

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, February 24, 2023 9:38 AM

To: 'breslin@nysenate.gov'; 'rhoads@nysenate.gov'; 'cooney@nysenate.gov';
'gonzalez@nysenate.gov'; 'lanza@nysenate.gov'; 'palumbo@nysenate.gov';
'stavisky@nysenate.gov'; 'simonj@nyassembly.gov';
'GiglioJ@nyassembly.gov'; 'byrnesm@nyassembly.gov';
'cruzc@nyassembly.gov'; 'curranb@nyassembly.gov';
'LavineC@nyassembly.gov'; 'ZebrowskiK@nyassembly.gov';
'vanelc@nyassembly.gov'; 'angelinoj@nyassembly.gov';
'MagnarW@nyassembly.gov'; 'slaterm@nyassembly.gov';
'SteckP@nyassembly.gov'; 'ThieleF@nyassembly.gov'

Subject: **The duty of the Senate & Assembly Ethics/Internal Governance/Guidance Committees & Assembly Oversight Committee with respect to the Legislature's FY2023-24 budget & Gov. Hochul's Legislative/Judiciary Appropriation Bill S.4001/A.3001**

Attachments: [cja-feb-15-23-written-testimony-general-govt-budget-hearing.pdf](#)

TO: [Senate Committee on Ethics and Internal Governance](#)

Chair: Neil Breslin, ESQ.

Ranking Member: Steven Rhoads, ESQ.

Members: Jeremy Cooney, ESQ.; Kristen Gonzalez; Andrew Lanza, ESQ.;
Anthony Palumbo, ESQ.; Toby Ann Stavisky

[Assembly Committee on Ethics and Guidance](#)

Chair: Jo Anne Simon, ESQ.

Ranking Member: Joseph Giglio

Members: Joe Angelino; Marjorie Byrnes, ESQ.; Catalina Cruz, ESQ.; Brian Curran, ESQ.;
Charles Lavine, ESQ.; Kenneth Zebrowski, ESQ.

[Assembly Committee on Oversight, Analysis and Investigation](#)

Chair: Clyde Vanel, ESQ.

Ranking Member: Joe Angelino

Members: William Magnarelli, ESQ.; Matt Slater; Phil Steck, ESQ.; Fred Thiele, Jr., ESQ.

The [Legislature's FY2023-24 budget](#), transmitted by Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie to Governor Hochul under a December 1, 2022 coverletter, violates [Article VII, §1 of the New York State Constitution](#), as it is NOT "[i]temized estimates of the financial needs of the legislature, certified by the presiding officer of each house". [Governor Hochul's Legislative/Judiciary Appropriation Bill #S.4001/A.3001](#), expanding upon it by 38 pages of "legislative reappropriations", is even more unconstitutional and larcenous.

The particulars are set forth by my written testimony for the Legislature's February 15, 2023 budget hearing on "Local Government Officials/General Government", which presented 38 questions for Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie to answer – the 10th and 11th

of which inquired, based on the observation that Article VII, §1 limits their roles to certifying the Legislature's "itemized estimates of financial needs", whether your three Committees are among the "appropriate committees" responsible for formulating or approving the "itemized estimates" for them to certify. Are they?

In the event my testimony was not distributed to you by Senate Finance Committee Chair Krueger and Assembly Ways and Means Committee Chair Weinstein, to whom, by the below e-mail, I timely sent it on February 15th, in compliance with their announced rules, [here](#) and [here](#), it is above attached and [here linked](#).

Will your Committees collectively and individually call upon Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie to answer the 38 questions? If not, why not – and what are your own answers, collectively and individually, to these 38 questions.

Based on the analysis furnished by the questions, do you agree that Governor Hochul's duty with respect to her upcoming "30-day amendments" is:

- to amend Legislative/Judiciary Appropriation Bill #S.4001/A.3001 by REMOVING the 38 pages of "legislative reappropriations" that were inserted into the back of her bill in an out-of-sequence, mistitled §4 – as the Legislature's FY2023-24 budget contained NO "legislative reappropriations" (testimony, questions ##30-35);
- to amend Legislative/Judiciary Appropriation Bill #S.4001/A.3001 by REMOVING the entirety of §1 of legislative appropriations, in other words, the Legislature's budget – because it was NOT furnished to her as "[i]temized estimates of the financial needs of the legislature, certified by the presiding officer of each house", as Article VII, §1 requires (testimony, questions ##1-5);
- to amend State Operations Appropriation Bill #S.4000/A.3000 to ADD the Independent Redistricting Commission and such appropriations for it as are, in fact, necessary – because the appropriations for it in the Legislature's FY2023-24 budget do NOT belong in the Legislature's budget and are grossly inflated and larcenous, quite apart from the "reappropriations" for the Independent Redistricting Commission that were popped into her Legislative/Judiciary Appropriation Bill S.4001/A.3001 (testimony, questions ##16-19).

And do you agree that Governor Hochul's "30-day amendments" are an opportunity for her to belatedly meet her constitutional duty to furnish the Legislature with "such recommendations as the governor may deem proper" with respect to the legislative and judiciary budgets (Article VII, §1) – as she made NONE on February 1, 2023 in submitting her Legislative/Judiciary Appropriation Bill #S.4001/A.3001 to the Legislature (testimony, question #36).

Time being of the essence, please advise as immediately as possible – and confirm that you will take action to ensure that [my February 15th written testimony](#) is placed on the agendas of your next Committee meetings for discussion and vote as to your duties with respect thereto – and, likewise, [my written testimony incorporated therein and timely submitted for the Legislature's February 7th "Public Protection" budget hearing](#).

I would be pleased to make a presentation at such Committee meetings, answering all your questions, including under oath – and [Senate Rule VII, §2\(d\)](#) expressly provides for same.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200
elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Wednesday, February 15, 2023 4:25 PM

To: 'Finance Chair' <financechair@nysenate.gov>; 'wamchair@nyassembly.gov' <wamchair@nyassembly.gov>

Subject: Written Testimony for Legislature's Feb 15, 2023 "Local Gov't Officials/General Government" Budget Hearing

**TO: Senate Finance Committee Chair Krueger
Assembly Ways & Means Committee Chair Weinstein**

Attached is my timely-submission of written testimony for today's "local government officials/general government" budget hearing – for distribution to legislators and posting on the Senate and Assembly webpages for today's hearing.

I am available to answer any questions.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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914-421-1200
elena@judgewatch.org