

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S9009

SPONSOR: SKOUFIS

TITLE OF BILL:

An act to amend the legislative law, in relation to requiring electronic filing of all lobbying filings

PURPOSE:

This bill is intended to require electronic filing of all lobbying filings.

SUMMARY OF PROVISIONS:

Section 1 renumbers sections 1-v and 1-w of the Legislative Law and adds a new section 1-u requiring all statements and reports required by the Lobbying Act to be submitted electronically using the Commission on Ethics and Lobbying in Government's online filing system.

Section 2 is the effective date.

JUSTIFICATION:

Under current law, many lobbyists and clients file lobbying statements and reports via paper, which increases the burden on staff and delays the transparency of lobbying activity. Although most lobbyists and clients choose to file their lobbying reports using the Commission on Ethics and Lobbying in Government's online filing system maintained for this purpose, the Commission still receives approximately one thousand paper lobbying filings each year.

These paper filings create an administrative burden for the agency, as staff must then enter the lobbying data into the online filing system by hand, which is very time-consuming. Since lobbying filings are not public until they are entered into the Commission's online filing system, the continued use of paper filings delays transparency to the public surrounding lobbying activity. Lobbying filings submitted using the Commission's online filing system, however, are available to the public immediately upon submission.

Amending the Lobbying Act to require electronic filing of all lobbying reports would ease the administrative burden created by the submission of paper filings and promote transparency of lobbying activity by ensuring that all lobbying filings are available to the public upon submission to the Commission.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect on the thirtieth day after it shall have become a law.

STATE OF NEW YORK

9009

IN SENATE

April 9, 2024

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

AN ACT to amend the legislative law, in relation to requiring electronic filing of all lobbying filings

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

1 Section 1. Sections 1-u and 1-v of the legislative law, section 1-v
2 as relettered by chapter 1 of the laws of 2005, are renumbered sections
3 1-v and 1-w and a new section 1-u is added to read as follows:

4 § 1-u. Electronic filing. All statements and reports required by this
5 article shall be submitted electronically using the commission's online
6 filing system.

7 § 2. This act shall take effect on the thirtieth day after it shall
8 have become a law.

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

LBD15098-01-4

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S9010

SPONSOR: SKOUFIS

TITLE OF BILL:

An act to amend the public officers law, in relation to expanding use of videoconferencing to purely advisory bodies

PURPOSE:

This bill is intended to eliminate physical presence quorum requirements in the Open Meetings Law for advisory committees and subcommittees of public bodies.

SUMMARY OF PROVISIONS:

Section 1. Adds a new paragraph (j) to subdivision 2 of section 103-a of the Public Officers Law to provide that a public body may, at its discretion, authorize members of its committees and subcommittees that perform advisory functions only to attend meetings of such committees and subcommittees from one or more non-public locations through the use of videoconferencing and be considered present for purposes of fulfilling quorum requirements for such meetings, provided that an opportunity for the public to attend, listen, and observe such meeting in at least one physical location is provided and that location meets all physical access requirements of section one hundred three of this article.

Section 2. Is the effective date.

JUSTIFICATION:

Presently, the Open Meetings Law requires the physical presence of a quorum of members of purely advisory committees and subcommittees at locations open to the public when they participate in meetings of such bodies by videoconference, which makes holding meetings more difficult and therefore results in less transparency for the public.

The Open Meetings Law requires that when meetings of committees and subcommittees of public bodies, including those that are advisory only and lack decision-making authority, are conducted using videoconferencing, not only must the public be able to attend virtually, but a quorum of members of the public body must be physically present at one or more locations open to the public. Under current law, members of the body who are experiencing extraordinary circumstances can participate in meetings remotely from locations that are not open to the public but they do not count toward a quorum.

Such a physical presence requirement for meetings of purely advisory committees and subcommittees does not enhance transparency, results in inefficiency, increases the cost of holding meetings, causes far fewer public committee meetings to be held, and decreases the number of public meetings of such bodies available for the public to observe.

Removing the physical presence requirement will increase transparency

and substantially increase the number and frequency of non-decisional committee meetings of advisory-only bodies. Authorizing purely advisory subordinate bodies to meet by publicly live-streamed and recorded video-conference, with ample public notice and without requiring members to travel long distances to assemble physically in public, will facilitate the readily accessible convening of such meetings and thereby both foster the principle of public scrutiny of the workings of state and local government that lies at the heart of the Open Meetings Law and serve the broader public interest without materially trenching upon either.

The Open Meetings Law should be amended to authorize meetings of purely advisory committees, subcommittees, and other subordinate bodies to be conducted openly and accessibly, using ubiquitous and universally accepted videoconferencing and live-streaming technology without requiring members to assemble physically at locations open to the public. An amendment to the Open Meetings Law that eliminates the requirement of being physically present to count toward a quorum for meetings of purely advisory subordinate bodies and permits such bodies to conduct their meetings using readily available and widely used technologies that provide fully effective and comprehensive contemporaneous public access to those meetings, advances the objectives of the Open Meetings Law and its guiding principle: transparency in government proceedings.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

Enactment of this bill will reduce meeting costs for public bodies.

EFFECTIVE DATE: Enactment of this bill will reduce meeting costs for public bodies. This act shall take effect immediately.

STATE OF NEW YORK

9010

IN SENATE

April 9, 2024

Introduced by Sen. SKOUFIS -- 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 expanding use of videoconferencing to purely advisory bodies

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

1 Section 1. Subdivision 2 of section 103-a of the public officers law
2 is amended by adding a new paragraph (j) to read as follows:
3 (j) a public body may, in its discretion, authorize members of its
4 committees and subcommittees that perform advisory functions only to
5 attend meetings of such committees and subcommittees from one or more
6 non-public locations through the use of videoconferencing and be consid-
7 ered present for purposes of fulfilling quorum requirements for such
8 meetings provided that an opportunity for the public to attend, listen
9 and observe such meetings in at least one physical location that is
10 provided and that location meets all physical access requirements of
11 section one hundred three of this article.
12 § 2. This act shall take effect immediately; provided that the amend-
13 ments to section 103-a of the public officers law made by section one of
14 this act shall not affect the repeal of such section and shall be deemed
15 repealed therewith.

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

LBD15097-01-4

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S9011

SPONSOR: SKOUFIS

TITLE OF BILL:

An act to amend the public officers law, in relation to requiring electronic filing of all financial disclosure statements

PURPOSE:

This bill is intended to facilitate expeditious and accurate transmittal and processing of financial disclosure statements submitted to the Commission on Ethics and Lobbying in Government, and make the data contained in those statements electronically readable and searchable by members of the public.

SUMMARY OF PROVISIONS:

Section 1. Adds a new paragraph 1 to subdivision 2 of Section 73-a of the Public Officers Law requiring all financial disclosure statements to be filed, beginning with the statements due in calendar year 2025, on the electronic filing system administered by the Commission on Ethics and Lobbying in Government. The section also provides for access to the Commission's online filing system and allows for exemption from the electronic filing requirement for reason of disability or infirmity preventing the completion of an electronic filing through the Commission's electronic filing system.

Section 2. Is the effective date.

JUSTIFICATION:

Many handwritten financial disclosure statements are filed with the Commission on Ethics and Lobbying in Government, in contrast to the tens of thousands of annual financial disclosure statements that are otherwise filed electronically with the Commission by certain state officers and employees in the executive branch of state government. These paper filings create an administrative burden for the Commission, as staff must either enter the data into a database by hand-which slows down the process of posting those financial disclosure statements on the Commission's website as required by law, or scan and upload the paper statement in portable document format. Paper filings that are digitized in a portable document format for online posting are not electronically searchable and, therefore, escape robust analysis using technology and tools readily available to the Commission.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

Enactment of this bill will reduce administrative costs to the State.

EFFECTIVE DATE:

This act shall take effect immediately.

STATE OF NEW YORK

9011

IN SENATE

April 9, 2024

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

AN ACT to amend the public officers law, in relation to requiring electronic filing of all financial disclosure statements

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

1 Section 1. Subdivision 2 of section 73-a of the public officers law is
2 amended by adding a new paragraph (1) to read as follows:

3 (1) (i) Beginning with the statement due in calendar year two thousand
4 twenty-five, all statements shall be submitted on the electronic filing
5 system administered by the commission on ethics and lobbying in govern-
6 ment.

7 (ii) Any individual required to file a statement pursuant to this
8 section may request from the commission on ethics and lobbying in
9 government or the individual's appointing authority access to an elec-
10 tronic computer terminal to file the statement. An individual who
11 requests such access must be provided access within two business days of
12 submitting the request.

13 (iii) No individual shall be deemed not to have timely filed the
14 statement if access to an electronic computer terminal was not available
15 as provided in subparagraph (i) of this paragraph.

16 (iv) An individual may submit the statement on a form supplied by the
17 commission on ethics and lobbying in government with a written attesta-
18 tion from a physician or other licensed health provider indicating that
19 the individual has a disability or infirmity preventing the individual
20 from completing the statement on the electronic filing system provided
21 by the commission on ethics and lobbying in government.

22 § 2. This act shall take effect immediately.

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

LBD15095-01-4