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February 22, 2016

TO: Senate Finance Committee Chair Catharine Young
Senate Finance Committee Ranking Member Liz Krueger

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: RECORDS REQUEST: The Governor's "introducer's memorandum" and "fiscal note" for his Article VII Legislative/Judiciary Budget Bill #S.6401/A.9001

Senate Rule VII, §6 entitled "Budget bills" states:

"When a bill is submitted or proposed by the Governor by authority of Article VII of the Constitution, it shall become, for all legislative purposes, a legislative bill..."

Senate Rule VII, §1 entitled "Introduction" states:

"Bills and resolutions shall be introduced by a Senator, or on the report of a committee, or by message from the Assembly, or by order of the Senate, or by the Governor pursuant to Article VII of the Constitution. Every bill introduced...shall be accompanied by the introducer's memorandum in quadruplicate. Such memorandum shall contain a statement of the purposes and intent of the bill and, if the member deems it appropriate, may set forth such other statements that the member feels necessary including, but not limited to, statements relating to economic impact, environmental impact or the impact on the judicial system of the bill. A Committee, where it deems necessary, may require that the introducer's memorandum be amended to include such appropriate statements."

Senate Rule VIII, §7 entitled "Finance Committee" states:

"...The sponsor of a bill providing for an increase or decrease in state revenues or in the appropriation or expenditure of state moneys, without stating the amount thereof, must, before such bill is reported from the Finance Committee or other committee to which referred, file with the Finance Committee and such other committee a fiscal note which shall state, so far as possible, the amount in dollars whereby such state moneys, revenues or appropriations would be affected by such bill, together with a similar estimate, if the same is possible, for future fiscal years. Such an estimate must be secured by the sponsor from the Division of the Budget or the department or agency of state government charged with the fiscal duties, functions or powers provided in such bill and the name of such department or agency must be stated in such note."

EX-51-a

The Finance Committee shall keep and maintain a file containing all bills requiring fiscal notes and the notes appertaining thereto, which shall be available to Senators and officers of the Senate, accredited representatives of the press, and other responsible persons having a legitimate interest therein.” (underlining added to all of the above).

No “introducer’s memorandum” is posted on the Senate and Assembly webpages for Budget Bill #S.6401/9001.¹ Nor does the bill itself state the “increase” of its “appropriation or expenditure of state monies” – or contain any cumulative dollar tally of either its Judiciary or Legislative portions. As to the latter, it is also missing “General State Charges”.

Consequently, pursuant to Senate Rule XV “Freedom of Information”, please furnish the required “introducer’s memorandum” accompanying the Governor’s Article VII Budget Bill #S.6401/A.9001, setting forth “its fiscal impact on the state” – and furnishing, by its “fiscal note”, the dollar totals of Budget Bill #S.6401/A.9001, both its Legislative and Judiciary portions, including their re-appropriations, and where the Legislature’s “General State Charges” may be found.

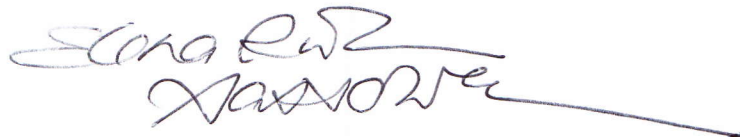
I will write separately with respect to the \$27 million that Chief Administrative Judge Marks identified at the February 4, 2016 “public protection” budget hearing as the cost of the first phase of the judicial salary increase recommended by the December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation – without disclosing or explaining why his figure is \$500,000 higher than the Commission’s “approximately \$26.5 million” for fiscal year 2016-2017 (at p. 6).

Suffice to say, unless you are planning to allow the Judiciary to fund the Commission’s “force of law” first-phase of judicial salary increases, *sub silentio*, via its constitutionally and statutorily-violative reappropriations and the interchange/transfer provision in section 2 of Budget Bill #S.6401/A.9001 (at p. 10) – as anticipated by my January 26, 2016 letter to Chief Judge DiFiore (at p. 6)² – you will have to amend the bill to increase appropriations by \$27 million, or by the alternative \$19.6 million that Chief Administrative Judge Marks proposed at the February 4th hearing, or by any other figure.

¹ Senate webpages: <http://www.nysenate.gov/legislation/bills/2015/S6401>; and <http://www.nysenate.gov/legislation/bills/2015/A9001>; Assembly webpages: http://assembly.state.ny.us/leg/?default_fld=&bn=S06401&term=2015&Summary=Y&Actions=Y&Votes=Y&Memo=Y&Text=Y; and http://assembly.state.ny.us/leg/?default_fld=&bn=A09001&term=2015&Summary=Y&Actions=Y&Votes=Y&Memo=Y&Text=Y.

² That important letter was transmitted to you by my January 28, 2016 letter to you entitled “The Legislature’s February 4, 2016 ‘Public Protection’ Budget Hearing: Your scrutiny of the Judiciary’s two-part budget and of the Governor’s Budget Bill #S.6401/A.9001, embodying the Judiciary’s discrepant ‘single budget bill’.” Both letters are posted on CJA’s website, www.judgewatch.org, accessible via the prominent homepage link: “NO PAY RAISES FOR NEW YORK’s CORRUPT PUBLIC OFFICERS: The Money Belongs to their Victims!”.

Thank you.

A handwritten signature in black ink, appearing to read "Francis Patience". The signature is written in a cursive style with a long horizontal stroke extending to the right.

cc: Secretary of the Senate Francis Patience
Assembly Ways and Means Committee Chairman Herman Farrell, Jr.
Assembly Ways and Means Ranking Member Bob Oaks
Senator George Latimer (37th Senate District)
Assemblyman David Buchwald (93rd Assembly District)