

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

April 6, 2020

TO: Records Access Officer/Governor Andrew Cuomo, Esq.
Records Access Officer//Division of the Budget Director Robert Mujica, Esq.
Senate Records Access Officer/Secretary of the Senate Alejandra Paulino, Esq.
Assembly Records Access Officer Robin Marilla

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

RE: FOIL/RECORDS REQUEST:
Legal authority for, & specifics of, the March 31-April 2, 2020 “amending”
of Governor Cuomo’s FY2020-21 budget bills

Reference is made to Governor Cuomo’s budget bills for fiscal year 2020-21.

Senate Rule VI, §6, 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, and upon receipt thereof by the Senate it shall be endorsed ‘Budget Bill’ and be given a number by the Secretary and shall be referred to the Finance Committee. Budget bills may be reported from the Finance Committee direct to the third reading calendar.”

Assembly Rule III, §2(g), 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, and upon receipt thereof by the Assembly it shall be endorsed ‘Budget Bill’ and be given a number by the Index Clerk, and shall be referred to the Committee on Ways and Means and be printed....”

On January 21 and 22, 2020, the Senate and Assembly assigned numbers #S.7500/A.9500 – #S.7509/A.9509 to ten of the Governor’s budget bills – and on February 22, 2020, the Governor made his 30-day amendments, of right, as to eight. Between March 31-April 2, 2020, seven of these eight bills were “amended”, behind-closed-doors”, *via* “three-men-in-a-room” budget deal-making between Governor Cuomo, Temporary Senate President Stewart-Cousins, and Assembly Speaker Heastie.

Pursuant to Public Officers Law Article VI "Freedom of Information Law (FOIL)", Senate Rule XIV "Freedom of Information", and Assembly Rule VIII "Public Access to Records", this is to request:

- (1) records establishing that the Governor, Temporary Senate President, and Assembly Speaker were constitutionally-entitled to "amend" these seven budget bills on March 31-April 2, 2020 – and to do so behind-closed-doors;
- (2) records showing what specific changes the "amendments" made, as for instance, the "detail sheets" and "amended memorand[a]", required by Senate Rule VI, §4(b):

"...When amendments are offered to a printed bill, the proposed changes, indicating page and line numbers, shall be listed on four detail sheets and the same changes shall be incorporated and marked on two copies of the bill; provided, however, that no amendment shall be allowed to any bill which is not germane to the original object or purpose thereof. Furthermore, when a printed bill is amended the accompanying introducer's memorandum, required pursuant to section one of this Rule, shall also be amended to reflect any changes..."

and the "detailed description[s]" required by Assembly Rule III, §6(a):

"No amendment to a bill may be offered unless the member proposing the amendment delivers three copies of the bill with the proposed amendment correctly marked thereon and six copies of the detailed description of such amendment to the Clerk of the Assembly."

Thank you.

A handwritten signature in black ink, appearing to read "Elizabeth", with a long horizontal line extending to the right.