

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)455-4373

E-Mail: cja@judgewatch.org
Website: www.judgewatch.org

January 29, 2014

TO: Senate Finance Committee
Chairman John A. DeFrancisco
Ranking Member Liz Krueger

Assembly Ways & Means Committee
Chairman Herman D. Farrell, Jr.
Ranking Member Robert C. Oaks

RE: Your Mandatory Duty under Legislative Law §32-a to Hear Testimony in Opposition to the Legislature's Proposed Budget & Governor Cuomo's Budget Bill #S.6351/A.8551 at Public Budget Hearings

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

When will the Senate Finance Committee and Assembly Ways and Means Committees be holding budget hearings at which I will be permitted to testify in opposition to the Legislature's proposed budget and Governor Cuomo's Budget Bill #S.6351/A.8551?

Legislative Law §32-a could not be more unequivocal:

"Budget; public hearings. After submission and prior to enactment of the executive budget, the senate finance committee and the assembly ways and means committee jointly or separately shall conduct public hearings on the budget. Such hearings may be conducted regionally to provide individuals and organizations throughout the state with an opportunity to comment on the budget. The committees shall make every effort to hear all those who wish to present statements at such public hearings. The chairs of the committees jointly or separately shall publish a schedule of hearings." (underlining added).

Your "Joint Budget Hearing Schedule", published on January 10, 2014, and purporting to be "also soliciting public comment on the proposed budget pursuant to Article 2, Section 32-a of the Legislative Law", does not specify a hearing for the Legislature's proposed budget. My attempts to clarify same, including by my January 14, 2014 letter,¹ which expressly and prominently invoked

¹ All referred-to correspondence – and this letter – are posted on our website, www.judgewatch.org, accessible via the homepage hyperlink "CJA Leads the Ways to NYS Budget Reform – and Competitive NYS Elections".

Legislative Law §32-a, in requesting to testify in opposition to the Legislature's proposed budget, have been ignored. Despite numerous follow-up phone calls, I have received no response as to when I will be able to testify.

The dispositive nature of my intended testimony is already known to you. It is set forth by my December 30, 2013 letter, demonstrating that the Legislature's proposed budget is unconstitutional, fraudulent, and a contrivance of the Temporary Senate President and Assembly Speaker.

As for the Governor's Budget Bill #S.6351/A.8551, introduced on January 21, 2014, it is even more unconstitutional and fraudulent than the Legislature's proposed budget. This, because it adds on millions of dollars in reappropriations for the Legislature that are not part of the Legislature's proposed budget – a fact it tries to conceal by placing the reappropriations at the back of the bill, out of sequence (at pp. 27-46)².

Perhaps you have insight into these millions of dollars of reappropriations. Do you know their cumulative total? Why were they not part of the Legislature's proposed budget, transmitted to the Governor by its November 27, 2013 coverletter? When and in what fashion were they separately transmitted to the Governor. Who in the Legislature, if anyone, certified that the monies proposed for reappropriations were suitable for that purpose? Are they?³

By the way, since the Governor's Budget Bill #S.6351/A.8551 contains no cumulative tally for its monetary allocations for the Legislature, what is that sum? – presumably the addition of appropriations and reappropriations.

² The out-of-sequencing is easiest seen from the bill's last page "Table of Contents" (p. 47). The bill starts with appropriations for the Legislature (pp. 1-9), but does not continue with legislative reappropriations so that the totality of legislative allocations might be seen. Instead, it switches to appropriations for the Judiciary (at pp. 10-23), which are followed by Judiciary's reappropriations (at pp. 24-26). Only after the Judiciary's reappropriations are the Legislative reappropriations inserted (at pp. 27-46). Further concealing the Legislative reappropriations is that the "Schedule" (at p. 27) is not so-marked, whereas the Judiciary's "Schedule" (at p. 24), is.

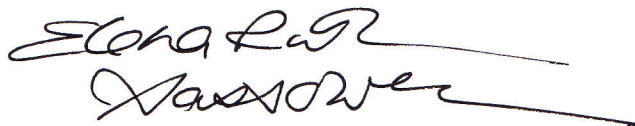
³ According to the "Citizen's Guide" on the Division of the Budget's website that defines terms:

"A reappropriation is a legislative enactment that continues all or part of the undisbursed balance of an appropriation that would otherwise lapse (see lapsed appropriation). Reappropriations are commonly used in the case of federally funded programs and capital projects, where the funding amount is intended to support activities that may span several fiscal years." http://www.budget.ny.gov/citizen/financial/glossary_all.html#r

The Legislative reappropriations do not fit within that "commonly used" category – nor, seemingly, any category justifying their being continued, rather than allowed to lapse and returned to the public treasury.

Certainly, it would be useful if I could incorporate your answers when, pursuant to Legislative Law §32-a, I testify before your Committees in opposition to the legislative portion of #S.6351/A.8551. Please let me know whether this will be at the same February 5, 2014 budget hearing on "Public Protection at which I will be testifying in opposition to the judiciary portion of #S.6351/A/8551, based on the presentation in my December 11, 2013 letter as to the unconstitutionality and fraudulence of the Judiciary's proposed budget. Or do you believe I should not be permitted to testify in opposition to the Judiciary's proposed budget either?

Thank you.

Handwritten signature in black ink, appearing to read "Elona R. R. Nassower". The signature is written in a cursive style with a long horizontal line extending to the right.

cc: The Public & The Press