

VETO MESSAGE - No. 6796

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 7805, entitled:

"AN ACT to amend the New York state printing and public documents law and the state technology law, in relation to agency reports"

NOT APPROVED

New York law requires state agencies to prepare and submit numerous reports to the Legislature. This bill would alter the way in which those reports are presented. Specifically, it would eliminate an agency's option to submit a printed copy of a statutorily-mandated report to the Legislature. Instead, it would require an agency to post the report on its own website along with written notice of the posting to each legislator, and to make the report available on a newly created "New York

State Agency Documents Website" that would be created at the Office for Technology (OFT), along with a similar notice to the Legislature regarding that posting. OFT would be required to "establish, administer and maintain" the new agency documents website, which would serve as the "central repository for the posting and archiving of all documents provided to the Legislature as required by state law."

Although the sponsors' stated goal is to eliminate unneeded printing of documents and to simplify reporting requirements, the bill as drafted creates unnecessary redundancies and is unlikely to achieve its stated goals. First, under existing law, agencies already have an option to avoid the need to print and submit paper copies of reports to the Legislature, and many agencies choose that option by posting reports on their websites and notifying appropriate legislative officials of the posting. Therefore, it is questionable whether any resources would be saved or any efficiencies created by eliminating the option to submit printed copies of reports to the Legislature.

Second, eliminating the option to submit printed reports and requiring posting of reports on two State agency websites would create unnecessary redundancies and duplication of efforts. Indeed, it is difficult to justify the expenditure of resources to create and maintain this centralized repository when a legislator can obtain the same information from the agency's own website - especially given the information that agencies are required to include in the notice informing legislators of the posting of the report.

Third, eliminating the option to submit a printed report and mandating a report's posting on two publicly accessible websites would expose secure and confidential information to the public domain. Both the Division of Homeland Security and Emergency Services and the Department of Tax and Finance are required to submit reports to the Legislature, with the understanding that further disclosure of certain information in those reports, such as information about security measures at chemical, energy and pipeline facilities, and certain taxpayer information, is prohibited. This bill does not contain any provisions to exempt this type of secure and confidential information from the public posting

requirements.

Fourth, OFT is not the appropriate agency to create and maintain this type of archive. The mission of OFT is to help plan and coordinate programs that would create government efficiencies through the use of technology, and to advise and assist agencies in developing new policies and programs relating to advances in technology. There are, however, more appropriate entities, such as the State Archives or the Legislative Library, whose functions and expertise would include maintaining this type of information repository. Moreover, no funding has been included in the OFT budget to support the costs that it would incur to establish and maintain this new website.

Finally, there are more efficient and effective means to achieve the goals of this bill. One resource drain on agencies is the requirement that they send a printed notice to legislative officials regarding the posting of a report. It would be more efficient to allow an agency to make this notification electronically. Further, under this bill, legislators would still be permitted to request and receive a printed copy of the report. There is no reason a legislator could not simply print a report from a website, and maintaining this requirement would undermine any savings and efficiencies created by allowing agencies to post reports, rather than submitting printed copies of them.

Given the State fiscal impact on OFT that would be created by this bill, and my concerns about the posting of information on public websites that could jeopardize security, safety and confidentiality, I cannot allow this legislation to be enacted.

This bill is disapproved.

(signed) DAVID A. PATERSON