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:

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

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

2. No member, officer, trustee, employee or independent contractor, including any attorney, of an industrial development authority established by this chapter shall take any position, whether paid or unpaid, with any business or entity doing business with such industrial development authority or any business or entity applying for any tax exemption or benefit determined or granted by such industrial development authority or receiving any tax exemption or benefit determined or granted by such industrial development authority while such member, officer, trustee, employee or independent contractor of such industrial development authority is employed or under contract with such industrial development authority or within a period of three years after the termination of the member, officer, trustee, employee or independent contractor's position with such industrial development authority.

3. No statewide, county or local elected official or state, county or municipal officer or employee shall serve as a member, officer, trustee, 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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ty established by this chapter nor shall any elected official or municipal, county or state officer or employee 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 elected official or municipal, county or state officer or employee is serving or employed or within a period of three years after such termination of the elected official or municipal, county or state officer or employee or independent contractor's position as an elected official or state, county or municipal officer or employee.

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

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

19. No person serving as a statewide elected official or state officer or employee shall serve as a member, officer, trustee, employee or independent contractor of an industrial development authority established by the general municipal law nor shall any statewide elected official or state officer or employee 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 statewide elected official or state officer or employee is serving or employed or within a period of three years after the termination of such service or employment. Any person who violates the provisions of this subdivision shall be subject to the penalties laid out in subdivision four of section eight hundred eighty-three of the general municipal law.

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

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

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

e. serve as a member, officer, trustee, employee or independent contractor of an industrial development authority established by this 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.