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:

Section 1. The economic development law is amended by adding a new section 11 to read as follows:

§ 11. Regional economic development councils. 1. The governor shall establish ten regional economic development councils, one for each of the following regions of the state:

(a) Long Island (which consists of Suffolk and Nassau counties);

(b) the city of New York (which consists of Bronx, New York, Queens, Brooklyn, and Richmond counties);

(c) the Mid-Hudson region (which consists of Sullivan, Ulster, Dutchess, Orange, Putnam, Westchester, and Rockland counties);

(d) the Southern tier (which consists of Steuben, Schuyler, Tompkins, Chemung, Tioga, Chenango, Broome, and Delaware counties);

(e) the Capital region (which consists of Warren, Washington, Saratoga, Schenectady, Rensselaer, Albany, Columbia, and Greene counties);

(f) the Mohawk valley (which consists of Oneida, Herkimer, Fulton, Montgomery, Otsego, and Schoharie counties);

(g) the North country (which consists of Clinton, Franklin, St. Lawrence, Jefferson, Lewis, Hamilton, and Essex counties);

(h) the Central region (which consists of Oswego, Cayuga, Onondaga, Madison, and Cortland counties);

(i) the Finger Lakes region (which consists of Orleans, Monroe, Wayne, 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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(j) the Western region (which consists of Niagara, Erie, Chautauqua, Cattaraugus, and Allegany counties).

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

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

4. All members of regional economic development councils shall be subject to the provisions of section seventy-three-a of the public officers law.

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

(ii) officers and employees of statewide elected officials, officers and employees of state departments, boards, bureaus, divisions, commissions, councils or other state agencies, who receive annual compensation in excess of the filing rate established by paragraph (l) of this subdivision or who hold policy-making positions, as annually determined by the appointing authority and set forth in a written instrument which shall be filed with the joint commission on public ethics established by section ninety-four of the executive law during the month of February, provided, however, that the appointing authority shall amend such written instrument after such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument; [~~and~~]

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

(iv) members of regional economic development councils.

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

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

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

2. Rule with respect to conflicts of interest. No officer or employee 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 or her 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 or her independence of judgment in the exercise of his or her 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 or her to disclose confidential information which he or she has gained by reason of his or her 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 or her in the course of his or her official duties nor use such information to further his or her 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 or she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his or her 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 or her conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she 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 or she has reason to believe may be directly involved in decisions to be made by him or her or which will otherwise create substantial conflict between his or her duty in the public interest and his or her 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 or she is likely to be engaged in acts that are in violation of his or her 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 is owned or controlled directly or indirectly by such officer or employee **or member of a regional economic development council**, should sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the state agency in which such officer or employee serves or is employed.

4. Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee **or member of a regional economic development council** who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law. Any such individual who knowingly and intentionally violates the provisions of paragraph b, c, d or i of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed the value of any gift, compensation or benefit received as a result of such violation.

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