

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, May 22, 2017 11:28 AM
To: 'jsherwood@messengerpostmedia.com'
Subject: Advancing YOUR LEAD: -- Legislative Law Article 5-A
Attachments: 5-19-17-foil-bicameral-commissions.pdf

Dear Julie,

Here's Legislative Law Article 5-A (§82-83) on FindLaw, still reflecting that the statutory commissions sunset on June 30, 2017: <http://codes.findlaw.com/ny/legislative-law/#!tid=N0D6DAABD7CFA424C811BE8CE7157F25B>. In fact, Senate and Assembly leadership UNCONSTITUTIONALLY snuck into the budget, with the connivance of the Governor, an amendment that extend the commissions to June 30, 2018. Here's Legislative Law Article 5-A (§§82-83) on NYS' website, reflecting the new sunset date: <http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO>.

Below is Legislative Law §83-I pertaining to the Legislative Commission on the Development of Rural Resources. Paragraph 4 pertains to stipend eligibility pursuant to Legislative Law §5-A:

Legislative Law §83-i. Legislative commission on the development of rural resources.

1. The legislature hereby finds and declares that the economic and social well-being of the people of the state is clearly related to the state's rural resources. The rural economy and environment contribute greatly to the quality and maintenance of life in New York state. Rural areas offer an important alternative to urban living. Agriculture, forestry, mineral extractions, tourism and recreation in rural areas constitute much of New York's agricultural base. New York's indispensable rural resources are decentralized, diverse and unique, and their enhancement and protection require special attention in view of their special characterization and needs. The legislature further finds that a commission is necessary to review and reassess state policies and programs and their impact upon rural resources and to make recommendations thereon to promote the enhancement and protection of such resources.
2. A legislative commission on the development of rural resources is hereby established (a) to examine the impact of rural resources upon the state's economy; (b) to review existing laws and regulations as they pertain to rural resources; (c) to assess the effect of state policies generally on rural areas; (d) to reassess the effectiveness of programs specifically addressed to rural resource needs and problems, such as agricultural districting, agricultural product promotion, maintenance of agricultural land, forest management, tax exemptions for agricultural and forest land, oil and gas regulation, and tourism and recreation; and (e) to make such recommendations to the legislature for action as it determines necessary for the enhancement and protection of the state's rural resources.

3. The commission shall consist of ten members to be appointed as follows: three members of the senate shall be appointed by the temporary president of the senate; three members of the assembly shall be appointed by the speaker of the assembly; two members of the senate shall be appointed by the minority leader of the senate; and two members of the assembly shall be appointed by the minority leader of the assembly. From among the members as appointed, a senate chairman and an assembly chairman shall be appointed jointly by the temporary president of the senate and the speaker of the assembly. Any vacancy that occurs in the chairmanships or other membership of the commission shall be filled in the same manner in which the original appointment was made. No member, officer, or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he forfeit any such office or employment by reason of his appointment hereunder, notwithstanding the provisions of any general, special or local law, ordinance, or city charter.
4. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of the commission's functions and fix their compensation within the amount appropriated therefor. The commission may hold public and private hearings, and otherwise have all of the powers of a legislative committee under this chapter. **The members of the commission shall receive no compensation for their services, except as provided pursuant to section five-a of this chapter, but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.**
5. Employees of the commission shall be considered to be employees of the legislature for all purposes.” (bold added)

Other Legislative Law Article 5-A statutory commissions with similar, if not identical language as the above paragraph 4 are:

§83-c. Legislative commission on public management systems (Governmental Administration).

§83-e. Legislative commission on science and technology.

§83-f. Legislative commission on skills development and career education.

§83-i. Legislative commission on the development of rural resources.

§83-l. Legislative commission on water resource needs of New York state and Long Island.

I am available to answer your questions & assist you to the max. This is a HUGE & prize-winning story... and I will suspend my outreach to other reporters to give you the lead.

Regards,

Elena

914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Monday, May 22, 2017 10:52 AM
To: 'jsherwood@messengerpostmedia.com' <jsherwood@messengerpostmedia.com>
Subject: YOUR LEAD: -- FOIL/records request: The "numerous bicameral commissions" whose "leaders" have been receiving "allowances" from 2012 to the present

Dear Julie,

Attached is the FOIL request I filed on Friday, My 19th pertaining to the "bicameral commissions" – the Rural Resources Commission, among them. The transmitting e-mail is below.

As identified by my May 17th e-mail to you, the Rural Resources Commission is established pursuant to Legislative Law Article 5-A – sec. 83.i. I will send you that provision, *in full*, shortly.

Elena
914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Friday, May 19, 2017 1:11 PM
To: 'Senate Foil' <foil@nysenate.gov>; 'Robin Marilla' <marillar@nyassembly.gov>
Subject: FOIL/records request: The "numerous bicameral commissions" whose "leaders" have been receiving "allowances" from 2012 to the present

Attached is the Center for Judicial Accountability's above-entitled FOIL/records request of today's date.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200