

CENTER for **J**UDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)455-4373

E-Mail: cja@judgewatch.org
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February 12, 2014

TO: Justin C. Levin, Records Access Officer/Governor Andrew M. Cuomo
Alan Lebowitz, Records Access Officer/Division of the Budget

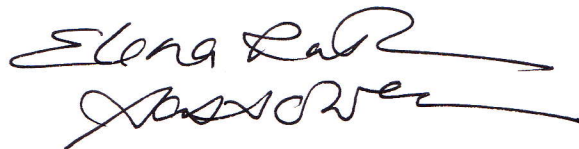
FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: **FOIL –**
RECORDS REQUEST: The Governor's Introducer's Memoranda for his Article VII
Judiciary and Legislative Budget Bills:
#A.8551/S.6351 (2014) – third phase of the judicial salary increase;
#A.3001/S.2601 (2013) – second phase of judicial salary increase;
#A.9051/S.6251 (2012) – first phase of judicial salary increase.

Enclosed is our above-entitled letter of yesterday's date to the Assembly Records Access Officer and
and to the Chair and Ranking Member of the Assembly Ways and Means Committee.

It is herewith furnished to you as a FOIL request.

Thank you.



Enclosure

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February 11, 2014

TO: Assembly Records Access Officer Robin Marilla

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

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

RE: RECORDS REQUEST: The Governor's Introducer's Memoranda for his Article VII
Judiciary and Legislative Budget Bills:
#A.8551/S.6351 (2014) – third phase of the judicial salary increase;
#A.3001/S.2601 (2013) – second phase of judicial salary increase;
#A.9051/S.6251 (2012) – first phase of judicial salary increase.

Assembly Rule III, §2(f) entitled “Introduction” states:

“When a bill is submitted or proposed by the Governor by authority of Article VII of the Constitution, it shall become, for all legislative purposes, a legislative bill, and upon receipt thereof by the Assembly it shall be endorsed ‘Budget Bill’”.

Assembly Rule III, §1(f) entitled “Introducer’s memorandum” states:

“There shall be appended to every bill introduced in the Assembly, an introducer’s memorandum setting forth...its fiscal impact on the state...”¹

Pursuant to Assembly Rule VIII “Public Access to Records”, request is made for the Governor’s “introducer’s memorandum” appended to or accompanying his Article VII Budget Bill #A.8551/S.6351, setting forth “its fiscal impact on the state”. If properly drawn, such would have furnished the cumulative dollar amounts of the bill’s two separate budgets for the Judiciary and Legislature. It would also have furnished: (1) the dollar amount of the third phase of the judicial salary increase recommended by the August 29, 2011 Report of the Special Commission on Judicial Compensation, pursuant to Chapter 567 of the Laws of 2010; (2) the dollar amounts of the increases in statutorily-tied salaries of district attorneys and county clerks; (3) the dollar amounts of all “General State Charges” resulting therefrom; and (4) estimates of the dollar amounts for future fiscal

¹ Assembly Rule, III, §2(a) repeats: “Every bill introduced in the House shall be... accompanied by the introducer’s memorandum...”

years. This third-phase judicial salary increase is hidden somewhere in the Judiciary portion of the Governor’s Budget Bill #A.8551/S.6351 (pp. 10-26), with no identification of its dollar cost for fiscal year 2014-2015.

Additionally, please furnish the Governor’s “introducer’s memorandum” appended-to or accompanying:

- his Budget Bill #A.3001/S.2601 (“Legislature and Judiciary Budget”) for fiscal year 2013-2014 – whose Judiciary portion (pp. 10-26) hid the second phase of the judicial salary increase, with no identification of its dollar cost. If properly drawn, his “introducer’s memorandum” would have furnished: (1) the dollar amount of that second phase of judicial salary increase; (2) the dollar amounts of the increases in statutorily-tied salaries for district attorneys and county clerks; (3) the dollar amounts of all “General State Charges” resulting therefrom; (4) estimates of all these dollar amounts for future fiscal years; and (5) the cumulative dollar costs of the separate Judiciary and Legislative portions of the bill;
- his Budget Bill #A.9051/S.6251 (“Legislature and Judiciary Budget”) for fiscal year 2012-2013 – whose Judiciary portion (pp. 10-26), not referencing the first phase of the judicial salary increase, made a reappropriation as follows (at pp. 24-25):

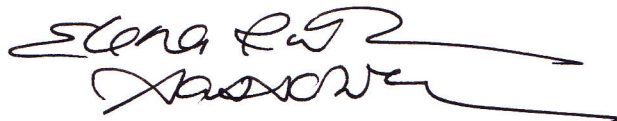
“By chapter 51, section 2, of the laws of 2008, as reappropriated and amended by chapter 51, section 3 of the laws of 2009, and as reappropriated by chapter 51, section 3 of the laws of 2011:

For expenses necessary to fund adjustments in the compensation of state-paid judges and justices of the unified court system and housing judges of the New York City civil court, and for such other services and expenses specified in section two of this act.

Personal service - regular ... 51,006,759..... (re. \$31,000,000)”

If properly drawn, his “introducer’s memorandum” would have furnished: (1) the dollar amount of that first phase of judicial salary increase; (2) the dollar amounts of the increases in statutorily-tied salaries for district attorneys and county clerks; (3) the dollar amounts of all “General State Charges” resulting therefrom; (4) estimates of all these dollar amounts for future fiscal years; and (5) the cumulative dollar costs of the separate Judiciary and Legislative portions of the bill.

Thank you.



cc: Senate Finance Committee Chair John A. DeFrancisco
Senate Finance Committee Ranking Member Liz Krueger