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I N   A S S E M B L Y

June 8, 2016

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Abinanti) --  
read once and referred to the Committee on Economic Development

AN ACT to amend the economic development law and the public officers law, in relation to the establishment of regional economic development councils; and to provide for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The economic development law is amended by adding a new  
2     section 11 to read as follows:  
3     S 11. REGIONAL ECONOMIC DEVELOPMENT COUNCILS. 1. THE GOVERNOR SHALL  
4     ESTABLISH TEN REGIONAL ECONOMIC DEVELOPMENT COUNCILS, ONE FOR EACH OF  
5     THE FOLLOWING REGIONS OF THE STATE:  
6        (A) LONG ISLAND (WHICH CONSISTS OF SUFFOLK AND NASSAU COUNTIES);  
7        (B) THE CITY OF NEW YORK (WHICH CONSISTS OF BRONX, NEW YORK, QUEENS,  
8     BROOKLYN, AND RICHMOND COUNTIES);  
9        (C) THE MID-HUDSON REGION (WHICH CONSISTS OF SULLIVAN, ULSTER, DUTCH-  
10    ESS, ORANGE, PUTNAM, WESTCHESTER, AND ROCKLAND COUNTIES);  
11        (D) THE SOUTHERN TIER (WHICH CONSISTS OF STEUBEN, SCHUYLER, TOMPKINS,  
12    CHEMUNG, TIOGA, CHENANGO, BROOME, AND DELAWARE COUNTIES);  
13        (E) THE CAPITAL REGION (WHICH CONSISTS OF WARREN, WASHINGTON, SARATO-  
14    GA, SCHENECTADY, RENSSELAER, ALBANY, COLUMBIA, AND GREENE COUNTIES);  
15        (F) THE MOHAWK VALLEY (WHICH CONSISTS OF ONEIDA, HERKIMER, FULTON,  
16    MONTGOMERY, OTSEGO, AND SCHOHARIE COUNTIES);  
17        (G) THE NORTH COUNTRY (WHICH CONSISTS OF CLINTON, FRANKLIN, ST.  
18    LAWRENCE, JEFFERSON, LEWIS, HAMILTON, AND ESSEX COUNTIES);  
19        (H) THE CENTRAL REGION (WHICH CONSISTS OF OSWEGO, CAYUGA, ONONDAGA,  
20    MADISON, AND CORTLAND COUNTIES);  
21        (I) THE FINGER LAKES REGION (WHICH CONSISTS OF ORLEANS, MONROE, WAYNE,  
22    GENESEE, WYOMING, LIVINGSTON, ONTARIO, SENECA, AND YATES COUNTIES); AND  
23        (J) THE WESTERN REGION (WHICH CONSISTS OF NIAGARA, ERIE, CHAUTAUQUA,  
24    CATTARAUGUS, AND ALLEGANY COUNTIES).  
25     2. EACH REGIONAL ECONOMIC DEVELOPMENT COUNCIL SHALL DEVELOP LONG-TERM  
26     STRATEGIC PLANS FOR ECONOMIC GROWTH WITHIN ITS REGION OF THE STATE.

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

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1 3. THE MEMBERS OF EACH REGIONAL ECONOMIC DEVELOPMENT COUNCIL SHALL BE  
2 LOCAL EXPERTS AND STAKEHOLDERS FROM BUSINESSES, ACADEMIA, MUNICIPALITIES  
3 AND NON-GOVERNMENTAL ORGANIZATIONS WITHIN THE REGION. ALL SUCH MEMBERS  
4 SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE  
5 SENATE, AND SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.

6 4. ALL MEMBERS OF REGIONAL ECONOMIC DEVELOPMENT COUNCILS SHALL BE  
7 SUBJECT TO THE PROVISIONS OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFI-  
8 CERS LAW.

9 S 2. Subparagraphs (ii) and (iii) of paragraph (c) of subdivision 1 of  
10 section 73-a of the public officers law, as amended by section 5 of part  
11 A of chapter 399 of the laws of 2011, are amended and a new subparagraph  
12 (iv) is added to read as follows:

13 (ii) officers and employees of statewide elected officials, officers  
14 and employees of state departments, boards, bureaus, divisions, commis-  
15 sions, councils or other state agencies, who receive annual compensation  
16 in excess of the filing rate established by paragraph (1) of this subdi-  
17 vision or who hold policy-making positions, as annually determined by  
18 the appointing authority and set forth in a written instrument which  
19 shall be filed with the joint commission on public ethics established by  
20 section ninety-four of the executive law during the month of February,  
21 provided, however, that the appointing authority shall amend such writ-  
22 ten instrument after such date within thirty days after the undertaking  
23 of policy-making responsibilities by a new employee or any other employ-  
24 ee whose name did not appear on the most recent written instrument;  
25 [and]

26 (iii) members or directors of public authorities, other than multi-  
27 state authorities, public benefit corporations and commissions at least  
28 one of whose members is appointed by the governor, and employees of such  
29 authorities, corporations and commissions who receive annual compen-  
30 sation in excess of the filing rate established by paragraph (1) of this  
31 subdivision or who hold policy-making positions, as determined annually  
32 by the appointing authority and set forth in a written instrument which  
33 shall be filed with the joint commission on public ethics established by  
34 section ninety-four of the executive law during the month of February,  
35 provided, however, that the appointing authority shall amend such writ-  
36 ten instrument after such date within thirty days after the undertaking  
37 of policy-making responsibilities by a new employee or any other employ-  
38 ee whose name did not appear on the most recent written instrument[.];  
39 AND

40 (IV) MEMBERS OF REGIONAL ECONOMIC DEVELOPMENT COUNCILS.

41 S 3. Section 74 of the public officers law, as amended by chapter 1012  
42 of the laws of 1965, the opening paragraph of subdivision 1 and subdivi-  
43 sion 4 as amended by chapter 14 of the laws of 2007 and paragraph (d) of  
44 subdivision 3 as amended by chapter 1 of the laws of 2010, is amended to  
45 read as follows:

46 S 74. Code of ethics. 1. Definition. As used in this section: The term  
47 "state agency" shall mean any state department, or division, board,  
48 commission, or bureau of any state department or any public benefit  
49 corporation or public authority at least one of whose members is  
50 appointed by the governor or corporations closely affiliated with  
51 specific state agencies as defined by paragraph (d) of subdivision five  
52 of section fifty-three-a of the state finance law or their successors.

53 The term "legislative employee" shall mean any officer or employee of  
54 the legislature but it shall not include members of the legislature.

55 2. Rule with respect to conflicts of interest. No officer or employee  
56 of a state agency, member of the legislature or legislative employee OR

MEMBER OF A REGIONAL ECONOMIC DEVELOPMENT COUNCIL should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

3. Standards.

a. No officer or employee of a state agency, member of the legislature or legislative employee OR MEMBER OF A REGIONAL ECONOMIC DEVELOPMENT COUNCIL should accept other employment which will impair his independence of judgment in the exercise of his official duties.

b. No officer or employee of a state agency, member of the legislature or legislative employee OR MEMBER OF A REGIONAL ECONOMIC DEVELOPMENT COUNCIL should accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

c. No officer or employee of a state agency, member of the legislature or legislative employee OR MEMBER OF A REGIONAL ECONOMIC DEVELOPMENT COUNCIL should disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests.

d. No officer or employee of a state agency, member of the legislature or legislative employee OR MEMBER OF A REGIONAL ECONOMIC DEVELOPMENT COUNCIL should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others, including but not limited to, the misappropriation to himself, herself or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.

e. No officer or employee of a state agency, member of the legislature or legislative employee OR MEMBER OF A REGIONAL ECONOMIC DEVELOPMENT COUNCIL should engage in any transaction as representative or agent of the state with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

f. An officer or employee of a state agency, member of the legislature or legislative employee OR MEMBER OF A REGIONAL ECONOMIC DEVELOPMENT COUNCIL should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

g. An officer or employee of a state agency OR MEMBER OF A REGIONAL ECONOMIC DEVELOPMENT COUNCIL should abstain from making personnel investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

h. An officer or employee of a state agency, member of the legislature or legislative employee OR MEMBER OF A REGIONAL ECONOMIC DEVELOPMENT COUNCIL should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

i. No officer or employee of a state agency employed on a full-time basis nor any firm or association of which such an officer or employee is a member nor corporation a substantial portion of the stock of which

1 is owned or controlled directly or indirectly by such officer or employ-  
2 ee OR MEMBER OF A REGIONAL ECONOMIC DEVELOPMENT COUNCIL, should sell  
3 goods or services to any person, firm, corporation or association which  
4 is licensed or whose rates are fixed by the state agency in which such  
5 officer or employee serves or is employed.

6 4. Violations. In addition to any penalty contained in any other  
7 provision of law any such officer, member or employee OR MEMBER OF A  
8 REGIONAL ECONOMIC DEVELOPMENT COUNCIL who shall knowingly and inten-  
9 tionally violate any of the provisions of this section may be fined,  
10 suspended or removed from office or employment in the manner provided by  
11 law. Any such individual who knowingly and intentionally violates the  
12 provisions of paragraph b, c, d or i of subdivision three of this  
13 section shall be subject to a civil penalty in an amount not to exceed  
14 ten thousand dollars and the value of any gift, compensation or benefit  
15 received as a result of such violation. Any such individual who knowing-  
16 ly and intentionally violates the provisions of paragraph a, e or g of  
17 subdivision three of this section shall be subject to a civil penalty in  
18 an amount not to exceed the value of any gift, compensation or benefit  
19 received as a result of such violation.

20 S 4. This act shall take effect immediately and shall expire and be  
21 deemed repealed two years after such date.