

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

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March 16, 2021

TO: Senate Records Access Officer/Secretary of the Senate Alejandra Paulino, ESQ.

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

RE: FOIL/RECORDS REQUEST:  
Senate “amending” of Governor Cuomo’s FY2021-2022 budget bills

The Senate’s webpages for nine of the ten budget bills comprising Governor Cuomo’s FY2020-2022 Executive Budget identify – under the heading “ACTIONS” – that on March 13, 2021 – a Saturday, when the Senate was not in session – seven of the bills were “AMEND[ED] AND RECOMMIT[TED] TO FINANCE”, with the other two bills “AMEND[ED] AND RECOMMIT[TED] TO FINANCE” on March 14, 2021 – a Sunday, when the Senate was not in session. There are no headings for “VOTES”, either in committee or on the Senate floor, and none for “MEMOS”. Nor does [the Senate’s website for the Finance Committee](#), which posts VIDEOS of its committee meetings, reflect any meeting on either March 13, 2021 or March 14, 2021.

The Senate webpages for the nine “amended” bills are below hyperlinked:

- (1) [State Operations Budget Bill #S.2500-b;](#)
- (2) [Debt Service Budget Bill #S.2502-a;](#)
- (3) [Aid to Localities Budget Bill #S.2503-a;](#)
- (4) [Capital Projects Budget Bill #S.2504-b;](#)
- (5) [Public Protection and General Government Budget Bill #S.2505-b;](#)
- (6) [Education, Labor, and Family Assistance Budget Bill #S.2506-b;](#)
- (7) [Health and Mental Hygiene Budget Bill #S.2507-b;](#)
- (8) [Transportation, Economic Development, and Environmental Conservation Budget Bill #S.2508-b;](#)
- (9) [Revenue Bill #S.2509-b.](#)

With respect to each of these nine “amended” budget bills, request is made, pursuant to Senate Rule XIV “Freedom of Information”,<sup>1</sup> for:

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<sup>1</sup> References herein to the Senate Rules are those for 2019-2020, posted on the [Senate website](#) as the current rules. My January 8, 2021 FOIL/record request to you on the subject – culminating in my February 19, 2021 e-mail, to which I have no record of response – is enclosed.

- (1) records showing the “non-sponsor” who introduced the amendment, since it obviously was not the Governor;
- (2) records showing what specific changes the amendment made, as for instance, the “detail sheets” and “amended memorandum”;<sup>2</sup>
- (3) records showing the date and time of the Senate Finance Committee meeting at which the motion to amend was on its agenda – and the notice thereof furnished to Senate Finance Committee members and the public;<sup>3</sup>
- (4) records of the Senate Finance Committee meeting at which the motion to amend was deliberated and voted upon, including the number of senators present

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<sup>2</sup> Senate Rule VI, §4(b):

“When amendments are offered to a printed bill, the proposed changes, indicating page and line numbers, shall be listed on four detail sheets and the same changes shall be incorporated and marked on two copies of the bill; provided, however, that no amendment shall be allowed to any bill which is not germane to the original object or purpose thereof. Furthermore, when a printed bill is amended the accompanying introducer’s memorandum, required pursuant to section one of this Rule, shall also be amended to reflect any changes...”

<sup>3</sup> Senate Rule VII, §2(a):

“(1) Standing committees shall hold regular meetings at such time and on such day as scheduled by the Temporary President in joint consultation with the chair and such schedule shall be published one week in advance of the date of such meeting and shall be posted on the Senate committee board and website. The attendance of the members of the committee shall be recorded at each meeting, and a copy of such report shall be filed with the Journal Clerk of the Senate and made available to the public. Each chair of a standing committee shall to the extent practicable, no later than 5 p.m. the Thursday preceding the regular meeting, furnish to the Temporary President and publish the agenda together with the introducer's memorandum for each bill listed on such agenda for such regular meeting. In addition, copies of such agenda for such regular meeting shall be made available to representatives of the news media and to the general public. However, in case of necessity, the chair with consent of the ranking Minority Conference member may add no more than four items on the agenda or delete items on the agenda no less than 24 hours in advance of the scheduled meeting and members shall be notified of such additions or deletions. Each standing committee chair shall decide all procedural issues which arise during meetings of standing committees.

(2) Standing committees may hold special meetings in case of necessity upon the call of the chair when the announcement is made from the floor during session, or the ranking Minority Conference member of the committee consents thereto, or upon the call of a majority of all the members thereof, entry of which fact shall be made on the records of the committee and announced by the Secretary of the Senate.”

and the number of senators who had submitted voting sheets – and the vote on the motion to amend, including the vote of each member.<sup>4</sup>

Suffice to add that had the Senate Finance Committee voted to amend the bills and report them out of committee, Senate Rule VII, §6, entitled “Reports”, would have been applicable:

“a. No committee shall vote to report a bill or other matter unless a majority of all the members thereof vote in favor of such report. Each report of a committee upon a bill shall have the vote of each Senator attached thereto and such report and vote shall be available for public inspection. A member’s vote on any matter before the committee shall be entered by the member on a signed official voting sheet delivered to the Committee Chair....

b. Each bill reported by a standing committee may be accompanied by a report, and the Minority Conference shall file a Minority Conference committee report within seven days of the bill being reported out of committee and said reports may be filed with the Journal Clerk. The report of a committee upon any matter referred to it shall upon request include a brief statement of the opinion of any member or members of the committee voting in either the majority or minority.”

Thank you.

Enclosure: FOIL exchange pertaining to Senate rules for 2021-2022

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<sup>4</sup> Senate Rule VII, §2(b):

“(1) ...The attendance of the members of the committee shall be recorded at each meeting, and a copy of such report shall be filed with the Journal Clerk of the Senate and made available to the public. ...

(3) All meetings of committees shall be open to authorized representatives of the news media and the general public as observers.

(4) All meetings of committees shall be recorded by video and to the extent practicable webcast live. Video of all committee meetings shall be made available on the Senate website.

b. (1) Minutes shall be taken at all open meetings of committees which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

...

(3) Minutes of meetings of all committees shall be available to the public in accordance with the provisions of Article six of the Public Officers Law, ‘the freedom of information law’, and at such time and place as prescribed by the Temporary President, provided, however, that minutes for executive session meetings shall be available to the public within one week from the date of such executive session.”