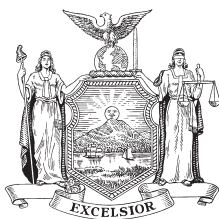


A Guide to the
Public Inspection
and **Copying**
of Legislative
Records



New York State Assembly



A MESSAGE FROM THE SPEAKER

As part of the Assembly's ongoing commitment to open government and responsive public service, the Assembly Public Information Office has produced this informational guide regarding public access to Assembly records.

The Rules and Regulations relating to the public inspection and copying of certain legislative records have been promulgated in conformity with the provisions of Article 6 of the Public Officers Law, known as the Freedom of Information Law, and Rule VIII of the Rules of the Assembly regarding access to Assembly records.

If you have any questions regarding the material contained in this guide, please contact the Assembly Public Information Office by telephone at (518) 455-4218 or in writing at Assembly Public Information Office, Room 202, Legislative Office Building, Albany, New York, 12248.

A handwritten signature in black ink, which appears to read "Sheldon Silver". The signature is fluid and cursive, written in a professional style.

RULES AND REGULATIONS RELATING TO PUBLIC INSPECTION AND/OR COPYING OF ASSEMBLY RECORDS

1. APPLICABILITY. The provisions of these Rules and Regulations shall be applicable to all records of the New York State Assembly available for public inspection and/or copying.

2. LIST OF AVAILABLE RECORDS. A current list, by subject matter, of records required to be made available for public inspection and/or copying shall be posted in the Assembly Public Information Office.

3. LOCATION OF RECORDS. All available records shall be located or made available for public inspection and/or copying at the Assembly Public Information Office, Room 202, Legislative Office Building, Albany, New York 12248.

4. HOURS OF INSPECTION. Available records may be inspected and/or copied during normal working hours, Monday through Friday, unless Assembly offices are closed pursuant to the directive of the Speaker.

5. TO WHOM AND WHERE REQUEST MADE. A request for a particular record shall be made to the Records Access Officer at the Assembly Public Information Office.

6. FORM OF REQUEST. Anyone wishing to inspect and/or copy an available record shall submit a fully completed and signed request on a form to be provided by the Assembly Records Access Officer.

7. DESCRIPTION OF RECORD REQUESTED. A request for a record shall adequately specify or describe the record sought to be inspected and/or copied.

8. NUMBER OF RECORDS PERMITTED. The Records Access Officer may fix reasonable limits on the number of records to be made available to an applicant at any one time.

9. TREATMENT OF RECORDS. No marks of any kind shall be made on any records provided for inspection and/or copying.

10. AREA RESTRICTION. Inspection and/or hand copying of records shall be permitted only in the area designated by the Records Access Officer for such purposes.

11. LIMITATION OF EXAMINATION TIME. The Records Access Officer may fix reasonable limitations on the length of time an applicant may have to inspect any particular record.

12. TEMPORARY UNAVAILABILITY OF RECORDS. Where a record is in use, or filing or intake procedures relating thereto have not been concluded, the filling of a request for such a record may be reasonably delayed until such a use or the procedures have been completed.

13. RETURN OF RECORD FOR ASSEMBLY BUSINESS. Whenever a record made available for public inspection and/or copying is required for the business of the Assembly, the Records Access Officer may require the return of the record upon demand.

14. PROVISION OF PHOTOCOPIES. Photocopies of available records may be obtained from the Records Access Officer at a fee of 25 cents per page except that the fee for photocopying records in excess of 8 1/2 inches by 14 inches in size shall be the actual cost of reproducing such records. Copies of Assembly Expenditure Reports are available at a fee of 25 cents per page or a fee of ten dollars for an entire report. Orders for photocopies may be made in person or by mail, provided the required request forms are fully completed and the required fees accompany the requests.

15. DENIAL OF ACCESS. In the event a request for a record is denied, the person denied access to a record may appeal such denial to the Assembly Records Appeals Officer, Office of Counsel to the Majority, Room 448M, Capitol, Albany, New York, 12248.

LIST OF AVAILABLE RECORDS

The following is a current list of legislative records in the custody of the Assembly that are available for public inspection and copying pursuant to section 88 of the Public Officers Law, Rule VIII of the Assembly Rules, or the directive of the Speaker:

Bills, Bill Data and Resolutions

- Bills and Amendments
- Resolutions (Assembly, Joint and Concurrent) and Amendments
- Introducers' Bill Memoranda
- Fiscal Notes

Committee Records

- Agendas
- Attendance Records
- Roll Call Votes
- Annual Reports
- Final Reports or Recommendations and Minority or Dissenting Reports and Opinions of Members of Committees, Subcommittees and Commissions of the Legislature

Communications from the Governor

- Messages from the Governor
 - a. General Messages
 - b. Special Messages
 - c. Veto Messages
 - d. Emergency Messages (of Necessity)
- Memoranda on bills before the Governor for Executive Action
 - a. Listing of Chapter Number and Title of All Bills Approved
 - b. Approval Memoranda on Signing of Bills
 - c. Disapproval Memoranda on Vetoing of Bills

Other Messages and Communications

- Messages from the Senate
- Messages from Local Governments (Home Rule Messages)
- Formal Opinions by the Attorney General on Proposed Constitutional Amendments
- Other Formal Opinions by the Attorney General
- Legislative Notification of Proposed Adoption of Rules by Agencies
- Local Fiscal Impact Notes

Debate and Public Hearing Records

- Transcripts of Daily Floor Debates
- Transcripts of Committee and Subcommittee Meetings (if prepared)
- Transcripts of Public Hearing Minutes (if prepared)
- Public Hearing Calendars

Floor or Chamber Records

- Daily Attendance Records
- Roll Call Votes on Bills and Resolutions
- Index Records
- Journal Records

Personnel Records

- Name, Public Office Address, Title and Salary of Officers and Employees

Miscellaneous

- Expenditure Reports
- Travel and Standard Vouchers
- Contracts and Leases
- Administrative Staff Manuals and Instructions to Staff that Affect Members of the Public
- Internal or External Audits and Statistical or Factual Tabulations Regarding Material Otherwise Available for Public Inspection and Copying
- Any Other Files, Records, Papers or Documents Required by Law to be Made Available for Public Inspection and Copying

ADDITIONAL INFORMATION REGARDING REQUESTS FOR RECORDS

Assembly Response

Within five business days after the Assembly Records Access Officer receives a written request to inspect a record or for a copy thereof, such officer shall:

- grant the request and notify the person making it when and where the record may be inspected or, if a copy of a record is requested, furnish such copy upon payment of any specified fee;
- deny the request in writing, giving the reason for such denial, informing the person making the request of the right of appeal from such denial and enclosing a copy of the Rules and Regulations promulgated by the Assembly describing the procedure to be followed;
- if the request does not clearly identify the requested record, notify the person making the request that additional information is required;
- indicate that the requested record is not maintained by the Assembly;*
- indicate that the requested record cannot be found after diligent search; or
- acknowledge receipt of the request in writing and state the approximate date when such request will be granted or denied.

** Nothing in this Informational Guide or in the Rules and Regulations shall be construed to require the Assembly to create, prepare or compile any record not possessed or maintained by the Assembly unless otherwise required by law.*

Appeal Process

An attorney in the Office of Counsel to the Majority is designated as Assembly Records Appeals Officer, the person to whom the Records Access Officer's denial of access to a record may be appealed. The process is as follows:

- A person denied access to a record may, within thirty days after such denial, appeal the denial to the Assembly Records Appeals Officer. Such appeal shall be in writing and shall have attached to it a copy of the request, a copy of the denial and any other material the person taking the appeal may wish to submit in support of the appeal.
- Within ten business days after receipt of an appeal, the Assembly Records Appeals Officer shall render a written decision on such appeal directing that access be given to the requested record or confirming the denial of access and fully explaining the reasons therefor. A copy of such determination shall be sent to the person taking the appeal and the Assembly Records Access Officer.

Records filed with the Legislative Ethics Commission

Pursuant to Sections 73 and 73-a of the Public Officers Law and Section 80 of the Legislative Law, copies of financial disclosure statements filed by members and employees of the Legislature with the Legislative Ethics Commission and certain notices issued by such Commission are made available for public inspection and copying, subject to the provisions of those sections. A request to inspect or copy such records should be made directly to the Legislative Ethics Commission, which can be reached by telephone at (518)432-7837 or by mail at P.O. Box 75, Legislative Office Building, Albany, New York 12247.

COPY

NEW YORK STATE ASSEMBLY SHELDON SILVER, SPEAKER

TO: Assembly Records Access Officer
Public Information Office
Room 202, Legislative Office Building
Albany, New York 12248
(518) 455-4218

FROM: _____
Name

Employer

Address

Address

Request for a COPY of Assembly Record(s)

I hereby request a photocopy of each of the following records maintained by the Assembly:

(Specifically identify the record(s) below by name, number, date, etc., and attach additional sheets, if necessary)

I wish to be advised of any applicable fee. Please contact me by telephone at _____, or in writing at the above address. - or -

I have been advised of the applicable fee and am enclosing a check payable to the NYS Assembly Public Information Office for \$_____.

Signature Date

No. of pages: _____ Total fee: \$_____

INSPECT

NEW YORK STATE ASSEMBLY SHELDON SILVER, SPEAKER

TO: Assembly Records Access Officer
Public Information Office
Room 202, Legislative Office Building
Albany, New York 12248
(518) 455-4218

FROM:

Name

Title

Employer

Address

Address

Request to INSPECT Assembly Record(s)

I hereby request authorization to inspect each of the following records maintained by the Assembly:

(Specifically identify the record(s) below by name, number, date, etc., and attach additional sheets, if necessary)

Signature

Date