

## CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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October 2, 2019

TO: New York State Assembly Records Access Officer Robin Marilla

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

RE: FOIL/Records Request: Resolutions Pertaining to Assembly Rules for 2019-2020

On Wednesday, January 9, 2019 – the first day of the 2019 legislative session – the Assembly adopted its Rules for 2019-2020. The stenographic transcription, faithful to the VIDEO, is as follows:

“MRS. PEOPLES-STOKES: Before I offer this resolution to adopt the Rules of the Assembly for 2019-2020, let me note that as we adopt the current Rules, we do so with the knowledge that the improved operations of this Body remains as an important priority and the future amendments to our Rules will reflect this importance. Priority, Mr. Speaker. Thank you very much. I offer the following resolution and move its adoption

SPEAKER HEASTIE: The Clerk will read.

THE CLERK: Resolved, that the Rules of the Assembly for 2017 and 2018 as last amended be adopted as the rules of the Assembly for 2019 and 2020.

SPEAKER HEASTIE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Quick, quick, quick. The Senate’s waiting on us. Announce the results.

(The Clerk announced the results. [Ayes 93, Nos 36])

The resolution is adopted.”

The adopted resolution was E6 – and, according to the Assembly’s webpage for it, the resolution was not only adopted on January 9, 2019, but that was the date of its introduction by Majority Leader Peoples-Stokes.

Nine days later, on January 18, 2019, Minority Leader Kolb introduced 15 resolutions, numbered E25-E39, to amend the Assembly Rules. The Assembly's webpages for each of these 15 resolutions lists, under "Actions", the January 18, 2019 date of their introduction, followed by a January 22, 2019 date when each resolution was "lost". The "loss" was not in committee – to which none of these resolutions were referred – but on the Assembly floor, where each was voted down, by party votes comparable to that on January 9, 2019 when the Assembly Rules were adopted.

Assembly Rule III, §5 entitled "Resolutions", states, in pertinent part, at ¶1:

- a. Original resolutions...shall be in quadruplicate and bear the name of the introducer and shall be referred to a standing committee for consideration and report. No such resolution may be introduced unless copies thereof first shall have been furnished to the Speaker, the Majority Leader and the Minority Leader. Before the House may vote on a resolution, copies of such resolution shall be placed on each member's desk prior to such vote in written or electronic format.
- b. All resolutions calling for or leading to expenditures...shall be referred to the Committee on Ways and Means and all other resolutions shall be referred to the appropriate standing committee or to an assembly calendar, as the Speaker may designate. (underlining & italics added).

Pursuant to Assembly Rule VIII ("Public Access to Information"), this is to request

- (1) records establishing when, prior to introduction of E6 on January 9, 2019, Majority Leader Peoples-Stokes furnished copies of her resolution to Speaker Heastie and Minority Leader Kolb;
- (2) records establishing that E6 was designated by Speaker Heastie to be referred "to an assembly calendar", rather than "the appropriate standing committee" "for consideration and report";
- (3) records establishing any objections by Minority Leader Kolb to such designation of E6;
- (4) records establishing the date and time E6 was placed on the desks of the Assembly members prior to their January 9, 2019 vote;
- (5) records establishing when, prior to introduction of E25-E39 on January 18, 2019, Minority Leader Kolb furnished copies of his 15 resolutions to Speaker Heastie and Majority Leader Peoples-Stokes;
- (6) records establishing that E25-E39 were designated by Speaker Heastie to be referred "to an assembly calendar", rather than "the appropriate standing committee" "for consideration and report";

- (7) records establishing any objections by Minority Leader Kolb to such designations of E25-E39;
- (8) records establishing the date and time E25-E39 were placed on the desks of the Assembly members prior to their January 22, 2019 votes on each;
- (9) records of any other resolutions pertaining to the 2019-2020 Assembly Rules, introduced by any Assembly member and/or Assembly standing committee – or furnished by them to the Speaker, Majority Leader, and Minority Leader.

Thank you.

Handwritten signature of Steven R. ...