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March 16, 2021

TO: Senate Records Access Officer/Secretary of the Senate Alejandra Paulino, ESQ.
Assembly Records Access Officer Robin Marilla
Legislative Bill Drafting Commission Director of Administration/
Administrative Counsel Rosemarie Perez Jaquith, ESQ.

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

RE: FOIL/RECORDS REQUEST:
Governor Cuomo's FY2021-2022 budget bills & legislative response/rebuttal, if any,
to CJA's March 18, 2020 letter as to the unconstitutionality & fraud of his FY2020-
2021 so-called "Article VII bills"

Reference is made to Governor Cuomo's FY2021-2022 budget bills, posted on his [Division of the Budget website](#), and the legislative rules pertinent thereto: the Senate Rules for 2019-2020, posted on its [Senate website](#) as the current rules¹ and the [Assembly Rules for 2021-2022, posted on its website](#).

Senate Rule VI, §6, entitled "Budget bills", 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. ..."

Assembly Rule III, §2(g) comparably 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...."

¹ I have no record of response to my February 19, 2021 e-mail to Senate Records Access Officer/Secretary of the Senate Paulino pertaining to her February 12, 2021 response to my January 8, 2021 FOIL/records request for the Senate rules, etc. A copy of the exchange is enclosed.

On January 19, 2021, the Governor submitted five bills for his FY2021-2022 Executive Budget pursuant to Article VII of the New York State Constitution, which the Senate and Assembly assigned numbers S.2500/A.3000 – S.2504/A.3004 and referred to the Senate Finance Committee and Assembly Ways and Means Committee. The Governor’s Division of the Budget posted these on its website under the heading “Appropriations Bills”.

The Governor also proposed five bills for introduction, not by him, but by Senate and Assembly members – each with a tailored form of the Legislative Bill Drafting Commission for that purpose, requiring a pair of legislators, one from the Senate and one from the Assembly, to be introducers of each bill, to so-signify by their signatures, and to circle the printed names of other Senate and Assembly members wishing to be sponsors or multi-sponsors with them. These five proposed bills, four bearing a “1/19/21” date and one a “1/18/21” date and each accompanied by a “Memorandum in Support”, did not purport to be pursuant to Article VII of the New York State Constitution, though posted under a heading “Article VII Bills” on the Division of the Budget website.²

Senate Rule VI, §7 pertains to bills proposed by the governor that are not pursuant to Article VII. Entitled “Program, departmental and agency bills”, it reads:

“Every bill proposed by the Governor, the Attorney General, the Comptroller or by state departments and agencies shall be submitted to the Temporary President and shall be forwarded for introduction purposes to the appropriate standing committee in accordance with section one of this Rule. Any such bill which is not so forwarded within three weeks after receipt by the Temporary President shall be offered to the Minority Leader who may in accordance with section one of this Rule, forward such bills to any member for introduction purposes.”

The twice-referred-to “section one” states:

“Bills and resolutions shall be introduced by a Senator, or on the report of a committee, or by message from the Assembly, or by order of the Senate, or by the Governor pursuant to Article VII of the Constitution. ...”

The Assembly’s pertinent rules are:

Rule III, §2(e), stating:

“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;

² These five posted proposed bills are: (1) [Education, Labor and Family Assistance \(ELFA\) Bill](#); (2) [Health and Mental Hygiene \(HMH\) Bill](#); (3) [Public Protection and General Government \(PPGG\) Bill](#); (4) [Transportation, Economic Development and Environmental Conservation \(TED\) Bill](#); and (5) [Revenue \(REV\) Bill](#).

3. by order of the House;
4. by message from the Senate; and
5. by the Governor under Article VII of the Constitution”,

Assembly Rule III, §2(g), stating:

“...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’”,

and Assembly Rules III, §2(a):

“Every bill to be introduced in the House shall be in a draft form prescribed by the Legislative Bill Drafting Commission and accompanied by the introducer’s memorandum. ...”

Nevertheless, on January 20, 2021, the Governor’s five proposed bills, which did not purport to be pursuant to Article VII – and whose accompanying Legislative Bill Drafting Commission forms reflected the requirement of Senate and Assembly sponsors – were each printed and introduced as “A BUDGET BILL, submitted by the governor pursuant to article 7 of the Constitution” – and given numbers furthering that illusion, S.2505/A.3005 – S.2509/A.3009, in other words continuing the sequence of the Governor’s five “appropriations bills” submitted by him “pursuant to article 7 of the Constitution”.

Pursuant to Senate Rule XIV, “Freedom of Information”, and Assembly Rule VIII, “Public Access to Records”, this is to request all publicly-available records as to:

- (1) who at the Senate and Assembly directed and/or authorized that Governor Cuomo’s five proposed bills, requiring legislative sponsors by their accompanying Legislative Bill Drafting Commission forms, dispense with legislative sponsors and each be introduced as “A BUDGET BILL, submitted by the governor pursuant to article 7 of the Constitution”;
- (2) any rebuttal/response by such persons or others in the Legislature to CJA’s [March 18, 2020 letter to Governor Cuomo](#), simultaneously e-mailed to the Legislative Bill Drafting Commission and to the Legislature’s 15 stipend-benefitting legislative leaders – and, thereafter, to other legislators – as to the unconstitutionality and fraud of his FY2020-2021 so-called “Article VI bills”.

Finally, with respect to Governor Cuomo’s [Equal Rights Amendment Concurrent Resolution](#)–proposed for introduction, not by him, but by Senate and Assembly members – with a tailored form of the Legislative Bill Drafting Commission for that purpose, requiring a pair of legislators, one from the Senate and one from the Assembly, to be introducers, to so-signify by their signatures, and to circle the printed names of other Senate and Assembly members wishing to be sponsors or multi-sponsors with them – bearing a “1/18/21” date and accompanied by a memorandum in support – this

is to request all publicly-available records pertaining to introduction of the resolution, if it was introduced – as I have found nothing on the Senate and Assembly websites.

Thank you.

cc: Enclosures

- (1) FOIL exchange pertaining to Senate's rules for 2021-2022
- (2) CJA's March 18, 2020 letter, with its accompanying August 21, 2013 letter