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December 10, 2018

TO: Senate Records Access Officer Secretary of the Senate Francis Patience
Assembly Records Access Officer Robin Marilla

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

RE: FOIL/RECORDS REQUEST: Reports & other records of the 2018 Joint Budget Conference Committee & its subcommittees, required by Permanent Joint Rule III

Permanent Senate and Assembly Joint Rule III reads as follows:

“Section 1. Budget Consideration Schedule. In accordance with section 54-a of the Legislative Law, within ten days of the submission of the budget by the Governor pursuant to article VII of the Constitution, the Temporary President of the Senate and the Speaker of the Assembly shall promulgate a schedule of dates for considering and acting upon such submission. Such schedule shall include the dates for those actions required to be taken by the legislature pursuant to section 53 of the Legislative Law, dates for the convening of a joint budget conference committee or committees as provided herein, and a date by which such committee or committees shall issue a final report or reports.

Section 2. Joint Budget Conference Committee. In accordance with section 54-a of the Legislative Law, within ten days of the submission of the budget by the Governor pursuant to article VII of the Constitution, the Temporary President of the Senate and the Speaker of the Assembly shall jointly establish a Joint Budget Conference Committee and, as they deem necessary, any number of subcommittees subordinate to such Joint Budget Conference Committee, to consider and reconcile such budget resolutions or bills passed by, or as may be passed by, the Senate and Assembly. Such Joint Budget Conference Committee shall be constituted and conducted as prescribed in Joint Rule II¹ and shall file its written report in accord with the schedule

¹ Permanent Joint Rule II reads:

Section 1. Committee on Conference. The Temporary President of the Senate and the Speaker of the Assembly may jointly convene a Joint Committee on Conference to consider and report upon substantially similar but not identical legislation that has passed each House of the Legislature. Such committee shall be constituted by the filing of a joint certificate by the Temporary President of the Senate and the Speaker of the Assembly with the Secretary of the Senate and the Clerk of the Assembly, and shall consist of the same number of members

established pursuant to section 1 of this rule." (underlining added).

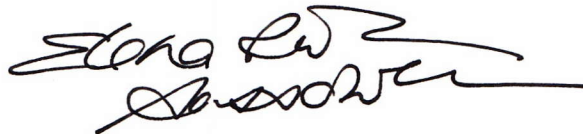
The Budget Joint Conference Committee, established pursuant thereto, stated by the March 14, 2018 Joint Certificate signed by Temporary Senate President and Senate Coalition Leader Flanagan, Independent Democratic Conference Leader and Senate Coalition Leader Klein, and Assembly Speaker Heastie:

"4. The deliberations of such Joint Conference Committee or any subcommittee(s) thereof shall be open to the public in accord with the Open Meetings Law."

Pursuant to Senate Rule XV ("Freedom of Information") and Assembly Rule VIII ("Public Access to Records"), please furnish the following with respect to the Joint Budget Conference Committee and its subcommittees established for the fiscal year 2018-2019 state budget:

- (1) written report(s);
- (2) stenographic or other minutes of all meetings;
- (3) records pertaining to their activity and negotiations, including by their staff, and including as to "table targets";
- (4) votes of their members.

Thank you.



from each House. Unless otherwise provided in the certificate, there shall be five members on such committee from each House to be appointed by the Temporary President of the Senate who shall appoint the members from the Senate and the Speaker of the Assembly who shall appoint the members from the Assembly; provided, however, that of each House's delegation at least one member shall represent the minority in each House. The Temporary President of the Senate and the Speaker of the Assembly shall each appoint a co-chairperson of the committee and such co-chairpersons shall convene and recess meetings of the committee. Meetings jointly convened by the co-chairpersons shall be subject to the provisions of Article 7 of the Public Officers Law. The committee shall file a written report setting forth the joint recommendations of a majority of each House's delegation with the Secretary of the Senate and the Clerk of the Assembly or such other committees or officers as may be set forth in the certificate and such report may include specific bill language that would implement the joint committee's recommendations. No report shall be filed except upon the affirmative vote of a majority of the members of each House's delegation on the committee." (underlining added).