

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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March 6, 2017

TO: Senate Records Access Officer/Secretary of the Senate Francis Patience

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

RE: Your March 2, 2017 response to CJA's February 23, 2017 FOIL/records request:
Senate Rules for 2017-2018

I do not believe that your vague March 2, 2017 e-mail response to my February 23, 2017 FOIL/records request is in good faith and complies with FOIL and Senate Rule XV, in spirit, at very least.

The records requested by my February 23, 2017 FOIL/records request are, as set forth therein (at pp. 2-3):

- "I. With respect to Resolution #4 to adopt Senate rules for 2017-2018:
- (1) a copy of the original resolution – and records reflecting the date it was introduced;
 - (2) records reflecting the date the resolution was furnished to ‘the respective conference leaders’ – who, other than the sponsors, Republican Conference Leader Flanagan and Independent Democratic Conference Leader Klein, was Democratic Conference Leader Stewart-Cousins;
 - (3) records reflecting the date the resolution was furnished to “a standing or select committee” designated by the Majority Coalition Leaders, to wit by Majority Coalition Leaders Flanagan and Klein – or by an officer designated by them – and which committee that was;
 - (4) a copy of any memorandum accompanying the resolution, setting forth the differences between the proposed Senate rules and the Senate rules for 2015-2016;
 - (5) records reflecting the date the designated committee met to discuss the resolution – including with respects to any amendments offered – and the vote of each committee member thereon;

(6) records reflecting the Senate floor vote on the resolution on January 4, 2017 – and the vote of each Senator;

II. With respect to the resolution ‘amending Rule 8 of the Senate Rules in relation to the Ethics and Internal Governance Committee’ – Resolution #226:

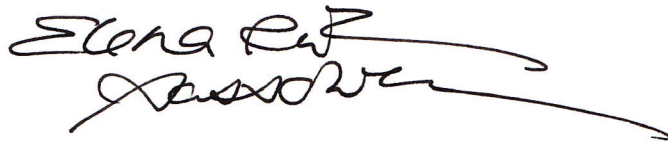
- (1) a copy of the amending resolution;
- (2) a copy of the ‘memorandum specifying the purpose of the proposed amendment’;
- (3) records reflecting the date the resolution and supporting memorandum were introduced to the Committee on Rules;
- (4) records reflecting the date the Committee on Rules met thereon – and its discussion, amendments, and vote;
- (5) The Senate floor vote, on January 10, 2017, recording the ‘affirmative vote of three-fifths of all Senators elected’ – including the vote of each Senator.”

Are none of these – including the 39 pages for which you are requesting \$9.75 -- accessible from the Senate’s website and, therefore, free of charge? And what do the 39 pages you proffer consist of?

Similarly, what are “the additional records” which “if the records even exist, are not subject to disclosure pursuant to Senate Rules”? I have read “the Senate's Rules and Regulations Relating to the Public Inspection and Copying of Legislative Records” -- as likewise the FOIL statute (Public Officers Law Article VI) -- and haven't a clue what you are talking about. Surely, if ANY of my requested records are “not subject to disclosure pursuant to Senate Rules”, you can specify what they are.

Please advise.

Thank you.



cc: Ethics and Internal Governance Committee/New York State Senate

Chair: Senator Elaine Phillips

Ranking Member: Senator Michael Gianaris

Rank & File Members: Senators David Carlucci, Thomas Croci,
Andrew Lanza, Roxanne Persaud,
Gustavo Rivera, Diane Savino, David Valesky