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January 30, 2014

TO: New York State Senate
Francis W. Patience, Secretary of the Senate

New York State Assembly
Robin Marilla, Records Access Officer

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

RE: RECORDS REQUEST: The reappropriations for the Legislature appearing in the out-of-sequence section at the back of Governor Cuomo's Budget Bill #S.6351/A.8551 (pp. 27-46)

Pursuant to Senate Rule XV, "Freedom of Information", and Assembly Rule VIII, "Public Access to Records", request is made for all records pertaining to the reappropriations for the Legislature appearing in an out-of-sequence section at the back of Governor Cuomo's Budget Bill #S.6351/A.8551 (pp. 27-46)¹ and, specifically, all records reflecting:

- (1) why they were not part of the Legislature's proposed budget, transmitted to the Governor by its November 27, 2013 coverletter;
- (2) when and in what fashion they were separately transmitted to the Governor;
- (3) who in the Legislature, if anyone, certified that the monies proposed for reappropriations were suitable for that purpose;²

¹ 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.

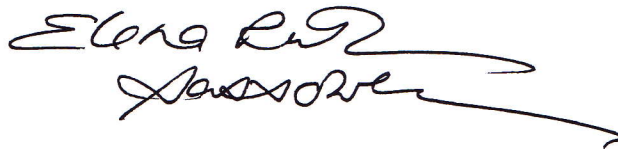
² According to the "Citizen's Guide" on the Division of the Budget's website that defines terms:

"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

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- (4) their cumulative total;
- (5) the cumulative total of the monetary allocations for the Legislature in the Governor's Budget Bill #S.6351/A.8551 – presumably the addition of appropriations and reappropriations.

Thank you.

A handwritten signature in black ink, appearing to read "Elana R. W. Jansone". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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.