

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, January 29, 2025 11:32 AM
To: 'foil@nysenate.gov'
Cc: 'coog@dos.ny.gov'; 'Emily Ronco'; 'Julie George'

Subject: **FOIL APPEAL: CJA's Jan 22, 2025 FOIL Request: "the National Conference of State Legislatures' 2023 Survey on Legislator Compensation"**

Attachments: [1-22-25-foil-leg-ncsl.pdf](#)

TO: Senate FOIL Appeals Officer/Senate Majority Counsel

Pursuant to §9 of the Senate's "[Rules and Regulations Relating to the Public Inspection and Copying of Records](#)", I hereby appeal from the below January 28, 2025 e-mail of Senate FOIL Officer/Secretary of the Senate Alejandra Paulino, ESQ., denying my [January 22, 2025 FOIL request](#) for records pertaining to "the National Conference of State Legislatures' 2023 Survey on Legislator Compensation" by purporting that "if the records even exist, [they] are not subject to disclosure pursuant to Senate Rules".

The basis of the appeal is that if the Senate "does not have possession of such record(s) or that such record(s) cannot be found after diligent search" – neither of which Secretary of the Senate Paulino states – I am entitled to a certification thereof (Public Officers Law §89.3(a) – and, additionally, to specification as to which Senate Rule would exempt the requested records from disclosure (Public Officers Law §87.2).

Tellingly, Secretary of the Senate Paulino's e-mail does not inform me of my right of appeal, as is required by §7 of the Senate's "Rules and Regulations Relating to the Public Inspection and Copying of Records".

Thank you.

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

From: Senate Foil <foil@nysenate.gov>
Sent: Wednesday, January 29, 2025 8:00 AM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Subject: Re: FOIL Request: the National Conference of State Legislatures' 2023 Survey on Legislator Compensation

Dear Ms. Sassower:

This is to acknowledge receipt of your request dated January 22, 2025 pursuant to the Freedom of Information Law.

You are requesting... " (1) the survey(s) that NCSL sent the Legislature for completion pertaining to its 2023 legislator compensation; (2) the Legislature's completed survey(s); and (3) records reflecting the Legislature's transmittal of its completed survey(s) to NCSL or reflecting why it was not doing so".

Please be advised that the records you request, if the records even exist, are not subject to disclosure pursuant to Senate Rules.

I have attached a copy of the Senate's Rules and Regulations Relating to the Public Inspection and Copying of Legislative Records for your information.

Sincerely,

Alejandra N. Paulino
Secretary of the Senate

Senate Foil-BSR

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Wednesday, January 22, 2025 12:44 PM

To: Senate Foil <foil@nysenate.gov>; 'Fern Whyland' <whylandfm@nyassembly.gov>

Cc: 'Emily Ronco' <emily.ronco@ncsl.org>; 'Julie George' <julie.george@ncsl.org>

Subject: FOIL Request: the National Conference of State Legislatures' 2023 Survey on Legislator Compensation

**TO: Senate Records Access Officer/Secretary of the Senate Alejandra Paulino, Esq.
Assembly Records Access Officer Fern Whyland**

Under the heading "Joint Entities and Dues Payments", the [Legislature's December 1, 2024 proposed budget for FY2025-2026](#) identifies (at p. 4) "National Conference of State Legislatures Dues", stating:

"The National Conference of State Legislatures (NCSL) is a bi-partisan organization created to serve the legislators and staff of each State Legislature. NCSL provides research, technical assistance, a forum for discussion and information on developments in state-federal relations. All state legislators and their staff members are eligible to participate in the Conference, which is supported from dues assessed to each State Legislature based on state population totals."

The legislative budget seeks (at pp. 5, 6, 11) \$477,743 for NCSL dues for FY2025-26, identifying this to be a 3% increase of \$13,915 from FY2024-25, which was \$463,828. This \$477,743 is now a line-item appropriation at page 5 of [Legislative/Judiciary budget bill #S.3001/A.3001](#), bearing yesterday's date.

It appears, however, that the Legislature has not been cooperating with NCSL's "research", paid for by New York taxpayers and taxpayers of other states. For example, NCSL's webpage for "[2023 Legislator Compensation](#)" states:

"Legislative compensation varies across legislatures. The lowest annual state legislator salary in 2023 was \$100 and the highest annual state legislator salary in 2023 was \$142,000. In 2023, the average annual base salary for a state legislator was \$43,494. This represents a 6% increase in average annual legislator base salary since 2022. However, salary is only one component of legislator compensation. Each year, NCSL collects data from all 50 states, the U.S. territories, and Washington D.C. on legislative salaries and per diems. This year, NCSL conducted a broader survey to learn more about additional compensation for legislative leaders, insurance and retirement benefits, and office and staffing allowances in addition (sic) to regular compensation. The tables linked to below provide nationwide data for each of these categories."

This collection of data apparently involves NCSL sending surveys to the Legislatures for them to complete and send back. However, the featured table annotates New York by a "[viii]" endnote, which reads:

"Data about legislator salary was obtained from [news media](#). Data about legislator mileage reimbursement and per diem was obtained from the Office of New York State Comptroller Guide to Financial Operations Section [XIII.4C](#) and [Senate Guidelines on Per Diem](#)".

NCSL's further tables at the bottom of the webpage are, as follows, and they state, with respect to New York:

- "[2023 Legislative Compensation: Additional Compensation for Senate Leadership](#)"
p. 4: New York "No data available."
- "[2023 Legislative Compensation: Additional Compensation for House Leadership](#)"
p. 2: New York "No data available."
- "[2023 Legislative Compensation: Insurance Benefits](#)"
p. 2: New York "No data available"
- "[2023 Legislative Compensation: Retirement Benefits](#)"
p. 6: New York "No information"
- "[2023 Legislative Compensation: Office and Staffing](#)"
p. 2: New York – "No data available."

Did the Legislature not send its completed surveys back to NCSL with the requested information?

Pursuant to [Public Officers Law Article VI](#) ("FOIL"), [Senate Rule XIV](#) ("Freedom of Information"), and [Assembly Rule VIII](#) ("Public Access to Records"), this is to request a copy of:

(1) the survey(s) that NCSL sent the Legislature for completion pertaining to its 2023 legislator compensation;

(2) the Legislature's completed survey(s); and

(3) records reflecting the Legislature's transmittal of its completed survey(s) to NCSL or reflecting why it was not doing so.

Thank you.

Elena Sassower, Director
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