

Legislative Bill Drafting Commission
13035-02-1

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

EXECLA

(Expands the scope of records which
shall be preserved by the executive
chamber)

Exec. preservation of records

AN ACT

to amend the executive law, in
relation to expanding the scope of
records which shall be preserved by
the executive chamber

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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s17 Felder	s07 Kaplan	s58 O'Mara	s10 Sanders
s52 Akshar	s59 Gallivan	s26 Kavanagh	s62 Ortt	s23 Savino
s36 Bailey	s05 Gaughran	s63 Kennedy	s01 Palumbo	s32 Sepulveda
s30 Benjamin	s12 Gianaris	s28 Krueger	s21 Parker	s41 Serino
s34 Biaggi	s22 Gounardes	s24 Lanza	s19 Persaud	s29 Serrano
s57 Borrello	s47 Griffo	s11 Liu	s13 Ramos	s39 Skoufis
s04 Boyle	s40 Harckham	s50 Mannion	s61 Rath	s16 Stavisky
s44 Breslin	s54 Helming	s42 Martucci	s38 Reichlin-	s45 Stec
s25 Brisport	s46 Hinchey	s02 Mattera	Melnick	s35 Stewart-
s08 Brooks	s27 Hoylman	s53 May	s48 Ritchie	Cousins
s55 Brouk	s31 Jackson	s37 Mayer	s33 Rivera	s49 Tedisco
s14 Comrie	s43 Jordan	s20 Myrie	s60 Ryan	s06 Thomas
s56 Cooney	s09 Kaminsky	s51 Oberacker	s18 Salazar	s03 Weik

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a063 Cusick	a075 Gottfried	a020 Miller, M.	a121 Salka
a092 Abinanti	a045 Cymbrowitz	a021 Griffin	a051 Mitaynes	a111 Santabarbara
a031 Anderson	a018 Darling	a100 Gunther	a015 Montesano	a090 Sayegh
a122 Angelino	a053 Davila	a139 Hawley	a145 Morinello	a099 Schmitt
a107 Ashby	a072 De La Rosa	a083 Heastie	a065 Niou	a076 Seawright
a035 Aubry	a003 DeStefano	a028 Hevesi	a037 Nolan	a084 Septimo
a120 Barclay	a070 Dickens	a128 Hunter	a144 Norris	a016 Sillitti
a030 Barnwell	a054 Dilan	a029 Hyndman	a069 O'Donnell	a052 Simon
a106 Barrett	a081 Dinowitz	a079 Jackson	a091 Otis	a114 Simpson
a060 Barron	a147 DiPietro	a104 Jacobson	a132 Palmesano	a005 Smith
a082 Benedetto	a009 Durso	a011 Jean-Pierre	a088 Paulin	a118 Smullen
a042 Bichotte	a048 Eichenstein	a134 Jensen	a141 Peoples-	a022 Solages
Hermelyn	a004 Englebright	a115 Jones	Stokes	a110 Steck
a117 Blankenbush	a074 Epstein	a077 Joyner	a058 Perry	a010 Stern
a098 Brabene	a109 Fahy	a125 Kelles	a023 Pheffer	a127 Stirpe
a026 Braunstein	a061 Fall	a040 Kim	Amato	a102 Tague
a138 Bronson	a080 Fernandez	a105 Lalor	a086 Pichardo	a064 Tannousis
a012 Brown	a008 Fitzpatrick	a013 Lavine	a089 Pretlow	a071 Taylor
a093 Burdick	a057 Forrest	a097 Lawler	a073 Quart	a001 Thiele
a085 Burgos	a124 Friend	a126 Lemondes	a019 Ra	a033 Vanel
a142 Burke	a046 Frontus	a135 Lunsford	a038 Rajkumar	a116 Walczyk
a119 Buttenschon	a095 Galef	a123 Lupardo	a006 Ramos	a055 Walker
a094 Byrne	a050 Gallagher	a129 Magnarelli	a062 Reilly	a143 Wallace
a133 Byrnes	a131 Gallahan	a036 Mamdani	a087 Reyes	a112 Walsh
a103 Cahill	a007 Gandolfo	a130 Manktelow	a043 Richardson	a041 Weinstein
a044 Carroll	a002 Giglio, J.A.	a108 McDonald	a078 Rivera, J.	a024 Weprin
a136 Clark	a148 Giglio, J.M.	a014 McDonough	a149 Rivera, J.D.	a059 Williams
a047 Colton	a066 Glick	a146 McMahan	a068 Rodriguez	a113 Woerner
a140 Conrad	a034 Gonzalez-	a137 Meeks	a027 Rosenthal, D.	a096 Zebrowski
a032 Cook	Rojas	a017 Mikulin	a067 Rosenthal, L.	a056 Zinerman
a039 Cruz	a150 Goodell	a101 Miller, B.	a025 Rozic	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and: in Assembly 2 copies of memorandum in support, in
Senate 4 copies of memorandum in support (single house); or 4 signed copies
of bill and 6 copies of memorandum in support (uni-bill).

1 Section 1. Section 5 of the executive law is amended to read as
2 follows:

3 § 5. Executive records. 1. The governor shall cause to be kept in the
4 executive chamber or in the appropriate state office:

5 [1.] a. Journals of the daily transactions of his or her office.

6 [2.] b. Registers, containing classified statements of such trans-
7 actions.

8 [3.] c. Separate registers containing classified statements of all
9 applications for pardon, commutation or other executive clemency, and of
10 his or her action thereon.

11 [4.] d. An account of his or her official expenses and disbursements,
12 including the incidental expenses of his or her department.

13 [5.] e. Files of all official records upon which applications for
14 executive clemency are founded; of statements made by judges to him or
15 her; of sentences to death and of the testimony in capital cases; and of
16 such other papers relating to the transactions of his or her office as
17 are deemed by him or her of sufficient value for preservation.

18 2. The governor shall cause and direct that all records of the execu-
19 tive chamber, as well as executive departments, agencies, divisions,
20 offices and commissions, be retained for a minimum of two years. For the
21 purposes of this subdivision, "records" shall include all paper records
22 and electronic records, including electronic mail communications, as
23 well as all electronic data including all forms of electronic metadata.

24 3. In the event litigation is reasonably anticipated against the exec-
25 utive chamber or any executive branch departments, divisions, offices or
26 commissions, the executive chamber shall have a duty to cause and direct
27 that all records reasonably related to such anticipated litigation be
28 retained for at least five years or until two years after litigation is

1 no longer reasonably anticipated, whichever is later. For the purposes
2 of this subdivision, "records" shall include all paper records and elec-
3 tronic records, as well as all electronic data including all forms of
4 electronic metadata. For purposes of this subdivision, "anticipated
5 litigation" shall include civil matters, criminal matters, impeachment
6 matters and investigations by law enforcement or legislative bodies.

7 § 2. This act shall take effect immediately.