

1974 REGULAR SESSION

Ch. 739

6. Six members of the commission shall constitute a quorum of the commission and the concurrence of five members of the commission shall be necessary for any action taken or determination rendered. Two members of a three-member panel of the commission shall constitute a quorum of the panel and the concurrence of two members of the panel shall be necessary for any action taken or determination rendered.

7. The commission shall appoint and at pleasure may remove an administrator who shall be an attorney. The administrator of the commission may appoint such deputies, assistants, counsel, investigators and other officers and employees as he may deem necessary, prescribe their powers and duties, fix their compensation and provide for reimbursement of their expenses within the amounts appropriated therefor.

§ 42. Functions, powers and duties

The commission shall have the following functions, powers and duties:

1. Conduct hearings, administer oaths or affirmations, subpoena witnesses, compel their attendance, examine them under oath or affirmation and require the production of any books, records, documents or other evidence that it may deem relevant or material to an investigation.

2. Confer immunity when the commission deems it necessary and proper in accordance with section 50.20 of the criminal procedure law; provided, however, that at least forty-eight hours prior written notice of the commission's intention to confer such immunity is given the attorney general and the appropriate district attorney.

3. Request and receive from any court, department, division, board, bureau, commission, or other agency of the state or political subdivision thereof or any public authority such assistance, information and data as will enable it properly to carry out its functions, powers and duties.

4. Make an annual report to the governor, the legislature and the chief judge of the court of appeals of its work; provided, however, that such report shall be subject to the confidentiality requirements of section forty-four.

5. Adopt, promulgate, amend and rescind rules and procedures necessary to carry out the provisions and purposes of this article. All such rules and procedures shall be filed in the office of the state administrator and the secretary of state.

6. Do all other things necessary and convenient to carry out its functions, powers and duties expressly set forth in this article.

§ 43. Complaint, investigation, hearing and disposition

1. The commission shall receive a complaint against any judge with respect to his qualifications, conduct, fitness to perform, or the performance of his official duties. A complaint shall be in writing and verified unless the commission shall otherwise direct. Upon receipt of a complaint (a) the commission shall conduct an investigation of the complaint; or (b) the commission may dismiss the complaint if it determines that the complaint on its face lacks merit. If the complaint is dismissed, the commission shall so notify the complainant.

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1 N.Y. Laws '74-80

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