

1 BEFORE THE NEW YORK STATE SENATE FINANCE  
AND ASSEMBLY WAYS AND MEANS COMMITTEES

2 -----  
3 JOINT LEGISLATIVE HEARING  
4 In the Matter of the  
5 2018-2019 EXECUTIVE BUDGET  
6 ON LOCAL GOVERNMENT OFFICIALS/  
7 GENERAL GOVERNMENT  
8 -----

6 Hearing Room B  
7 Legislative Office Building  
8 Albany, New York

8 February 5, 2018  
9 10:10 a.m.

10 PRESIDING:

11 Senator Catharine M. Young  
12 Chair, Senate Finance Committee

13 Assemblywoman Helene E. Weinstein  
14 Chair, Assembly Ways & Means Committee

14 PRESENT:

15 Senator Liz Krueger  
16 Senate Finance Committee (RM)

17 Assemblyman Robert Oaks  
18 Assembly Ways & Means Committee (RM)

19 Senator Diane J. Savino  
20 Vice Chair, Senate Finance Committee

21 Assemblyman Michael Benedetto  
22 Chair, Assembly Cities Committee

23 Assemblyman B. Magnarelli  
24 Chair, Assembly Committee on Local Governments

25 Senator Simcha Felder  
26 Chair, Senate Committee on Cities

27 Senator Kathleen A. Marchione  
28 Chair, Senate Committee on Local Government

1 2018-2019 Executive Budget  
 Local Government Officials/  
 2 General Government  
 2-5-18  
 3

4 LIST OF SPEAKERS, Cont.

5		STATEMENT	QUESTIONS
6	Gerry Geist Executive Director		
7	Supervisor Dennis M. Powers Town of Elma, Erie County		
8	Association of Towns of the State of New York	466	474
9	George Latimer County Executive Westchester County	485	491
10	Blair Horner Executive Director New York Public Interest Research Group (NYPIRG)	503	509
11	Beth Finkel State Director		
12	David McNally Director, Government Affairs AARP New York	512	518
13	Katelyn Wright President New York Land Bank Association	525	531
14	Elena Sassower Director Center for Judicial Accountability	534	
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1 and I in our organizations have benefited  
2 from.

3 So we're also looking at not just the  
4 continuation of our work, but also sort of  
5 funding for some of the newer ones that  
6 aren't benefiting from the Attorney General's  
7 community revitalization initiative dollars.

8 ASSEMBLYMAN OAKS: Thank you.

9 CHAIRWOMAN WEINSTEIN: Thank you.

10 MS. FLETCHER: Thanks.

11 ✓ CHAIRWOMAN WEINSTEIN: Final witness,  
12 Elena Sassower.

13 MS. SASSOWER: Before I begin, I would  
14 like to hand up relevant portions of the  
15 New York State Constitution and the  
16 Senate-Assembly Legislative/Judiciary Budget  
17 Bill. May I? There's plenty.

18 Did you wish to set the clock? I have  
19 10 minutes; correct?

20 CHAIRWOMAN WEINSTEIN: Five minutes.

21 SENATOR SAVINO: Everyone has been  
22 getting five.

23 CHAIRWOMAN WEINSTEIN: After the  
24 Public Protection hearing went over 13 hours,

1           there was a decision made by the joint  
2           committees that the --

3                   MS. SASSOWER: I was notified that  
4           there would be 10 minutes. I've prepared  
5           10 minutes. I would appreciate --

6                   CHAIRWOMAN WEINSTEIN: No.

7                   MS. SASSOWER: Since I'm the last  
8           witness, I would appreciate --

9                   CHAIRWOMAN WEINSTEIN: No. I assume  
10          you heard the announcement that all of the --

11                   MS. SASSOWER: It's an arbitrary  
12          announcement.

13                   CHAIRWOMAN WEINSTEIN: -- all of the  
14          people who preceded you had --

15                   MS. SASSOWER: My name is Elena  
16          Sassower, and I'm director and cofounder of  
17          the nonpartisan, nonprofit citizens'  
18          organization Center for Judicial  
19          Accountability that documents ~~the~~ corruption  
20          in the judiciary, facilitated and enabled by  
21          the legislative and judicial branches, which,  
22          when they are sued for their corruption, the  
23          judiciary then protects by throwing the  
24          lawsuits, by fraudulent judicial decisions.

1           This is the sound-bite synopsis of  
2           what the record shows in the Center for  
3           Judicial Accountability <sup>'s</sup> citizen-taxpayer  
4           actions suing you for your grand larceny of  
5           the public fisc and other corruption with  
6           respect to the State Budget.

7           We purport to be a government of laws,  
8           and our foremost law in New York State is the  
9           New York State Constitution, which in its  
10          Article VII lays out the fashion in which the  
11          budget is to be fashioned and enacted.  
12          Because the Legislature and the Judiciary are  
13          separate government branches, they are given  
14          the independence to propose their own  
15          budgets, with the simple condition to that  
16          independence that their itemized estimates of  
17          their financial needs be certified.

18          Here are the Judiciary's  
19          certifications of its itemized estimates in  
20          two parts, one for its operating expenses,  
21          the other for its general state charges.

22          Not included in the budgets, the  
23          operating funds budget and the general state  
24          funds budget, were reappropriations. Those

1           reappropriations appeared only in their  
2           single budget bill, which became Sections ~~II~~<sup>2</sup>  
3           and ~~III~~<sup>3</sup> of the Governor's  
4           Legislative/Judiciary Budget Bill.

5                     The pages of appropriations that  
6           amount to \$57 million -- \$57,300,000 -- do  
7           not appear to be certified and must be  
8           stricken by you pursuant to the  
9           constitutional directive. You have just  
10          found \$57,300,000. But that's not all, and I  
11          will help you recover more monies.

12                    The big money embedded in the  
13          Judiciary Budget, and concealed, are the  
14          judicial pay raises, for which there is no  
15          line item nor identification that you have  
16          the prerogative to abrogate and modify those  
17          increases. But the evidence that you have  
18          had since 2011, and successively, is that the  
19          two state commission reports on which those  
20          judicial salary increases rest are  
21          statutorily violative, fraudulent,  
22          unconstitutional, and you must override them  
23          now.

24                    This year, in this Legislative/

1           Judiciary Budget Bill, the salary increases  
2           embedded are on the order of about  
3           \$60 million. That includes the \$14 million  
4           or so for the current increase, which will --  
5           unless you override, will jack up the  
6           judicial salaries for Supreme Court justices  
7           to \$207,000 a year. That's not counting  
8           nonsalary benefits -- pensions, health  
9           insurance, the whole package that brings it  
10          up another \$40,000.

11                        So I have now saved you a very  
12          substantial amount of money, but there's even  
13          more.

14                        Once you override those judicial pay  
15          raises, you also can secure a clawback of  
16          \$300 million that were expended by those pay  
17          raises. This is a huge amount of money.

18                        Now let's flip to the legislative  
19          budget. The legislative budget is not  
20          publicly accessible; I had to FOIL for it.  
21          And I requested specifically the  
22          certifications. I have the FOIL inquiry and  
23          what came out. There is no certification.  
24          The entire legislative budget is not

1 certified.

2 Now, the reason it is not certified is  
3 because it obviously is not an accurate  
4 itemization of the financial needs of the  
5 Legislature.

6 CHAIRWOMAN WEINSTEIN: Thank you.

7 MS. SASSOWER: It contains no general  
8 state charges --

9 CHAIRWOMAN WEINSTEIN: Thank you.  
10 Thank -- thank --

11 (sic) MS. SASSOWER: -- it contains no  
12 re appropriations. However --

13 CHAIRWOMAN WEINSTEIN: Thank you. We  
14 have your written -- we have your --

15 MS. SASSOWER: One final statement,  
16 please.

17 CHAIRWOMAN WEINSTEIN: Okay.

18 MS. SASSOWER: One final statement,  
19 please.

20 CHAIRWOMAN WEINSTEIN: Sure.

21 MS. SASSOWER: In the Legislative/  
22 Judiciary Budget Bill, there has been  
23 inserted in some mysterious way, in an  
24 out-of-sequence section in the back not



1 properly titled "Legislative  
2 Reappropriations," 28 pages of legislative  
3 reappropriations. They appear to be many  
4 tens and tens of millions of dollars. Your  
5 duty -- again, you have a legislative budget  
6 that is not certified. You have no general  
7 state charges. Where are they? Have they  
8 been certified? You have reappropriations  
9 here that have popped in without any  
10 certification. Where do they come from?  
11 They must be stricken.

12 What you have is a budget bill that is  
13 replete with fraud, larceny of taxpayer  
14 monies. Your duty is to take steps to  
15 investigate, to --

16 CHAIRWOMAN WEINSTEIN: Thank --  
17 thank --

18 MS. SASSOWER: Okay. These are penal  
19 law violations.

20 CHAIRWOMAN WEINSTEIN: We do have your  
21 -- the written submissions that you both  
22 mailed us and now have distributed. Thank  
23 you for being here.

24 This concludes our hearing.

1 MS. SASSOWER: Thank you. And  
2 needless -- needless to say --

3 (Inaudible; microphone off.)

4 CHAIRWOMAN WEINSTEIN: You're welcome  
5 to submit some additional material.

6 Thank you. This concludes the Local  
7 Government Officials and General Government  
8 Hearing. Thank you.

9 (Whereupon, the budget hearing  
10 concluded at 6:53 p.m.)

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