

STATE OF NEW YORK

922

2017-2018 Regular Sessions

IN SENATE

January 5, 2017

Introduced by Sens. CROCI, AKSHAR, GALLIVAN, HANNON, LARKIN, MURPHY, ORTT, SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

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);

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

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1 (i) the Finger Lakes region (which consists of Orleans, Monroe, Wayne,
 2 Genesee, Wyoming, Livingston, Ontario, Seneca, and Yates counties); and
 3 (j) the Western region (which consists of Niagara, Erie, Chautauqua,
 4 Cattaraugus, and Allegany counties).

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

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

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

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

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

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

46 (iv) members of regional economic development councils.

47 § 3. Section 74 of the public officers law, as amended by chapter 1012
 48 of the laws of 1965, the opening paragraph of subdivision 1 and subdivi-
 49 sion 4 as amended by chapter 14 of the laws of 2007, subdivisions 2 and
 50 3 as amended by section 7 of part K of chapter 286 of the laws of 2016,
 51 is amended to read as follows:

52 § 74. Code of ethics. 1. Definition. As used in this section: The term
 53 "state agency" shall mean any state department, or division, board,
 54 commission, or bureau of any state department or any public benefit
 55 corporation or public authority at least one of whose members is
 56 appointed by the governor or corporations closely affiliated with

1 specific state agencies as defined by paragraph (d) of subdivision five
2 of section fifty-three-a of the state finance law or their successors.

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

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

12 3. Standards.

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

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

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

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

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

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

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

55 h. An officer or employee of a state agency, member of the legislature
56 or legislative employee or member of a regional economic development

1 council should endeavor to pursue a course of conduct which will not
2 raise suspicion among the public that he or she is likely to be engaged
3 in acts that are in violation of his or her trust.

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

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

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