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February 23, 2016

TO: Assembly Ways & Means Committee Chair Herman Farrell, Jr.
Assembly Ways & Means Committee Ranking Member Bob Oaks

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

RE: RECORDS REQUEST: The Governor's "introducer's memorandum" with "statement of...fiscal impact" for his Article VII Legislative/Judiciary Budget Bill #S.6401/A.9001

Assembly Rule III, §2(g) entitled "Introduction" 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'..."
(underlining added).

Assembly Rule III, §1(f) entitled "Introducer's memorandum" states:

"There shall be appended to every bill introduced in the Assembly, an introducer's memorandum setting forth...a statement of its fiscal impact on the state..."¹
(underlining added).

Pursuant to Assembly Rule VIII "Public Access to Records", request is made for the Governor's "introducer's memorandum" appended to or accompanying his Article VII Budget Bill #S.6401/A.9001, with its "statement of...fiscal impact on the state". None is posted on the Assembly and Senate webpages for the bill.²

¹ Assembly Rule, III, §2(a) repeats: "Every bill introduced in the House shall be... accompanied by the introducer's memorandum..."

² Assembly webpages:
http://assembly.state.ny.us/leg/?default_fld=&bn=S06401&term=2015&Summary=Y&Actions=Y&Votes=Y&Memo=Y&Text=Y; and
http://assembly.state.ny.us/leg/?default_fld=&bn=A09001&term=2015&Summary=Y&Actions=Y&Votes=Y&Memo=Y&Text=Y;

Senate webpages: <http://www.nysenate.gov/legislation/bills/2015/S6401>; and

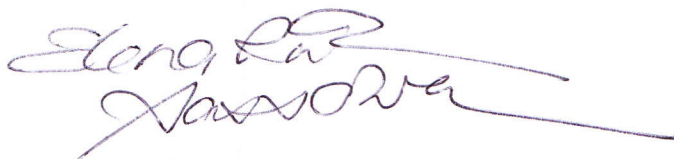
EX 52-9

Absent same, request is made for such other records as identify what Budget Bill #S.6401/A.9001 does NOT: the dollar totals of the Legislative and Judiciary portions, including their re-appropriations – and where the Legislature’s “General State Charges” may be found.

I will write separately with respect to the \$27 million that Chief Administrative Judge Marks identified at the February 4, 2016 “public protection” budget hearing as the cost of the first phase of the judicial salary increase recommended by the December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation – without disclosing or explaining why his figure is \$500,000 higher than the Commission’s “approximately \$26.5 million” for fiscal year 2016-2017 (at p. 6).

Suffice to say, unless you are planning to allow the Judiciary to fund the Commission’s “force of law” first-phase of judicial salary increases, *sub silentio*, via its constitutionally and statutorily-violative reappropriations and the interchange/transfer provision in section 2 of Budget Bill #S.6401/A.9001 (at p. 10) – as anticipated by my January 26, 2016 letter to Chief Judge DiFiore (at p. 6)³ – you will have to amend the bill to increase appropriations by \$27 million, or by the alternative \$19.6 million that Chief Administrative Judge Marks proposed at the February 4th hearing, or by any other figure.

Thank you.



cc: Assembly Records Access Officer Robin Marilla
Senate Finance Committee Chair Catharine Young
Senate Finance Committee Ranking Member Liz Krueger
Assemblyman David Buchwald (93rd Assembly District)
Senator George Latimer (37th Senate District)

³ That important letter was transmitted to you by my January 28, 2016 letter to you entitled “The Legislature’s February 4, 2016 ‘Public Protection’ Budget Hearing: Your scrutiny of the Judiciary’s two-part budget and of the Governor’s Budget Bill #S.6401/A.9001, embodying the Judiciary’s discrepant ‘single budget bill’”. Both letters are posted on CJA’s website, www.judgewatch.org, accessible via the prominent homepage link: “NO PAY RAISES FOR NEW YORK’S CORRUPT PUBLIC OFFICERS: The Money Belongs to their Victims!”.