



February 23, 2023

Majority Leader Andrea Stewart-Cousins

Speaker Carl Heastie

Dear Majority Leader Stewart-Cousins and Speaker Heastie,

We write to ask that for this year’s Sunshine Week (March 12-18), your houses work jointly to pass the same bills increasing transparency in New York.

Since at least 2007, both the Senate and Assembly have regularly passed bills during Sunshine Week to improve NY’s Freedom of Information and Open Meetings laws (FOIL and OML). However, the houses rarely pass the same bills. For example, in 2021, the Assembly passed at least four bills improving transparency, but the Senate passed none. In 2022, the Senate passed at least five transparency bills during Sunshine Week, but the Assembly passed none. Some of these bills were eventually passed in the other house, but most never moved.

We believe that aligning your efforts to pass the same bills will help increase transparency and send a strong message that the Legislature is working together to bring more sunlight to New York. The legislation will also help the Legislature to better conduct oversight of state government. Here are several bills that our groups urge you to jointly pass this upcoming Sunshine Week:

- **Closing the “advisory body” OML loophole** – Legislation passed in 2021 made it so that public bodies that are “purely advisory” but were a creation of law

no longer have to hold open meetings. This appears to have contradicted the Legislature's intent. The Legislature needs to close the loophole so that these advisory bodies are again subject to the Open Meetings Law – as they have been historically.

- [\*\*S3257 \(Hoylman-Sigal\)\*\*](#) – Limits the commercial FOIL exemption to three years, at which point companies would have to reapply for the exemption. The bill was in the executive budget in 2019 but half of it was removed – the Legislature can finish the job by passing the legislation, which has been [supported by the Committee on Open Government](#) in many annual reports.
- [\*\*S2004-A \(Jackson\) / A6459-A \(Thiele\) of 2021\*\*](#) – Clarifies some of the language passed as part of the 2017 attorneys fees law.
- [\*\*S3502 \(Skoufis\)\*\*](#) – Ends the “consultant report exception” in FOIL so that New Yorkers have access to consultant reports paid for with public dollars.
- **Financial disclosure bills:**
  - [\*\*S3544 \(Breslin\) / A1560 \(McDonald\)\*\*](#) – Requires legislative members and candidates file their financial disclosures electronically.
  - [\*\*S3574 \(Skoufis\) / A2507 \(Paulin\)\*\*](#) – Requires financial disclosure statements of candidates for state office be published on the Commission on Ethics and Lobbying in Government (COELIG) website.
  - [\*\*A2873 \(Kelles\)\*\*](#) – Adds a question to state financial disclosure documents about crypto holdings.

We would welcome the opportunity to discuss these proposals with you and/or the relevant staff members. Please contact Tom Speaker at [tom@reinventalbany.org](mailto:tom@reinventalbany.org) to schedule a meeting. We thank you for your consideration.

Sincerely,

John Kaehny  
Executive Director  
Reinvent Albany

Noel Hidalgo  
Executive Director  
BetaNYC

Betsy Gotbaum  
Executive Director  
Citizens Union

Susan Lerner  
Executive Director  
Common Cause New York

Tim Hofer  
Executive Director  
Empire Center for Public Policy

Laura Ladd Bierman  
Executive Director  
League of Women Voters of New York State

Diane Kennedy  
President  
New York News Publishers Association

Blair Horner  
Executive Director  
New York Public Interest Research Group

cc:

Senator James Skoufis, Chair of Senate Investigations and Government Operations  
Assemblymember John McDonald, Chair of Assembly Governmental Operations  
Senator Neil Breslin, Chair of Senate Ethics and Internal Governance  
Senator Brad Hoylman-Sigal  
Senator Robert Jackson  
Assemblymember Anna Kelles  
Assemblymember Amy Paulin  
Assemblymember Fred Thiele