

New York State Senate Standing Committee on Ethics  
Public Hearing  
Friday, May 29, 2009  
Buffalo, New York

Good morning Senators.

My name is Stuart Berger and I am President of the Citizens for a Better New York, a non-partisan organization formed at the time of the first Brennan report on rules in 2004. CFBNY is dedicated to improving the way New York State government serves the people of this great state. I live at 82 Brittany Circle, Rochester, New York and have been a New York State resident most of my life.

Thank you for the opportunity to present testimony to you today and I would like to express our great appreciation to you and Majority Leader Malcolm Smith for fostering the openness that this hearing represents.

Before addressing the specific bills, I would like to ask the committee whether they have had the opportunity to assess ethics oversight and requirements in other states and political entities to glean their best practices? Another possibility is to subcontract oversight to an independent outside contractor with adequate disclosure requirements to assure their independence.

We believe that it is most important that the taint of partisanship should be avoided when creating a **commission on governmental ethics**. Therefore, we recommend that the head of the commission be appointed from a group of candidates who are not affiliated with a political party. There should be a balance of party affiliation between the other members so that the chairman becomes the tie-breaker. A quorum should require that there is a balance of the at least 5 members that retains the independence of the quorum, i.e., even numbers of party members. The non-affiliated Executive Director is a good requirement; he or she should have judicial or significant legal experience.

The addition of random audits by the commission to the Disclosure by Public Officials bill is a necessary step to maintain the integrity of public officers. The spelling out the legitimate usage of campaign funds in **Bill S743-A** is necessary and should better define the boundaries that public officers need to follow. The further clarification of the bounds for lobbyists in **Bill S744A** also creates the possibility that the partisan abuses of the past may be avoided in the future.

These additions to the NYS law in addition to reforming campaign financing through public funding and reduced contribution limits and through creation of an independent redistricting commission will go a long way to correcting the distortions in governance that NYS faces.