

Rules and Regulations
Relating to the

**Public
Inspection
and
Copying of
Legislative
Records**

New York State Senate



§1. PURPOSE

These Rules and Regulations relating to the public inspection and/or copying of certain legislative records have been adopted by the Temporary President of the Senate pursuant to Article 6 of the Public Officers Law, known as the Freedom of Information Law, and Rule X, Section 3 of the Rules of the Senate.

§2. RECORDS AVAILABLE

The following legislative records in the custody of the Senate are available for public inspection and/or copying at the times and places and from the specified records access officers (see pages 6 and 7), upon compliance with the procedures prescribed herein and the payment of the specified fees, if any:

PURSUANT TO SECTION 88 OF THE PUBLIC OFFICERS LAW

- ◆ bills and amendments thereto, fiscal notes, introducers' bill memoranda, resolutions and amendments thereto, and index records;
- ◆ messages received from the Governor or the Assembly, and home rule messages;
- ◆ legislative notification of the proposed adoption of rules by an agency;
- ◆ transcripts or minutes, if prepared, and journal records of public sessions including meetings of committees and subcommittees and public hearings, with the records of attendance of members thereat and records of any votes taken;
- ◆ internal or external audits and statistical or factual tabulations of, or with respect to, material otherwise available for public inspection and copying pursuant to Section 88 of the Public Officers Law or any other applicable provision of law;
- ◆ administrative staff manuals and instructions to staff that affect members of the public;
- ◆ final reports and formal opinions submitted to the Legislature;

- ◆ final reports or recommendations and minority or dissenting reports and opinions of members of committees, subcommittees or commissions of the Legislature;
- ◆ external audits conducted pursuant to Section 92 of the Legislative Law and schedules issued pursuant to Subdivision 2 of Section 90 of such law (eff. until 1/1/99);
- ◆ any other files, records, papers or documents required by law to be made available for public inspection and copying;
- ◆ a record of the votes of each Senator in every session and every committee and subcommittee meeting in which the Senator votes;
- ◆ a record setting forth the name, public office address, title and salary of every officer or employee of the Senate;
- ◆ a current list, by subject matter, of the records required to be made available for public inspection and copying pursuant to Section 88 of the Public Officers Law (see pages 6 and 7).

PURSUANT TO DIRECTIVE OF THE TEMPORARY PRESIDENT OF THE SENATE:

- ◆ travel vouchers of Senators and all officers and employees;
- ◆ standard vouchers;
- ◆ contracts entered into by the Senate;
- ◆ leases entered into by the Senate;
- ◆ Local Fiscal Impact Notes.

§3. RECORDS ACCESS OFFICERS

The records access officers for the Senate shall be the Secretary of the Senate, Room 321, Capitol Building, Albany; the Director of Communications of the Senate, Room 313, Capitol Building, Albany; the Secretary to the Finance Committee, Room 913, Legislative Office Bldg., Albany, and the chairman of each other committee of the Senate at his/her Albany office. The particular records for which each records access officer is responsible are set forth on pages 6 and 7.

§4. INSPECTION

Available records may be inspected at such time or times between 9 a.m. and 5 p.m. daily (except weekends and holidays) as may be designated by the appropriate records access officer so as not to interfere with the conduct of the Senate's business. The appropriate records access officer may fix reasonable limits on the number of documents to be made available at any one time and/or the length of time for an applicant's inspection of any particular record so as not to interfere with the conduct of the Senate's business. Inspection shall be permitted only in such rooms or areas that may be designated by the appropriate records access officer so as not to interfere with the conduct of the Senate's business. Whenever a record being inspected is required for the conduct of the Senate's business, it shall be returned immediately to the appropriate records access officer, upon demand; further inspection, if requested, shall be rescheduled. Persons to whom records are made available for inspection shall not mutilate them or make marks of any kind upon them, and shall return all such records to the appropriate records access officer in the same condition and order as received promptly upon completion of inspection. A person's failure to comply with these requirements, or with any other provisions of these Rules and Regulations, shall constitute grounds for denying him/her inspection of Senate records in the future.

§5. FEES

INSPECTION

There is no charge for the inspection of records.

COPIES

There is no charge for single copies of bills and amendments. Upon application to the Secretary of the Senate and good cause shown, the Secretary of the Senate may provide additional copies of bills and amendments to an individual or group, without

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NEW YORK STATE SENATE RECORDS AVAILABLE FOR PUBLIC INSPECTION AND/OR COPYING

RECORDS

Bills, Bill Data & Resolutions

Bills and amendments
Fiscal notes
Introducers' bill memoranda
Resolutions and amendments
Index Records

Messages

Messages from Governor
Messages from Assembly
Home Rule Messages
Local Fiscal Impact Notes
Notifications re agency rules

Sessions & Committee Meeting

Transcripts or minutes of public sessions

Journal records of public sessions including attendance and voting records
Transcripts or minutes of meetings and hearings of committees and subcommittees
Attendance and voting records of standing committees

Manuals and Reports

Administrative staff manuals and instructions
Reports and opinions to the Legislature
Reports, recommendations and opinions of committees, subcommittees or commissions, including minority or dissenting reports

Personnel Records

Names, public office addresses, titles and salaries of officers and employees

Miscellaneous

Travel vouchers, standard vouchers, contracts and leases
Internal or external audits and statistical or factual tabulations re 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

WHERE AVAILABLE

Document Room
Senate Finance Committee
Committee where bill referred
Document Room
Journal Clerk

Journal Clerk
Journal Clerk
Journal Clerk
Journal Clerk
Journal Clerk

Journal Clerk (current)
Secretary of the Senate (prior years)
Journal Clerk

Committee Office
Journal Clerk

Secretary of the Senate
Document Room

Committee Office

Fiscal Office
Communications Office

Fiscal Office

Office where the basic material is available

Office where filed

RECORDS ACCESS OFFICER

Secretary of the Senate
Secretary to Finance Committee
Committee Chairman
Secretary of the Senate
Secretary of the Senate

Secretary of the Senate
Secretary of the Senate
Secretary of the Senate
Secretary of the Senate
Secretary of the Senate

Secretary of the Senate
Secretary of the Senate
Secretary of the Senate

Committee Chairman
Secretary of the Senate

Secretary of the Senate
Secretary of the Senate

Committee Chairman

Secretary of the Senate (for the public)
Director of Communications (for the media)

Secretary of the Senate

Records access officer for the basic material

Secretary of the Senate

charge. There is a fee of 25 cents per page for all other records (and extra copies of bills and amendments). When an application is made for a copy of any available record for which a fee is imposed, the appropriate records access officer shall notify the applicant of the amount of such fee. Any such fee shall be paid in advance before the copy is furnished. The Secretary of the Senate may waive the fees for copies of records provided to representatives of news media, subject to such reasonable limitations on the number of records and/or number of copies as the Secretary of the Senate, in his discretion, may determine.

§6. REQUEST FORM

A request to inspect a record of the Senate or for a copy of a record shall be made in writing in the form included and shall be directed to the particular records access officer having the responsibility for such record. Such request shall describe the requested record in sufficient detail to clearly identify it.

§7. RESPONSE TO REQUEST

Within five business days after a record 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; if the prompt furnishing of a copy is not feasible because of the voluminous nature or any other reason, the records access officer shall advise the person making the request of the approximate date when such copy will be furnished;
- ◆ deny the request in writing, giving the reasons for such denial, informing the person making the request of the right of appeal from such denial and enclosing a copy of these Rules and Regulations describing the procedure to be followed;

- ◆ if the request does not clearly identify the requested record, notify the person making the request to furnish additional information;
- ◆ certify that the records access officer does not have possession of the requested record;
- ◆ certify 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.

§8. RECORDS COVERED

Nothing in these Rules and Regulations shall be construed to require the Senate or any of its committees, subcommittees, members, officers or employees to prepare or compile any record not possessed or maintained by them or otherwise required by law, by the Rules of the Senate or by these Rules and Regulations.

§9. APPEALS

The Counsel to the Majority of the Senate is hereby designated as the person to whom a records access officer's denial or access to a record may be appealed.

- ◆ A person denied access to a record may, within thirty days after such denial, appeal such denial to the Counsel to the Majority. Such appeal shall be in writing and shall have attached to it a copy of the request, a copy of the denial and a copy of all other communications between the parties relating to the request. The appeal shall separately state each ground upon which it is claimed the denial was erroneous, together with any other material the person taking the appeal may wish to submit in support of the appeal. At the same time such person shall also send a complete copy of all such papers to the records access officer who denied access to the record. Such officer may submit to the Counsel to the Majority such written material as the officer may deem

advisable in support of the denial and shall at the same time send a complete copy of all such papers to the person taking the appeal. At any time prior to the determination of the appeal either party may submit any additional material to the Counsel to the Majority, with a copy thereof to the other party.

◆ Within ten business days after receipt of an appeal the Counsel to the Majority 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 records access officer.

§10. RECORDS FILED WITH LEGISLATIVE ETHICS COMMITTEE

Pursuant to Section 80 of the Legislative Law and Sections 73 and 73-a of the Public Officers Law, copies of financial disclosure statements filed by members and employees of the Legislature with the Legislative Ethics Committee, and certain notices issued by such Committee, are made available for public inspection and copying, subject to the provisions of those sections. A request to inspect or for a copy of such a record should be made directly to the Legislative Ethics Committee.

New York State Senate Request to Inspect and/or for Copies of Senate Records

To Records Access Officer: (See pages 6 & 7 of Rules and Regulations for list of available records and title of appropriate records access officer)

Name and/or Title

Address

For Inspection of Records Only, Without Copies

I hereby request authorization to inspect each of the following records under your custody (identify specifically by record name, content, committee, date, etc.):

(Attach additional sheets if necessary)

For Copies of Records Only, Without Prior Inspection

I hereby request a copy(s) of each of the following records under your custody (identify specifically by record name, content, committee, date, etc.)

If fee is required, please advise me of the amount
or

Fee enclosed \$ _____

(Attach additional sheets if necessary)

(Please complete reverse side)

Date: _____

Signature: _____

Print Name: _____

Mailing Address: _____

Telephone: _____

If request is made on behalf of an organization, please specify

Name: _____

Address: _____

Telephone: _____

Senate Use Only

Received by: _____

Date received: _____

Referred to: _____

Notification of fee required: _____

Date fee received: _____

Date records transmitted: _____