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:

Section 1. Section 827 of the public authorities law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

§ 827. Board of directors. The board of directors of the authority**, hereinafter in this title referred to as "the board,"** shall consist of [~~thirteen~~] **seventeen voting** members, as follows: The commissioner of agriculture and markets or the commissioner's representative [~~shall be a member ex-officio~~]. The board of supervisors of each of the counties in the district shall each name directors as follows: Onondaga, three; Oswego, two; Cayuga, two; Madison, two; Cortland, one; Oneida, one, and Wayne, one. **Additionally, the following shall have appointments to the board: the county executive of Onondaga county, two; and the mayor of the city of Syracuse, two;** One member from each of the above-named counties may be either a producer or non-producer of agricultural products; the other members named by the board of supervisors of the counties in the district entitled to additional directors shall be persons engaged in farming and deriving a greater part of their income therefrom, and 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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shall be producers who actually sell all or part of their produce on the Central New York Regional Market.

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

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

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

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

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

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

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

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

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

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

3. No authority employee shall 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 such employee's duties in the public interest.

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

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

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

(d) No authority employee shall use or attempt to use an official position to secure unwarranted privileges or exemptions for such employee or others.

(e) No authority employee shall engage in any transaction as representative or agent of the authority with any business entity in which such employee has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of official duties.

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

(g) An authority employee shall abstain from making personal investments in enterprises which such employee has reason to believe may be directly involved in decisions to be made by the employee or which will otherwise create substantial conflict between duty in the public interest and such employee's private interest.

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

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

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

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

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

§ 4. This act shall take effect immediately.