

STATE OF NEW YORK

7445

2021-2022 Regular Sessions

IN SENATE

October 18, 2021

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general municipal law and the public officers law, in relation to prohibiting individuals in certain positions from taking any position with a business or entity doing business with an industrial development authority

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

1 Section 1. Section 883 of the general municipal law, as amended by
2 section 7 of part J of chapter 59 of the laws of 2013, is amended to
3 read as follows:

4 § 883. Conflicts of interest. 1. All members, officers, and employees
5 of an agency or industrial development authority established by this
6 chapter or created by the public authorities law shall be subject to the
7 provisions of article eighteen of this chapter.

8 2. No member, officer, trustee, employee or independent contractor,
9 including any attorney, of an industrial development authority estab-
10 lished by this chapter shall take any position, whether paid or unpaid,
11 with any business or entity doing business with such industrial develop-
12 ment authority or any business or entity applying for any tax exemption
13 or benefit determined or granted by such industrial development authori-
14 ty or receiving any tax exemption or benefit determined or granted by
15 such industrial development authority while such member, officer, trus-
16 tee, employee or independent contractor of such industrial development
17 authority is employed or under contract with such industrial development
18 authority or within a period of three years after the termination of the
19 member, officer, trustee, employee or independent contractor's position
20 with such industrial development authority.

21 3. No statewide, county or local elected official or state, county or
22 municipal officer or employee shall serve as a member, officer, trustee,
23 employee or independent contractor of an industrial development authori-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 ty established by this chapter nor shall any elected official or municipi-
2 pal, county or state officer or employee take any position, whether paid
3 or unpaid, with any business or entity doing business with an industrial
4 development authority or any business or entity applying for any tax
5 exemption or benefit determined or granted by an industrial development
6 authority or receiving any tax exemption or benefit determined or grant-
7 ed by an industrial development authority while such elected official or
8 municipal, county or state officer or employee is serving or employed or
9 within a period of three years after such termination of the elected
10 official or municipal, county or state officer or employee or independ-
11 ent contractor's position as an elected official or state, county or
12 municipal officer or employee.

13 4. Any person who violates the provisions of subdivision two or three
14 of this section and is compensated or receives any benefit due to such
15 violation shall pay restitution to the industrial development authority
16 for which such person held a position equal to the amount of compen-
17 sation or benefit received by such person. In addition, such person
18 shall pay a civil penalty to such industrial development authority equal
19 to ten times the amount to be restituted to such industrial development
20 authority. Such restitution and penalty shall be in addition to any
21 criminal liability or penalty.

22 § 2. Section 73 of the public officers law is amended by adding a new
23 subdivision 19 to read as follows:

24 19. No person serving as a statewide elected official or state officer
25 or employee shall serve as a member, officer, trustee, employee or inde-
26 pendent contractor of an industrial development authority established by
27 the general municipal law nor shall any statewide elected official or
28 state officer or employee take any position, whether paid or unpaid,
29 with any business or entity doing business with an industrial develop-
30 ment authority or any business or entity applying for any tax exemption
31 or benefit determined or granted by an industrial development authority
32 or receiving any tax exemption or benefit determined or granted by an
33 industrial development authority while such statewide elected official
34 or state officer or employee is serving or employed or within a period
35 of three years after the termination of such service or employment. Any
36 person who violates the provisions of this subdivision shall be subject
37 to the penalties laid out in subdivision four of section eight hundred
38 eighty-three of the general municipal law.

39 § 3. Paragraphs c and d of subdivision 1 of section 805-a of the
40 general municipal law, as amended by chapter 813 of the laws of 1987,
41 are amended and a new paragraph e is added to read as follows:

42 c. receive, or enter into any agreement, express or implied, for
43 compensation for services to be rendered in relation to any matter
44 before any municipal agency of which he is an officer, member or employ-
45 ee or of any municipal agency over which he has jurisdiction or to which
46 he has the power to appoint any member, officer or employee; [✗]

47 d. receive, or enter into any agreement, express or implied, for
48 compensation for services to be rendered in relation to any matter
49 before any agency of his municipality, whereby his compensation is to be
50 dependent or contingent upon any action by such agency with respect to
51 such matter, provided that this paragraph shall not prohibit the fixing
52 at any time of fees based upon the reasonable value of the services
53 rendered[+]; or

54 e. serve as a member, officer, trustee, employee or independent
55 contractor of an industrial development authority established by this
56 chapter nor take any position, whether paid or unpaid, with any business

or entity doing business with an industrial development authority or any business or entity applying for any tax exemption or benefit determined or granted by an industrial development authority or receiving any tax exemption or benefit determined or granted by an industrial development authority while such municipal officer or employee is serving or employed or within a period of three years after such termination of the municipal officer or employee's position.

§ 4. This act shall take effect immediately.