

STATE OF NEW YORK

4545

2017-2018 Regular Sessions

IN ASSEMBLY

February 3, 2017

Introduced by 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 providing 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 § 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

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

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1 (j) the Western region (which consists of Niagara, Erie, Chautauqua,
2 Cattaraugus, and Allegany counties).

3 2. Each regional economic development council shall develop long-term
4 strategic plans for economic growth within its region of the state.

5 3. The members of each regional economic development council shall be
6 local experts and stakeholders from businesses, academia, municipalities
7 and non-governmental organizations within the region. All such members
8 shall be appointed by the governor, with the advice and consent of the
9 senate, and shall serve at the pleasure of the governor.

10 4. All members of regional economic development councils shall be
11 subject to the provisions of section seventy-three-a of the public offi-
12 cers law.

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

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

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

44 (iv) members of regional economic development councils.

45 § 3. Section 74 of the public officers law, as amended by chapter 1012
46 of the laws of 1965, the opening paragraph of subdivision 1 and subdivi-
47 sion 4 as amended by chapter 14 of the laws of 2007, subdivisions 2 and
48 3 as amended by section 7 of part K of chapter 286 of the laws of 2016,
49 is amended to read as follows:

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

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

3 2. Rule with respect to conflicts of interest. No officer or employee
4 of a state agency, member of the legislature or legislative employee or
5 member of a regional economic development council should have any inter-
6 est, financial or otherwise, direct or indirect, or engage in any busi-
7 ness or transaction or professional activity or incur any obligation of
8 any nature, which is in substantial conflict with the proper discharge
9 of his or her duties in the public interest.

10 3. Standards.

11 a. No officer or employee of a state agency, member of the legislature
12 or legislative employee or member of a regional economic development
13 council should accept other employment which will impair his or her
14 independence of judgment in the exercise of his or her official duties.

15 b. No officer or employee of a state agency, member of the legislature
16 or legislative employee or member of a regional economic development
17 council should accept employment or engage in any business or profes-
18 sional activity which will require him or her to disclose confidential
19 information which he or she has gained by reason of his or her official
20 position or authority.

21 c. No officer or employee of a state agency, member of the legislature
22 or legislative employee or member of a regional economic development
23 council should disclose confidential information acquired by him or her
24 in the course of his or her official duties nor use such information to
25 further his or her personal interests.

26 d. No officer or employee of a state agency, member of the legislature
27 or legislative employee or member of a regional economic development
28 council should use or attempt to use his or her official position to
29 secure unwarranted privileges or exemptions for himself or herself or
30 others, including but not limited to, the misappropriation to himself,
31 herself or to others of the property, services or other resources of the
32 state for private business or other compensated non-governmental
33 purposes.

34 e. No officer or employee of a state agency, member of the legislature
35 or legislative employee or member of a regional economic development
36 council should engage in any transaction as representative or agent of
37 the state with any business entity in which he or she has a direct or
38 indirect financial interest that might reasonably tend to conflict with
39 the proper discharge of his or her official duties.

40 f. An officer or employee of a state agency, member of the legislature
41 or legislative employee or member of a regional economic development
42 council should not by his or her conduct give reasonable basis for the
43 impression that any person can improperly influence him or her or unduly
44 enjoy his or her favor in the performance of his or her official duties,
45 or that he or she is affected by the kinship, rank, position or influ-
46 ence of any party or person.

47 g. An officer or employee of a state agency or member of a regional
48 economic development council should abstain from making personnel
49 investments in enterprises which he or she has reason to believe may be
50 directly involved in decisions to be made by him or her or which will
51 otherwise create substantial conflict between his or her duty in the
52 public interest and his or her private interest.

53 h. An officer or employee of a state agency, member of the legislature
54 or legislative employee or member of a regional economic development
55 council should endeavor to pursue a course of conduct which will not

1 raise suspicion among the public that he or she is likely to be engaged
2 in acts that are in violation of his or her trust.

3 i. No officer or employee of a state agency employed on a full-time
4 basis nor any firm or association of which such an officer or employee
5 is a member nor corporation a substantial portion of the stock of which
6 is owned or controlled directly or indirectly by such officer or employ-
7 ee or member of a regional economic development council, should sell
8 goods or services to any person, firm, corporation or association which
9 is licensed or whose rates are fixed by the state agency in which such
10 officer or employee serves or is employed.

11 4. Violations. In addition to any penalty contained in any other
12 provision of law any such officer, member or employee or member of a
13 regional economic development council who shall knowingly and inten-
14 tionally violate any of the provisions of this section may be fined,
15 suspended or removed from office or employment in the manner provided by
16 law. Any such individual who knowingly and intentionally violates the
17 provisions of paragraph b, c, d or i of subdivision three of this
18 section shall be subject to a civil penalty in an amount not to exceed
19 ten thousand dollars and the value of any gift, compensation or benefit
20 received as a result of such violation. Any such individual who knowing-
21 ly and intentionally violates the provisions of paragraph a, e or g of
22 subdivision three of this section shall be subject to a civil penalty in
23 an amount not to exceed the value of any gift, compensation or benefit
24 received as a result of such violation.

25 § 4. This act shall take effect immediately and shall expire and be
26 deemed repealed two years after such date.