopted a local law, or a public body has adopted a resolution, or]~~ ~~and~~  
8 the senate and assembly [~~have adopted a joint resolution, following a~~  
9 ~~public hearing, authorizing the use of videoconferencing;~~

10 ~~(i) for itself and its committees or subcommittees; or,~~

11 ~~(ii) specifying that each committee or subcommittee may make its own~~  
12 ~~determination;~~

13 ~~(iii) provided however, each community board in a city with a popu-~~  
14 ~~lation of one million or more shall make its own determination;~~

15 ~~(b) the public body has established]~~ shall adopt written procedures  
16 governing member and public attendance consistent with this section, and  
17 such written procedures shall be conspicuously posted on the public  
18 website of the public body[+

19 ~~(c) members].~~

20 (b) Members of the public body shall be physically present at any such  
21 meeting unless such member is unable to be physically present at any  
22 such meeting location due to [~~extraordinary~~] circumstances, as set forth  
23 in the [~~resolution and~~] written procedures adopted pursuant to [~~para-~~  
24 ~~graphs~~] paragraph (a) [~~and (b)~~] of this subdivision, including disabili-  
25 ty, illness, caregiving responsibilities, or any other significant or  
26 unexpected factor or event which precludes the member's physical attend-  
27 ance at such meeting. Notwithstanding the in person quorum requirements  
28 set forth in this subdivision, the public body may determine, through  
29 its written procedures governing member and public attendance estab-  
30 lished pursuant to and consistent with this section, to allow for any  
31 member who has a disability as defined in section two hundred ninety-two  
32 of the executive law, where such disability renders such member unable  
33 to participate in-person at any such meeting location where the public  
34 can attend, to be considered present for purposes of fulfilling the  
35 quorum requirements for such public body at any meetings conducted  
36 through videoconferencing pursuant to this section, provided, however,  
37 that the remaining criteria set forth in this subdivision are otherwise  
38 met; and provided, further, that the public body maintains at least one  
39 physical location where the public can attend such meeting[+

40 ~~(d) except].~~

41 (c) Except in the case of executive sessions conducted pursuant to  
42 section one hundred five of this article, the public body shall ensure  
43 that members of the public body can be heard, seen and identified, while  
44 the meeting is being conducted, including but not limited to any  
45 motions, proposals, resolutions, and any other matter formally discussed  
46 or voted upon[+

47 ~~(e) the].~~

48 (d) The minutes of the meetings [~~involving videoconferencing~~] shall  
49 include which, if any, members participated remotely and shall be avail-  
50 able to the public pursuant to section one hundred six of this article[+

51 ~~(f) if videoconferencing is used to conduct a meeting, the public~~  
52 ~~notice for the meeting shall inform the public that videoconferencing~~  
53 ~~will be used, where the public can view and/or participate in such meet-~~  
54 ~~ing, where required documents and records will be posted or available,~~  
55 ~~and identify the physical location for the meeting where the public can~~  
56 ~~attend;~~

1 ~~(g) the~~].

2 (e) The public body shall provide that each meeting [~~conducted using~~  
3 ~~videoconferencing~~] shall be recorded and such recordings posted or  
4 linked on the public website of the public body within five business  
5 days following the meeting, and shall remain so available for a minimum  
6 of five years thereafter. Such recordings shall use closed captioning  
7 and be transcribed upon request[~~+~~

8 ~~(h) if videoconferencing is used to conduct a meeting, the~~].

9 (f) The public body shall provide the opportunity for members of the  
10 public to view such meeting via video, and to participate in proceedings  
11 via videoconference in real time, with real time closed captioning, and  
12 with American Sign Language interpretation when requested within a  
13 reasonable time prior to such meeting, where public comment or partic-  
14 ipation is authorized and shall ensure that videoconferencing authorizes  
15 the same public participation or testimony as in person participation or  
16 testimony[~~+~~ and

17 ~~(i) a local public body electing to utilize videoconferencing to~~  
18 ~~conduct its meetings must maintain an official website~~].

19 3. The in person participation requirements of paragraph [~~(e)~~] (b) of  
20 subdivision two of this section shall not apply during a state disaster  
21 emergency declared by the governor pursuant to section twenty-eight of  
22 the executive law, or a local state of emergency proclaimed by the chief  
23 executive of a county, city, village or town pursuant to section twen-  
24 ty-four of the executive law, if the public body determines that the  
25 circumstances necessitating the emergency declaration would affect or  
26 impair the ability of the public body to hold an in person meeting.

27 § 3. Subdivisions 2, 4 and 5 of section 104 of the public officers  
28 law, subdivision 2 as amended and subdivision 5 as added by chapter 302  
29 of the laws of 2016, subdivision 4 as added by chapter 289 of the laws  
30 of 2000, are amended and a new subdivision 7 is added to read as  
31 follows:

32 2. Public notice of the time and place of every other meeting shall be  
33 given or electronically transmitted[~~, to the extent practicable,~~] to the  
34 news media and shall be conspicuously posted in one or more designated  
35 public locations, including the public body's webpage and social media  
36 accounts, at a reasonable time prior thereto.

37 4. [~~If videoconferencing is used to conduct a meeting, the~~] The public  
38 notice for the meeting required by this section shall inform the public  
39 that videoconferencing will be used, identify the locations for the  
40 meeting, state where the public can view and/or participate, including  
41 how they may participate, in such meeting, identify where required docu-  
42 ments and records will be posted or available, and state that the public  
43 has the right to attend the meeting at any of the locations.

44 5. [~~If a meeting will be streamed live over the internet, the~~] The  
45 public notice for the meeting shall inform the public of the internet  
46 address of the website streaming such meeting.

47 7. Every public body shall maintain a page on an official government  
48 internet website.

49 § 4. Subdivisions (e) and (f) of section 103 of the public officers  
50 law, subdivision (e) as amended by chapter 481 of the laws of 2021,  
51 subdivision (f) as amended by chapter 319 of the laws of 2016, are  
52 amended to read as follows:

53 (e) Agency records available to the public pursuant to article six of  
54 this chapter, as well as any proposed resolution, law, rule, regulation,  
55 policy or any amendment thereto, that is scheduled to be the subject of  
56 discussion by a public body during an open meeting shall be made avail-

1 able, upon request therefor, [~~to the extent practicable~~] at least twenty-four hours prior to the meeting during which the records will be  
 2 discussed. Copies of such records may be made available for a reasonable  
 3 fee, determined in the same manner as provided therefor in article six  
 4 of this chapter. If the agency in which a public body functions maintains  
 5 a regularly and routinely updated website and utilizes a high  
 6 speed internet connection, such records shall be posted on the website  
 7 [~~to the extent practicable~~] at least twenty-four hours prior to the  
 8 meeting. An agency may, but shall not be required to, expend additional  
 9 moneys to implement the provisions of this subdivision.

10 (f) Open meetings of an agency or authority shall be [~~, to the extent  
 11 practicable and within available funds,~~] broadcast to the public and  
 12 maintained as records of the agency or authority. [~~If the agency or  
 13 authority maintains a website and utilizes a high speed internet  
 14 connection, such~~] Such open [~~meeting~~] meetings shall be [~~, to the extent  
 15 practicable and within available funds,~~] streamed on such website in  
 16 real-time, and posted on such website within and for a reasonable time  
 17 after the meeting. [~~For the purposes of this subdivision, the term  
 18 "agency" shall mean only a state department, board, bureau, division,  
 19 council or office and any public corporation the majority of whose  
 20 members are appointed by the governor. For purposes of this subdivision,  
 21 the term "authority" shall mean a public authority or public benefit  
 22 corporation created by or existing under any state law, at least one of  
 23 whose members is appointed by the governor (including any subsidiaries  
 24 of such public authority or public benefit corporation), other than an  
 25 interstate or international authority or public benefit corporation.~~]

26 § 5. Subdivision (c) of section 103 of the public officers law, as  
 27 amended by section 1 of part WW of chapter 56 of the laws of 2022, is  
 28 amended to read as follows:  
 29

30 (c) A public body shall provide an opportunity for the public to  
 31 attend, listen and observe meetings in at least one accessible physical  
 32 location at which a member participates. A public body shall provide an  
 33 American Sign Language interpreter at such meetings upon request.

34 § 6. Section 102 of the public officers law, as added by chapter 511  
 35 of the laws of 1976 and such section as renumbered by chapter 652 of the  
 36 laws of 1983, subdivision 1 as amended by chapter 289 of the laws of  
 37 2000, and subdivision 2 as amended by chapter 115 of the laws of 2022,  
 38 is amended to read as follows:

39 § 102. Definitions. As used in this article: 1. "Meeting" means the  
 40 official convening of a public body for the purpose of conducting public  
 41 business, including the use of videoconferencing or other electronic  
 42 means for attendance and participation by the members of the public  
 43 body.

44 2. "Public body" means any entity, for which a quorum is required in  
 45 order to conduct public business and which consists of two or more  
 46 members, performing a governmental function for the state or for an  
 47 agency or department thereof, or for a public corporation as defined in  
 48 section sixty-six of the general construction law, or committee or  
 49 subcommittee or other similar body consisting of members of such public  
 50 body, or an entity created or appointed to perform a necessary function  
 51 in the decision-making process for which a quorum is required in order  
 52 to conduct public business and which consists of two or more members [~~. A  
 53 necessary function in the decision-making process shall not include the  
 54 provision of recommendations or guidance which is purely advisory and  
 55 which does not require further action by the state or agency or depart-  
 56 ment thereof or public corporation as defined in section sixty-six of~~]

1 ~~the general construction law~~ including any formally chartered entity  
2 which has officially delegated duties and organizational attributes of a  
3 substantive nature.

4 3. "Executive session" means that portion of a meeting not open to the  
5 general public.

6 4. "Videoconferencing" means any method of conducting a meeting  
7 involving participants at two or more locations through the use of  
8 equipment which allows participants at each location to hear and see  
9 each meeting participant at each location, including public input.  
10 Interaction between meeting participants shall be possible at all meet-  
11 ing locations.

12 § 7. Section 103-d of the state technology law is amended by adding a  
13 new closing paragraph to read as follows:

14 The office shall facilitate use of widely available, low-cost, plat-  
15 form responsive, web-based videoconferencing applications that meet or  
16 exceed federal accessibility guidelines and international standards,  
17 allowing for an equivalent experience to in-person access, including for  
18 materials and public comment, for the broadcast of public meetings by  
19 state agencies and local public bodies, as defined in article seven of  
20 the public officers law.

21 § 8. Subdivision 2 of section 105 of the public officers law, as added  
22 by chapter 511 of the laws of 1976, and such section as renumbered by  
23 chapter 652 of the laws of 1983, is amended to read as follows:

24 2. Attendance at an executive session shall be permitted to any member  
25 of the public body and any other persons authorized by the public body  
26 and held either at a physical location, via videoconferencing, or both.

27 § 9. Section 106 of the public officers law is amended by adding a new  
28 subdivision 4 to read as follows:

29 4. The minutes of a meeting shall reflect the type of electronic means  
30 used, which, if any, members participated by electronic means, when each  
31 member participating by electronic means joined and left the meeting,  
32 and any interruption in or suspension of the meeting due to a technical  
33 problem.

34 § 10. The state finance law is amended by adding a new section 99-ss  
35 to read as follows:

36 § 99-ss. Municipal hybrid meeting trust fund. 1. There is hereby  
37 established in the joint custody of the state comptroller and the  
38 commissioner of taxation and finance a special fund to be known as the  
39 "municipal hybrid meeting trust fund".

40 2. The fund shall be credited with appropriations, bond proceeds or  
41 other money authorized or transferred to such fund from the general fund  
42 and local assistance account, or any other monies required to be trans-  
43 ferred or deposited pursuant to law, and any interest earned on such  
44 money. Revenues deposited in the fund that are unexpended at the end of  
45 a fiscal year shall not revert to the general fund and shall be avail-  
46 able for expenditure in the following fiscal year.

47 3. Monies of the fund shall be expended jointly by the committee on  
48 open government and the office of information technology services for  
49 the purpose of assisting municipalities expand their remote and hybrid  
50 meeting capabilities for non-elected municipal bodies so that they may  
51 better serve their constituents. Monies in the trust fund may be used to  
52 support the replication and the dissemination of best practices gener-  
53 ated through the competitive grant program outlined in subdivision twen-  
54 ty-six of section one hundred three of the state technology law.

55 § 11. Section 103 of the state technology law is amended by adding a  
56 new subdivision 26 to read as follows:

1 26. To develop and administer a competitive grant program for municipi-  
2 palities to support hybrid meeting implementation among their non-elect-  
3 ed local public bodies. To this end, funds for such grant program shall  
4 be drawn from the municipal hybrid meeting trust fund established in  
5 section ninety-nine-ss of the state finance law. Such competitive grant  
6 program shall be subject to the following criteria:

7 (a) All applications for a grant shall include, but shall not be  
8 limited to, a plan for enabling the public body to conduct hybrid meet-  
9 ings and an estimate of the projected costs of the plan.

10 (b) In approving grant applications, the office of information tech-  
11 nology services may give preference to rural areas.

12 (c) Municipalities which are awarded funds through such competitive  
13 grant program shall submit to the office of information technology  
14 services and the committee for open government a report detailing how  
15 such funds have been expended and the progress that has been made  
16 towards the implementation of hybrid meetings within the municipality.

17 (d) Annually, not later than December first, the office of information  
18 technology services shall submit a report detailing expenditures from  
19 the trust fund to the clerks of the senate and assembly, the chairs of  
20 the senate and assembly committees on ways and means, the assembly  
21 subcommittee on internet and new technology, and the senate standing  
22 committee on internet and technology.

23 § 12. This act shall take effect immediately, provided that sections  
24 two, three, four, five, six, eight and nine of this act shall take  
25 effect on the sixtieth day after it shall have become a law; and  
26 provided, further, that the provisions of sections ten and eleven of  
27 this act shall expire January 1, 2030 when upon such date the provisions  
28 of such sections shall be deemed repealed.