

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Saturday, March 23, 2013 10:19 AM
To: latimer@nysenate.gov; buchwaldd@assembly.state.ny.us; katzs@assembly.state.ny.us
Cc: mallison@nysenate.gov; paternol@assembly.state.ny.us;
weisfeldd@assembly.state.ny.us; roithmayra@assembly.state.ny.us;
kennedy@nysenate.gov; keegan.taram@gmail.com; josephmahearn@gmail.com
Subject: Part 3: Info to Assist You in Your History-Making Presentations on the Senate & Assembly Floor. But Will They Be Today or Tomorrow?

Dear Senator Latimer & Assembly Members Buchwald and Katz,

Here's my draft of "Question #3":

QUESTION #3: Does Appropriations Bill S2601/A3001 Violate Article VII, §7 of the New York State Constitution?

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The answer is a resounding yes.

Article VII, §7 of the New York State Constitution states:

"No money shall ever be paid out of the state treasury or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law...and every such law making a new appropriation or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object or purpose to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum." (underlining added).

Where does S2601/3001 "distinctly specify the sum appropriated" for "the object or purpose" of funding the second phase of the judicial salary increase?

How, too, does S2601/3001 remotely comply with this constitutional direction and the explicit proscription that "it shall not be sufficient...to refer to any other law to fix such sum"? Take a look at the 15 line items of "Reappropriations" on pages 23-25, tallying \$30,095,000. Each refers to "Chapter 51. section 2" of laws going back to 2005, followed by a reference to "Chapter 51. section 3" of laws going back to 2009, thereupon identically reading:

"For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1..."

with only the year of April 1 varying – and, of course, a variation of the sums appropriated/reappropriated.

Where is the "object or purpose to which [this \$30,095,000] is to be applied? Is there a single legislator who would be willing to publicly state that such generic, boilerplate "For services and expenses..." has any meaning and complies with either the letter or spirit of Article VII, §7?