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Civic Groups Deeply Disappointed by Gov Cuomo's Veto of Transparency Bills

Hours after Skelos verdict, governor rejects two Freedom of Information bills.

Our groups are deeply disappointed that in the midst of unprecedented scandals in Albany, Governor Cuomo vetoed two bills that would have made New York's government more transparent and accountable. The governor was given a clear choice between being part of the problem in Albany or part of the solution. These vetoes call into question the governor's commitment to transparency and Freedom of Information.

Both bills were originally proposed by the state's Committee on Open Government, are narrowly focused, have a clear intent, and will be easy for the state to implement. Both passed the legislature unanimously, and both were endorsed by more than a dozen newspaper editorials and numerous civic groups.

The Freedom of Information Law is the single most important tool for open and transparent government in New York State. Journalists and government watchdog groups depend on FOIL to help hold government accountable. Businesses rely on FOIL to ensure the government procurement process is fair. Unfortunately, state agencies often deliberately delay the FOIL process, or simply do not provide the requested records. Agencies know that it is very expensive for the public to appeal a FOIL request to the courts. Because of this, agencies are often able to effectively

ignore FOIL without being challenged.

Despite our disappointment in the Governor's actions, our groups would like to thank Assembly members Buchwald and Paulin and Senators Gallivan and Ranzenhofer for their leadership on this issue.

Summary of FOIL Bills

A.114 (Buchwald/Ranzenhofer) reduces the time agencies have to appeal a judge's decision granting public access to public records to two months from nine months.

A.1438B (Paulin/Gallivan) requires judges to award attorney's fees when a member of the public "substantially" prevails in a Freedom of Information lawsuit.

Numerous states already have laws in place to awards attorney's fees including:

- Colorado: fees "shall be awarded" to anyone who wins FOI lawsuit.
- California: court "shall award costs and fees."
- Florida: "court shall assess" costs and fees.
- Illinois: fees "shall be awarded" to anyone who wins FOIL lawsuit.
- New Jersey: fees "shall be awarded" to anyone who prevails.

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