

STATE OF NEW YORK

7598--B

Cal. No. 955

2023-2024 Regular Sessions

IN SENATE

July 12, 2023

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the public authorities law, in relation to the board of directors of the Central New York Regional Market Authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 827 of the public authorities law, as amended by
2 chapter 55 of the laws of 1992, is amended to read as follows:
3 § 827. Board of directors. The board of directors of the authority,
4 hereinafter in this title referred to as "the board," shall consist of
5 [~~thirteen~~] seventeen voting members, as follows: The commissioner of
6 agriculture and markets or the commissioner's representative [~~shall be a~~
7 ~~member ex-officio~~]. The board of supervisors of each of the counties in
8 the district shall each name directors as follows: Onondaga, three;
9 Oswego, two; Cayuga, two; Madison, two; Cortland, one; Oneida, one, and
10 Wayne, one. Additionally, the following shall have appointments to the
11 board: the county executive of Onondaga county, two; and the mayor of
12 the city of Syracuse, two; One member from each of the above-named coun-
13 ties may be either a producer or non-producer of agricultural products;
14 the other members named by the board of supervisors of the counties in
15 the district entitled to additional directors shall be persons engaged
16 in farming and deriving a greater part of their income therefrom, and
17 all such appointments made after May first, nineteen hundred forty-four,

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

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1 shall be producers who actually sell all or part of their produce on the
2 Central New York Regional Market.

3 Each member shall continue as a member during the pleasure of the body
4 appointing [~~him or her~~] such member, and upon a vacancy occurring by the
5 filing with the secretary of the authority of a duly certified copy of
6 the resolution signifying that an appointment has been terminated, or
7 upon resignation of a member, or a vacancy occurring in any other
8 manner, it shall be filled in a manner corresponding to the original
9 appointment. Each member shall, before entering upon the duties of
10 office, take the constitutional oath of office and file the same in the
11 office of the secretary of state. One more than one half of the duly
12 qualified members shall constitute a quorum for the transaction of busi-
13 ness and [~~the concurrence of one more than one half of the duly quali-~~
14 ~~fied members at a meeting~~] shall be necessary to the validity of any
15 resolution, order or, determination. Any member may be removed by the
16 governor for inefficiency, neglect of duty or misconduct in office,
17 after a hearing upon charges and an opportunity to be heard in person or
18 by counsel upon not less than ten days' notice. The members shall not
19 receive a salary or other compensation, but shall be paid actual
20 expenses incurred in attending meetings of the board and in performing
21 committee work assigned to them by the board. Expenses for travel shall
22 not exceed the per mile rate allowed state employees for use of personal
23 cars. Expenses of a special or extraordinary nature may be allowed by
24 resolution of the board.

25 § 2. Section 826 of the public authorities law, as amended by chapter
26 420 of the laws of 1951, is amended to read as follows:

27 § 826. Central New York Regional Market Authority. 1. There is hereby
28 created and established a district to be known as the "central New York
29 regional market district," hereinafter in this title referred to as "the
30 district," which shall embrace all the territory included within the
31 following named counties: Cayuga, Cortland, Madison, Oneida, Onondaga,
32 Oswego, that territory in Wayne county lying east of the new pre-emption
33 line. For the accomplishment of the purposes hereinafter indicated rela-
34 tive to that district there is hereby created and established a public
35 benefit corporation, to be known as "Central New York Regional Market
36 Authority," hereinafter in this title referred to as "the authority."
37 Such authority shall have perpetual existence and the power to acquire
38 by the exercise of the right of eminent domain or otherwise such real
39 estate within the district and other property as may be necessary, to
40 sue and be sued, to incur debts, liabilities and obligations, to issue
41 bonds and other evidences of indebtedness, to have a seal, and to exer-
42 cise all powers authorized by this title and reasonably necessary for
43 accomplishing its purposes, subject to the provisions herein contained
44 and the constitution and laws of the United States and of New York
45 state. Such powers shall be exercised in the name of the "Central New
46 York Regional Market Authority."

47 2. In fulfilling the authority's mission, the board shall work cooper-
48 atively and in consultation with the department of agriculture and
49 markets to ensure the proper development of agriculture and regional
50 market facilities, in the central New York regional market district. The
51 board and the department of agriculture and markets, hereinafter in this
52 title referred to as "the department," shall jointly develop a plan for
53 the future development and viability of agriculture and regional market
54 facilities in the district. Such plan shall include both short-term and
55 long-term goals and objectives as well as actual and projected revenues
56 and expenditures. Such plan shall annually allocate no less than seven-

1 ty-five percent of the authority's available funds for the creation,
2 development, and enhancement of agriculture and regional market facili-
3 ties, in the district. For purposes of this subdivision, available funds
4 shall mean the net amount available after contractually obligated
5 expenditures are subtracted from, but not be limited to, cash, cash
6 equivalents, certificates of deposit, and other receivables available.
7 The board and department shall meet annually prior to the close of the
8 authority's fiscal year to evaluate the effectiveness of the use of
9 funds for that fiscal year, review the goals and objectives of the plan,
10 and properly prepare for the allocation and use of such funds for the
11 next fiscal year. The plan shall be updated annually to make appropriate
12 modifications to such plan for the next fiscal year. Prior to any such
13 funds being expended, both the board and the department must approve
14 such plan, its goals and objectives as well as the projected revenues
15 and proposed allocations.

16 3. The authority shall furnish an annual real estate report detailing
17 all real estate holdings and detailed property information, including
18 but not limited to the tenants, important lease terms, rents, durations
19 of leases, as well as copies of each lease. Notwithstanding any other
20 provision of law to the contrary, the authority shall furnish all
21 required reports, audits, and reviews, including the annual real estate
22 report, to all parties enumerated in paragraph (a) of subdivision one of
23 section twenty-eight hundred of this chapter, to the department of agri-
24 culture and markets, as well as publish such report on its website with-
25 in ninety days after the end of its fiscal year.

26 § 3. The public authorities law is amended by adding two new sections
27 842 and 843 to read as follows:

28 § 842. Moneys of the authority. The state comptroller or such comp-
29 troller's legally authorized representatives are hereby authorized and
30 empowered from time to time to examine the accounts and books of the
31 authority, including its receipts, disbursements, contracts, sinking
32 funds, reserve funds, investments and any other matters relating to its
33 financial standing.

34 § 843. Code of ethics. 1. As used in this section, the term "authori-
35 ty employee" shall mean any board member, member, officer or employee of
36 the authority.

37 2. The authority shall make available their code of ethics on their
38 website, which is applicable to all authority employees.

39 3. No authority employee shall have any interest, financial or other-
40 wise, direct or indirect, or engage in any business or transaction or
41 professional activity or incur any obligation of any nature, which is in
42 substantial conflict with the proper discharge of such employee's duties
43 in the public interest.

44 4. (a) No authority employee shall accept other employment which will
45 impair such employee's independence of judgment in the exercise of any
46 official duties.

47 (b) No authority employee shall accept employment or engage in any
48 business or professional activity which will require the employee to
49 disclose confidential information which such employee has gained by
50 reason of official position or authority.

51 (c) No authority employee shall disclose confidential information
52 acquired by the employee in the course of official duties nor use such
53 information to further personal interests.

54 (d) No authority employee shall use or attempt to use an official
55 position to secure unwarranted privileges or exemptions for such employ-
56 ee or others.

1 (e) No authority employee shall engage in any transaction as represen-
2 tative or agent of the authority with any business entity in which such
3 employee has a direct or indirect financial interest that might reason-
4 ably tend to conflict with the proper discharge of official duties.

5 (f) An authority employee shall not by conduct give reasonable basis
6 for the impression that any person can improperly influence such employ-
7 ee or unduly enjoy favor in the performance of official duties, or that
8 such employee is affected by the kinship, rank, position or influence of
9 any party or person.

10 (g) An authority employee shall abstain from making personal invest-
11 ments in enterprises which such employee has reason to believe may be
12 directly involved in decisions to be made by the employee or which will
13 otherwise create substantial conflict between duty in the public inter-
14 est and such employee's private interest.

15 (h) An authority employee shall endeavor to pursue a course of conduct
16 which will not raise suspicion among the public that such employee is
17 likely to be engaged in acts that are in violation of trust.

18 (i) No authority employee employed on a full-time basis nor any firm
19 or association of which such an employee is a member, where a substan-
20 tial portion of the stock of which is owned or controlled directly or
21 indirectly by such employee, shall sell goods or services to any person,
22 firm, authority or association which is licensed or whose rates are
23 fixed by the authority in which such employee serves or is employed.

24 (j) If any authority employee shall have a financial interest, direct
25 or indirect, having a value of ten thousand dollars or more in any
26 activity which is subject to the jurisdiction of a regulatory agency,
27 such authority employee shall file with the secretary of state a written
28 statement that such authority employee has such a financial interest in
29 such activity which statement shall be open to public inspection.

30 5. In addition to any penalty contained in any other provision of law
31 any such authority employee who shall knowingly and intentionally
32 violate any of the provisions of this section may be fined, suspended or
33 removed from office or employment.

34 6. The provisions of section seventy-three of the public officers law
35 shall be applicable to all board members and employees of the authority.

36 § 4. This act shall take effect immediately.