

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, February 24, 2023 10:24 AM
To: 'DickensI@nyassembly.gov'
Subject: **The duty of the Senate & Assembly Rules Committees with respect to the Legislature's FY2023-24 budget & Gov. Hochul's Legislative/Judiciary Appropriation Bill S.4001/A.3001**

Attachments: [cja-feb-15-23-written-testimony-general-govt-budget-hearing.pdf](#)

TO: Assembly Rules Committee Member Dickens –

Apologies for misspelling your name, resulting in the bounce-back of the below e-mail to you, which I trust will reach you now.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
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**Subject: The duty of the Senate & Assembly Rules Committees with respect to the Legislature's
FY2023-24 budget & Gov. Hochul's Legislative/Judiciary Appropriation Bill S.4001/A.3001**

TO: [Senate Rules Committee](#)

Ranking Member: Senate Minority Leader Robert Ort

Members: Joseph Addabo, Jr., Jamaal Bailey, ESQ.; Neil Breslin, ESQ.; Leroy Comrie,
Nathalia Fernandez, Patrick Gallivan, Michael Gianaris, ESQ., Joseph Griffo;
Pamela Helming, Timothy Kennedy; Andrew Lanza, ESQ;
Luis Sepulveda, ESQ.; Daniel Stec; Kevin Thomas, ESQ.

cc: Chair: Temporary Senate President Andrea Stewart Cousins &
Member: Senate Finance Chair Liz Krueger

[Assembly Rules Committee](#)

Ranking Member: Assembly Minority Leader William Barclay, ESQ.

Members: Jeffrion Aubrey; Michael Benedetto; Ken Blankenbush; Karl Brabenec;
Edward Braunstein, ESQ.; Harry Bronson, ESQ; William Colton, ESQ.;
Vivian Cook; Maritza Davila; Inez Dinkens; Jeffrey Dinowitz, ESQ.;
Joseph Giglio; Deborah Glick; Steven Hawley; Alicia Hyndman;
Charles Lavine, ESQ; Donna Lupardo; William Magnarelli, ESQ.;
Michal Norris, ESQ.; Philip Palmesano; Amy Paulin; Crystal Peoples-Stokes;
J. Gary Pretlow; Edward Ra, ESQ; Michael Reilly; Nily Rozic; Fred Thiele,
ESQ.; Helene Weinstein, ESQ.; Kenneth Zebrowski, ESQ.

cc: Chair: Assembly Speaker Carl Heastie &
Member: Assembly Ways and Means Chair Helene Weinstein, ESQ.

The [Legislature's FY2023-24 budget](#), transmitted by your chairs – Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie – to Governor Hochul under a December 1, 2022 coverletter, violates [Article VII, §1 of the New York State Constitution](#), as it is NOT “[i]temized estimates of the financial needs of the legislature, certified by the presiding officer of each house”. [Governor Hochul's Legislative/Judiciary Appropriation Bill #S.4001/A.3001](#), expanding upon it by 38 pages of “legislative reappropriations”, is even more unconstitutional and larcenous.

The particulars are set forth by my written testimony for the Legislature's February 15, 2023 budget hearing on "Local Government Officials/General Government", which presented 38 questions for Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie to answer – the 10th and 11th of which inquired, based on the observation that Article VII, §1 limits their roles to certifying the Legislature's "itemized estimates of financial needs", whether the Senate and Assembly Rules Committees are among the "appropriate committees" responsible for formulating or approving the "itemized estimates" for them to certify.

In the event my testimony was not distributed to you by your member-Senate Finance Committee Chair Krueger and your member-Assembly Ways and Means Committee Chair Weinstein, to whom, by the below e-mail, I timely sent it on February 15th, in compliance with their announced rules, [here](#) and [here](#), it is above attached and [here linked](#).

Will you collectively and individually call upon Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie to answer the 38 questions? If not, why not – and what are your own answers, collectively and individually, to these 38 questions.

Based on the analysis furnished by the questions, do you agree that Governor Hochul's duty with respect to her upcoming "30-day amendments" is:

- to amend Legislative/Judiciary Appropriation Bill #S.4001/A.3001 by REMOVING the 38 pages of "legislative reappropriations" that were inserted into the back of her bill in an out-of-sequence, mistitled §4 – as the Legislature's FY2023-24 budget contained NO "legislative reappropriations" (testimony, questions ##30-35);
- to amend Legislative/Judiciary Appropriation Bill #S.4001/A.3001 by REMOVING the entirety of §1 of legislative appropriations, in other words, the Legislature's budget – because it was NOT furnished to her as "[i]temized estimates of the financial needs of the legislature, certified by the presiding officer of each house", as Article VII, §1 requires (testimony, questions ##1-5);
- to amend State Operations Appropriation Bill #S.4000/A.3000 to ADD the Independent Redistricting Commission and such appropriations for it as are, in fact, necessary – because the appropriations for it in the Legislature's FY2023-24 budget do NOT belong in the Legislature's budget and are grossly inflated and larcenous, quite apart from the "reappropriations" for the Independent Redistricting Commission that were popped into her Legislative/Judiciary Appropriation Bill S.4001/A.3001 (testimony, questions ##16-19).

And do you agree that Governor Hochul's "30-day amendments" are an opportunity for her to belatedly meet her constitutional duty to furnish the Legislature with "such recommendations as the governor may deem proper" with respect to the legislative and judiciary budgets (Article VII, §1) – as she made NONE on February 1, 2023 in submitting her Legislative/Judiciary Appropriation Bill #S.4001/A.3001 to the Legislature (testimony, question #36).

Time being of the essence, please advise as immediately as possible – and confirm that you will take action to ensure that my February 15th written testimony is placed on the agendas of the next meetings of your respective Rules Committees for discussion and vote as to your duties with respect thereto – and, likewise,

[my written testimony incorporated therein and timely submitted for the Legislature's February 7th "Public Protection" budget hearing.](#)

I would be pleased to make a presentation at such Committee meetings, answering all your questions, including under oath – and [Senate Rule VII, §2\(d\)](#) expressly provides for same.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, February 15, 2023 4:25 PM
To: 'Finance Chair' <financechair@nysenate.gov>; 'wamchair@nyassembly.gov' <wamchair@nyassembly.gov>

Subject: Written Testimony for Legislature's Feb 15, 2023 "Local Gov't Officials/General Government" Budget Hearing

**TO: Senate Finance Committee Chair Krueger
Assembly Ways & Means Committee Chair Weinstein**

Attached is my timely-submission of written testimony for today's "local government officials/general government" budget hearing – for distribution to legislators and posting on the Senate and Assembly webpages for today's hearing.

I am available to answer any questions.

Thank you.

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