

THE LEGISLATURE'S PROPOSED BUDGET FOR FISCAL YEAR 2014-2015

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**QUESTIONS FOR TEMPORARY SENATE PRESIDENT SKELOS
& ASSEMBLY SPEAKER SILVER**

- (1) Article VII, §1 of the New York State Constitution requires that “itemized estimates of the financial needs of the legislature, certified by the presiding officer of each house” be transmitted to the Governor before December 1st of each year, is that correct?
- (2) By a one-sentence coverletter to the Governor, dated November 27, 2013, on a letterhead of the “New York State Legislature” and bearing your printed names, titles, and signatures, you stated: “Attached hereto is a copy of the Legislature’s Budget for the 2014-2015 fiscal year pursuant to Article VII, Section 1 of the New York State Constitution”. In so doing, you did not purport that such attached budget represented “itemized estimates of the financial needs of the legislature”, right? Nor did you purport to have certified it, right?
- (3) Your attached budget consisted of: (1) a five-page budget narrative, with a sixth page chart entitled “All Funds Requirements for the Legislature”; and (2) a ten-page “Schedule of Appropriations”. These 16 pages neither included a certification, nor referred to “itemized estimates” of the Legislature’s “financial needs” nor to Article VII, §1, right?
- (4) Would you agree that you did not furnish the Governor with “itemized estimates of the financial needs of the legislature, certified by the presiding officer of each house” – and that you did not purport to be doing so?
- (5) Doesn’t the failure of your November 27, 2013 coverletter to even claim to be furnishing the Governor with “itemized estimates of the financial needs of the legislature” reflect your knowledge that your transmitted budget was not “itemized estimates of the financial needs of the legislature”. Isn’t that why you did not certify it?
- (6) The budget you transmitted to the Governor contained no “General State Charges” for the Legislature, *to wit*, the “fringe benefits” that are pension contributions, social security, health, dental, vision and life insurance, etc. for legislators and legislative branch employees, is that correct?
- (7) Where are the Legislature’s “General State Charges”? How much are they and did you certify them to be “itemized estimates” of the Legislature’s “financial needs” with respect to its “General State Charges”?

- (8) The figures in the chart of “All Funds Requirements for the Legislature” are identical to those in the charts of “All Funds Requirements for the Legislature” from the past three fiscal years – showing no change for four years – is that correct?
- (9) Can you explain how any cognizable “process” of ascertaining the Legislature’s actual “financial needs” could have produced four years of identical budgets?
- (10) What is the “process”, if any, by which the Legislature’s budget for fiscal year 2014-2015 was compiled?
- (11) Wouldn’t the process of compiling “itemized estimates of the legislature’s financial needs” require soliciting the Legislature’s 213 members and the 72 legislative committees as to their “financial needs”?
- (12) Were legislators and legislative committees solicited as to their “itemized estimates” of their “financial needs”?
- (13) Would you agree that more than half of the ten-page “Schedule of Appropriations” (pp. 5-10) is devoted to less than 10% of the budget?
- (14) With respect to this 10%, can you explain:
 - (a) Why the “Schedule of Appropriations” for the Legislative Ethics Commission (p. 5) conceals the shifting of \$2,000 in “Nonpersonal Service” by misrepresenting that “Supplies and Materials” were \$6,667 in fiscal year 2013-2014 – when they were \$5,677 – misrepresenting that “Travel” was \$6,000 for fiscal year 2013-2014 – when it was \$8,000 – and misrepresenting that “Contractual Services” were \$2,000 for fiscal year 2013-2014 – when they were \$1,000?
 - (b) Why the “Schedule of Appropriations” for the Legislative Library (p. 6) conceals the shifting of \$20,000 in “Nonpersonal Service” by misrepresenting that “Contractual Services” were \$126,500 for fiscal year 2013-2014 – when they were \$106,500 – and misrepresenting that “Equipment” was \$5,000 for fiscal year 2013-2014 –when it was \$25,000?
 - (c) Why the “Schedule of Appropriations” for the Legislative Task Force on Demographic Research and Reapportionment (pp. 7-8) conceals the shifting of \$3,000 in “Nonpersonal Service” by misrepresenting that “Travel” was \$3,000 for fiscal year 2013-2014 – when it was \$6,000 – and misrepresenting that “Contractual Services” for fiscal year 2013-2014 was \$7,402 – when it was \$4,402?

- (15) Aren't such misrepresentations, as verifiable from comparison of the "Schedule of Appropriations" for fiscal year 2014-2015 with the "Schedule of Appropriations" for fiscal year 2013-2014, part of a practice of similar misrepresentation in prior "Schedules of Appropriations", including in the "Schedule of Appropriations" for fiscal year 2013-2014, as follows:
- (a) Concealing the shifting of \$5,000,000 in "Nonpersonal Service" for the Senate by misrepresenting that \$9,068,485 had been appropriated for "Supplies and materials" for fiscal year 2012-2013 – when it was \$4,068,485 – and misrepresenting that \$11,897,989 had been appropriated for "Miscellaneous contractual services" for fiscal year 2012-2013 – when it was \$16,897,989;
 - (b) Concealing the shifting of \$5,000,000 in "Nonpersonal Service" for the Assembly by misrepresenting that \$7,075,000 had been appropriated for "Supplies and materials" for fiscal year 2012-2013 – when it was \$2,075,000 – and misrepresenting that \$12,111,000 in "Miscellaneous contractual services" had been appropriated for fiscal year 2012-2013 – when it was \$17,111,000.
- (16) Would you agree that most of the 90% balance of the "Schedule of Appropriations" for fiscal year 2014-2015 (pp. 1-5) relates to member offices, legislative committees, and central staff?
- (17) Would you agree that this 90% of the budget (pp. 1-5) lacks itemization sufficient for intelligent and meaningful review?
- (a) why are appropriations for member offices combined with appropriations for legislative committees? (pp. 1, 3) Doesn't this make it impossible to know total appropriations for member offices and total appropriations for legislative committees, let alone to evaluate appropriation levels of individual member offices and individual legislative committees?;
 - (b) why is the Assembly Ways and Means Committee the only legislative committee whose funding is identified (p. 4)? What about the funding of the Senate Finance Committee? How about the funding of the other 37 Assembly committees and the other 33 Senate committees? How many people do each of these committees employ and in what positions?;
 - (c) what is the funding for legislators' offices, cumulatively and individually? How many persons do they employ and in what positions?;
 - (d) what do "senate operations" and "[assembly] administrative and program support operations" (pp. 2, 3) consist of; how many persons work in them and in what capacities?

- (18) The budget that your November 27, 2013 coverletter transmitted to the Governor contained no legislative reappropriations, correct?
- (19) Do you agree that when the Governor combined the Legislature's budget with the Judiciary's budget in his Budget Bill #S.6351/A.8551, he was able to conceal 19 pages of legislative reappropriations (pp. 27-46) that were not part of your November 27, 2013 transmittal to him?
- (20) Do you agree that these 19 pages of legislative reappropriations are in an out-of-sequence section at the back of the Governor's Budget Bill #S.6351/A.8551?
- (21) Can you explain where these 19 pages of legislative reappropriations came from?
- (a) When and in what fashion were they transmitted to the Governor?;
 - (b) Did you certify that the monies proposed for these legislative reappropriations were suitable for that purpose?;
 - (c) Are they?;
 - (d) What is the cumulative total of the legislative reappropriations?
- (22) The Governor's Budget Bill #S.6351/A.8551 contains no cumulative tally for its monetary allocations for the Legislature, is that correct? What is the dollar amount? Is it the addition of appropriations and reappropriations (pp. 1-9; 27-46)?
- (23) As the Governor's Budget Bill #S.6351/A.8551 identifies no appropriations of "General State Charges" for the Legislature – in contrast to the appropriations it identifies for "General State Charges" for the Judiciary (pp. 22-23) – where can they be found?