

CENTER for JUDICIAL ACCOUNTABILITY, INC. *

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July 16, 2013

TO: Assembly Public Information Officer Robin Marilla
Assembly Speaker Sheldon Silver
Assembly Minority Leader Brian Kolb

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

RE: Assembly Rule VIII "Public Access to Records" Request:
Governor Cuomo's "Public Trust Act"/Program Bill #3

I understand that Governor Cuomo's "Public Trust Act", embodied in his Program Bill #3, was never introduced and that it has no Assembly bill number.

Unlike Senate Rule VII, §7, which lays out the procedure by which a bill proposed by the Governor is introduced, Assembly Rules do not, except as follows:

Assembly Rule III is entitled "Bills and Resolutions". Its §2 entitled "Introduction" states:

"e. No bill shall be introduced in the House except in one of the following modes:

1. By a member;
2. By a report of a standing committee;
3. By order of the House;
4. By message from the Senate; and
5. By the Governor under Article VII of the Constitution.

...

g. 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. Bills submitted by the Governor, other than those submitted pursuant to Article VII of the Constitution, shall carry the designation 'Introduced at the request of the Governor'."

* **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

Ex D-1

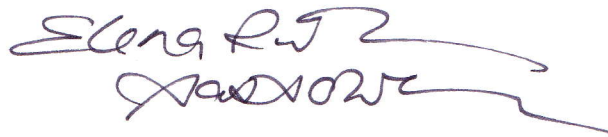
Pursuant to Assembly Rule VIII ("Public Access to Records"), this is to request all publicly-available records pertaining to:

- (1) Assembly procedures for introduction of bills of the Governor which are not Article VII budget bills – as, for instance, program bills;
- (2) the date Governor Cuomo's "Public Trust Act"/Program Bill #3 was received by the Assembly's Index Clerk – such receipt having been confirmed by Assembly Majority Counsel William Collins;
- (3) the Assembly Index Clerk's transmittal of the "Public Trust Act"/Program Bill #3 to Assembly leadership, offices, committees, or Assembly members for introduction – and such action as they took with respect thereto;
- (4) records pertaining to receipt of, and response to, the June 11, 2013 letter of the District Attorneys Association of the State of New York, addressed to Assembly Speaker Silver and Senate Majority Coalition Leaders Skelos and Klein, signed by all 62 New York State District Attorneys, urging enactment of Governor Cuomo's "Public Trust Act"/Program Bill #3.

We also request all publicly-available records of the Assembly's communications with the Senate pertaining to the status of the Governor's "Public Trust Act"/Program Bill #3 in that body.

Pursuant to FOIL (Public Officers Law §89.3), your response is required "within five business days" of your receipt of this request. Kindly e-mail it to me at elena@judgewatch.org.

Thank you.

A handwritten signature in purple ink, appearing to read "Elena", with a stylized flourish extending to the right.

cc: Governor Andrew Cuomo
Senate Majority Coalition Leaders Dean Skelos & Jeffrey Klein
Senate Democratic Conference Leader Andrea Stewart Cousins
Assembly Majority Counsel William Collins
Robert Freeman, Committee on Open Government
The Public & The Press