

BYLAWS OF THE
LEGISLATIVE ETHICS COMMISSION

ARTICLE I - MEMBERSHIP

1.) The Legislative Ethics Commission shall consist of nine (9) members to be appointed in the manner set forth in § 80 of the Legislative Law.

2.) There shall be two co-chairs to be appointed in the manner set forth in § 80 of the Legislative Law.

ARTICLE II - MEETINGS

1.) The Commission shall meet at least bi-monthly and at such additional times as may be called for. A meeting of the Legislative Ethics Commission may be called (a) by the co-chairs jointly, or (b) by any five (5) members of the Commission.

2.) The written notice, if any, of any meeting of the Commission shall be given to all members as soon as practicable prior to the meeting.

3.) Five (5) members of the Commission shall constitute a quorum, and the Commission shall have power to act by majority vote of the total number of members of the Commission without vacancy.

4.) The co-chairs shall alternate presiding unless they shall agree otherwise. In the event that only one co-chair is present at any meeting, that co-chair shall preside. In the event that neither of the co-chairs is in attendance, the members present shall designate a member to preside over the meeting.

5.) No meeting or proceeding of the Commission shall be open to the public, except if expressly provided otherwise by the Commission. Except for Commission staff, no legislative staff shall be permitted to attend meetings except as provided for in these bylaws.

6.) The majority and minority members of the Commission from each house shall choose a conference staff person to attend the meetings and provide counsel and support. Attendance at closed Commission meetings shall be permitted to any other persons authorized by the Commission.

7.) Minutes shall be taken at all meetings and shall include a summary consisting of at least all motions, resolutions and any other matter formally voted upon and the vote then recorded.

8.) Members must be present to vote and shall not be permitted to vote by proxy. The Commission may meet by teleconference or videoconference, if necessary, provided at least two members are physically present at the same location.

ARTICLE III - OPERATIONS

1.) Executive Director--The Commission shall appoint an Executive Director who shall act in accordance with the statute and bylaws of the Commission.

2.) Authority to Retain Staff-- The Commission shall appoint such staff members as the majority shall approve and may appoint additional staff or replace staff at any time during any calendar year. Staff shall serve at the pleasure of the Commission.

3.) Duties--The duties of the Executive Director shall include but not be limited to (a) assuring that the staff of the Commission functions to assist the members in meeting their duties and responsibilities under the law; (b) insuring that the Commission is kept apprised of all official matters directed to it; (c) handling routine administrative matters necessary to the internal operations of the Commission; (d) making recommendations concerning the retention of staff by the Commission; (e) making recommendations as to the procurement of major pieces of equipment that will be needed by the Commission to carry out its responsibilities; (f) appointing a staff member as records access officer; (g) insuring that, to the fullest extent possible, any staff hired by the Commission shall treat all matters before the Commission and any information submitted to the Commission with complete confidentiality; (h) preparing informal, written opinions consistent with previous Commission opinions after review by the members of the Commission and approval of the co-chairs, and (i) such other duties as required by the co-chairs or the Commission.

4.) Prohibited Activities--In order to maintain fair and effective functioning of the Legislative Ethics Commission, it is necessary that employees of the Commission not participate in partisan politics. It is also necessary that such employees appear independent of partisan political involvement, if confidence in the functioning of the Legislative Ethics Commission is to be maintained. The Commission shall maintain a set of rules and regulations to assure that staff avoid partisanship and the appearance of partisanship at all times.

5.) (a) The Commission shall promulgate rules and regulations setting out procedures regarding the handling of 1) complaints, 2) requests for advisory opinions, 3) filing and audit of financial disclosure statements, 4) requests for extensions of time to file, and 5) such other matters within the jurisdiction of the Commission.

(b) All requests for advisory opinions shall be made in writing.

(c) All complaints must be made in writing and shall allege a violation of §§ 73, 73-a or 74 of the Public Officers Law.

(d) No investigation of a complaint may be initiated without the prior approval of the Commission.

(i) The Commission may, upon receipt of a complaint pursuant to Public Officers Law, § 73 or § 74, in regard to a member or employee of one of the legislative houses, refer the complaint to the Senate Ethics Committee or the Assembly Ethics and Guidance Committee. Upon review, the house Committee may dispose of the complaint or refer the complaint back to the Commission.

(ii) If a matter is pending pursuant to (i) above, the Commission reserves the right to call up any complaint from the Senate Ethics Committee or the Assembly Ethics and Guidance Committee, in order to exercise its statutory authority.

(iii) The Commission shall take appropriate action on a complaint pursuant to its authority under the statute upon the request of the subject of a complaint.

(e) The Commission shall publish a mailing address and/or post office box to which all complaints or requests for advisory opinions shall be forwarded.

ARTICLE III-A -CONFIDENTIALITY

1) The individual's right to privacy shall be protected at all times, within the limits permitted in the Public Employee Ethics Reform Act of 2007. As prescribed in Subdivision 14 of § 80, Legislative Law, the only records of the Commission, pertaining to an individual, which shall be available for public inspection and copying will be the information set forth in the publicly available portion of the individual's annual statement of financial disclosure, notices of delinquency, notices of reasonable cause, notices of civil assessment, the terms of any settlement or compromise of a complaint or referral, generic advisory opinions, and all reports required by Legislative Law § 80.

2) Staff shall treat all matters before the Commission and any information submitted to the Commission with complete confidentiality.

3) The Executive Director shall supervise procedures for logging in all confidential material each business day, and for assigning file numbers to complaints or requests for advisory opinions. On any matter relating to an individual, minutes of the Commission shall only reflect the file number of the matter, unless the minutes refer to a public record of the Commission.

4) The Commission shall promulgate rules and regulations for making available records subject to public disclosure. Under conditions set forth by the Commission, such records may be made available for inspection and copying at the office of the Commission. Public records of the Commission and any other records deemed appropriate by the commission shall be posted on the Commission's public web site pursuant to Legislative Law § 80 (15). The Commission shall establish a records access officer and a records appeal officer.

ARTICLE IV -HEARINGS

The Commission shall promulgate rules and regulations setting out procedures for investigations, enforcement actions and hearings in accordance with § 80 of the Legislative Law.

ARTICLE V- ANNUAL BUDGET

The Executive Director shall prepare a proposed annual budget, which shall require the approval of the Commission before it is submitted for legislative approval. The budget year shall be the State fiscal year.

ARTICLE VI - ANNUAL REPORT

The Commission shall prepare an annual report to the Legislature summarizing its activities and recommending changes in the laws governing the conduct of Members of the Legislature and legislative employees. Such report shall include a listing of each complaint and referral received by the Commission, the current status of each complaint, and the nature and date of any disposition and any sanction imposed.

ARTICLE VIII - ADOPTION AND AMENDMENT OF BYLAWS

Upon approval by a majority vote of the total number of members of the Commission without vacancy, these bylaws thereby shall be deemed adopted and become the bylaws of the Commission.

2) These bylaws may be amended, repealed, changed or modified not inconsistent with applicable law by a majority vote of the total number of members of the Commission without vacancy.

As Adopted November 26, 2007