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October 2, 2019

TO: Senate Records Access Officer/Secretary of the Senate Alejandra Paulino, Esq.

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

RE: FOIL/Records Request: Records showing when, where, and how the Senate "amended" Governor Cuomo's budget bills for fiscal year 2019-2020

Reference is made to Governor Cuomo's budget bills for fiscal year 2018-2019, assigned numbers #S.1500 - #S.1510.

Senate Rule VI, §6 entitled "Budget Bills" 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 Senate it shall be endorsed 'Budget Bill' and be given a number by the Secretary and shall be referred to the Finance Committee. Budget bills may be reported from the Finance Committee direct to the third reading calendar."

On January 15, 2019, five were introduced and referred to the Senate Finance Committee – these being the Governor's "Appropriations Bills":

- State Operations Budget Bill #S.1500/A.2000
- Legislative/Judiciary Budget Bill #S.1501/A.2001
- Debt Service Bill #S.1502/A.2002
- Aid to Localities Budget Bill #S.1503/A.2003
- Capital Projects Budget Bill #S.1504/A.2004.

On January 18, 2019, another five were introduced and referred to the Senate Finance Committee – these being the Governor's so-called "Article VII Bills":

- Public Protection and General Government Budget Bill #S.1505/A.2005
- Education, Labor & Family Assistance Budget Bill #S.1506/A.2006
- Health and Mental Hygiene Budget Bill #S.1507/A.2007
- Trans. & Econ. Development and Envir. Conservation Budget Bill #S.1508/A.2008
- Revenue Bill #S.1509/A.2009.

Additionally, on January 18, 2019, another budget bill was introduced – #S.1510/A.2010 – the Governor’s “Good Government Ethics Reform” bill – this being a so-called “Freestanding Article VII Bill”.

On February 19, 2019, Governor Cuomo amended nine of these eleven bills as part of his “30-day amendments” – the exceptions being the Legislative/Judiciary and Debt Service budget bills.

On March 12 and 13, 2019, the Senate “amended” all nine of these budget bills, which became:

- State Operations Budget Bill #S.1500-C
- Aid to Localities Budget Bill #S.1503-C
- Capital Projects Budget Bill #S.1504-C
- Education, Public Protection and General Government Budget Bill #S.1505-C
- Labor and Family Assistance Budget Bill #S.1506-C
- Health and Mental Hygiene Budget Bill #S.1507-C
- Trans. & Econ. Development and Envir. Conservation Budget Bill #S.1508-C
- Revenue Bill #S.1509-C.

With respect to these nine bills, request is made, pursuant to Senate Rule XIV “Freedom of Information”, for:

- (1) records showing the “non-sponsor” who introduced the amendment, since it obviously was not the Governor;
- (2) records showing what specific changes the amendment made, as for instance, the “detail sheets” and “introducer’s memorandum”, required by Senate Rule VI, §4 entitled “Title and body of bill”:

“(b) ... When amendments are offered to a printed bill, the proposed changes, indicating page and line numbers, shall be listed on four detail sheets and the same changes shall be incorporated and marked on two copies of the bill; provided, however, that no amendment shall be allowed to any bill which is not germane to the original object or purpose thereof. Furthermore, when a printed bill is amended the accompanying introducer’s memorandum, required pursuant to section one of this Rule, shall also be amended to reflect any changes. It shall be the duty of the Secretary of the Senate to direct the Revision Clerk to cause any bill appearing on the calendar and not complying with this section to be immediately amended so as to comply with the same.” (underlining added).

- (3) records showing the date and time of the Senate Finance Committee meeting at which the motion to amend was on its agenda – and the notice thereof furnished to Senate Finance Committee members and the public, required by Senate Rule VII, §2 entitled “Open Meetings of Standing Committees”:

“ a. (1) Standing committees shall hold regular meetings at such time and on such day as scheduled by the Temporary President in joint consultation with the chair and such schedule shall be published one week in advance of the date of such meeting and shall be posted on the Senate committee board and website.... Each chair of a standing committee shall to the extent practicable, no later than 5 p.m. the Thursday preceding the regular meeting, furnish to the Temporary President and publish the agenda together with the introducer’s memorandum for each bill listed on such agenda for such regular meeting. In addition, copies of such agenda for such regular meeting shall be made available to representatives of the news media and to the general public. However, in case of necessity, the chair with consent of the ranking Minority Conference member may add no more than four items on the agenda or delete items on the agenda no less than 24 hours in advance of the scheduled meeting and members shall be notified of such additions or deletions. ...

(2) Standing committees may hold special meetings in case of necessity upon the call of the chair when the announcement is made from the floor during session, or the ranking Minority Conference member of the committee consents thereto, or upon the call of a majority of all the members thereof, entry of which fact shall be made on the records of the committee and announced by the Secretary of the Senate.”

(4) records of the Senate Finance Committee meeting at which the motion to amend was deliberated and voted upon, including the number of senators present and the number of senators who had submitted voting sheets – and the vote on the motion to amend, including the vote of each member, such as required by Senate Rule VII, §2 “Open Meetings of Standing Committees”:

“a.(1) ...The attendance of the members of the committee shall be recorded at each meeting, and a copy of such report shall be filed with the Journal Clerk of the Senate and made available to the public.

...

...

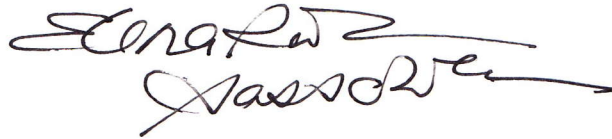
b. (1) Minutes shall be taken at all open meetings of committees which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

...

(3) Minutes of meetings of all committees shall be available to the public in accordance with the provisions of Article six of the Public Officers Law, 'the freedom of information law', and at such time and place as prescribed by the Temporary President, provided, however, that minutes for executive session meetings shall be available to the public within one week from the date of such executive session."

(5) Records of any votes by the Senate on March 12-13, 2019 to amend any of the aforesaid nine budget bills.

Thank you.

A handwritten signature in black ink, appearing to read "Senator Nassif", with a long horizontal flourish extending to the right.