



NEW YORK STATE SENATOR

Suzi Oppenheimer

Oppenheimer Bill Strengthening Open Meetings Law is Signed Into Law

SUZI OPPENHEIMER April 16, 2010

| ISSUE: **ETHICS**

New Law Provides Additional Enforcement Tools to Ensure Compliance

Senator Suzi Oppenheimer is pleased to announce that her bill to enhance judicial enforcement of the open meetings law, S. 7054, was signed into law on April 14, 2010. The legislation was part of a package of sunshine bills aimed at fostering greater openness and public participation in government decision-making.

Senator Oppenheimer's bill clarifies the actions that a court may take when it finds that a public body has violated the open meetings law. While prior law permitted a court to invalidate actions taken behind closed doors in violation of the open meetings law, judicial decisions interpreting that law implied that a court could not nullify an action if voted on in public, even if the matter had been deliberated unlawfully behind closed doors.

"My legislation makes clear that a court can rescind such actions and remand the decision to the public body for reconsideration in a public meeting," noted Senator Oppenheimer. In addition, a court may require public officials to participate in training sessions on the requirements of the open meetings law.

The new law is similar to legislation that was vetoed by the Governor last year because it would have allowed fines to be imposed on the offending public body. “The intent of my bill is not to be punitive,” said Senator Oppenheimer, “but rather to ensure future compliance with the law. The training sessions further that objective by lessening the chance of inadvertent violations of the law.”

“I applaud Senator Oppenheimer for her efforts in developing legislation that will not only enhance the public’s right to know, but will also serve to educate government officials and the public regarding the open meetings law,” said Bob Freeman, Executive Director of the Committee on Open Government. “Rather than imposing a fine as in the case of the bill that was vetoed, this bill will require education and training that in turn fosters compliance with the law.”

“I have long supported open government measures,” concluded Senator Oppenheimer, who is a former president of the Mamaroneck League of Women Voters. “The people have a right to know the rationale for decisions made by a public body.”