CENTER for JUDICIAL ACCOUNTABILITY, INC.

February 7, 2025

TO: <u>Records Access Officers</u>
for the Governor, for the Division of the Budget, for the Senate, for the Assembly, for the Legislative Bill Drafting Commission

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

RE: <u>FOIL: FY 2025-26 State Budget</u> – for records reflecting: (1) how Governor Hochul's five **proposed** "Article VII Bills" each became **actual** bills, allegedly submitted by her "pursuant to article seven of the Constitution"; (2) why these actual bills are not posted on her Division of the Budget's website; and (3) findings of fact and conclusions of law made with respect to CJA's March 18, 2020 letter to Governor Cuomo

Pursuant to FOIL,[1] this is to request:

(1) records reflecting how Governor Hochul's five so-called "FY 2026 Article VII Bills", requiring Senate and Assembly sponsors – and so-posted on her <u>Division of the Budget webpage of "FY2025 Executive Budget Legislation"</u> as **proposed bills** of the Legislative Bill Drafting Commission, accompanied by supporting memoranda and preceded by a "Summary", *to wit*,

"<u>Summary of Article VII Legislation Required For the Budget</u>"

- <u>Education, Labor and Family Assistance (ELFA) Bill</u>
      & <u>Memorandum in Support</u>

- <u>Health and Mental Hygiene (HMH) Bill</u>
      & <u>Memorandum in Support</u>

- <u>Public Protection and General Government (PPGG) Bill</u>
      & <u>Memorandum in Support</u>

- <u>Transportation, Economic Development and Environmental Conservation (TED) Bill</u> & <u>Memorandum in Support</u>

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[1]   <u>Public Officers Law Article VI</u>, <u>Senate Rule XIV</u>, <u>Assembly Rule VIII</u>.

- Revenue (REV) Bill & Memorandum in Support –

became five **actual** bills without Senate and Assembly sponsors, bearing combined Senate-Assembly bill numbers S.3005/A.3005 to S.3009/A.3009, a January 22, 2025 date of introduction, and purporting to be "submitted by the Governor pursuant to article seven of the Constitution";

(2) records reflecting why Governor Hochul's Division of the Budget website does NOT post these five **actual** bills, *to wit*:

- Public Protection & General Government Budget Bill #S.3005/A.3005

- Education, Labor & Family Assistance Budget Bill #S.3006/A.3006

- Health & Mental Hygiene Budget Bill #S.3007/A.3007

- Transportation, Economic Development & Environmental Conservation Budget Bill #S.3008/A.3008

- Revenue Budget Bill #S.3009/A.3009.

(3) records reflecting findings of fact and conclusions of law made with respect to CJA's March 18, 2020 letter to then Governor Cuomo, entitled:

> "…GOOD NEWS DURING THIS CORONAVIRUS EMERGENCY – You Can Chuck Six of Your Seven 'Article VII Bills' Because They are Unconstitutional. Here's why based on the Court of Appeals' 2004 plurality, concurring, and dissenting opinions in *Pataki v. Assembly/Silver v. Pataki*, 4 N.Y.3d 75." –

a letter CJA simultaneously sent to Governor Cuomo's budget director, the Legislative Bill Drafting Commission, and Senate and Assembly leadership – and thereafter, repeatedly, to legislators, most recently as part of CJA's written testimony for the Legislature's February 6, 2024 "local government officials/general government" budget hearing, to which CJA's written testimony for the Legislature's February 4, 2025 "local government officials/general government" budget hearing, linked, describing the situation (at p. 1) as "unchanged" and "all true then and now".[2]

Thank you.

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[2] Hard copies of the March 18, 2020 letter were also furnished to Governor Hochul, legislative leaders, and the Senate and Assembly on June 23, 2022, annexed as Exhibit A-5 to the June 6, 2022 verified petition in the lawsuit *CJA v. JCOPE, et. al.*, to which they are respondents.