

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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February 27, 2023

TO: Records Access Officers
for the Governor, for the Division of the Budget, for the Senate, for the Assembly,
for the Legislative Bill Drafting Commission

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

RE: FOIL: FY 2023-24 Budget – for records reflecting: (1) how Governor Hochul’s five **proposed** “Article VII Bills” each became **actual** bills, allegedly submitted by her “pursuant to Article 7 of the Constitution”; (2) why these actual bills are not posted on her Division of the Budget’s website; and (3) findings of fact and conclusions of law made with respect to CJA’s March 18, 2020 letter to Governor Cuomo

Pursuant to FOIL,¹ this is to request:

(1) records reflecting how Governor Hochul’s five so-called “FY 2024 Article VII Bills”, requiring Senate and Assembly sponsors – and so-posted on her [Division of the Budget webpage of “FY2024 Executive Budget Legislation”](#) as **proposed** bills of the Legislative Bill Drafting Commission, accompanied by supporting memoranda and preceded by a “Summary”, *to wit*,

[“Summary of Article VII Legislation”](#)

- [Education, Labor and Family Assistance \(ELFA\) Bill](#)
& [Memorandum in Support](#)
- [Health and Mental Hygiene \(HMH\) Bill](#)
& [Memorandum in Support](#)
- [Public Protection and General Government \(PPGG\) Bill](#)
& [Memorandum in Support](#)
- [Transportation, Economic Development and Environmental Conservation \(TED\) Bill](#) & [Memorandum in Support](#)

¹ Public Officers Law Article VI, Senate Rule XIV, Assembly Rule VIII.

- [Revenue \(REV\) Bill & Memorandum in Support](#) –

became five **actual** bills without Senate and Assembly sponsors, bearing combined Senate-Assembly bill numbers S.4005/A.3005 to S.4009/A.3009, a February 1, 2023 date of introduction, and purporting to be “submitted by the Governor pursuant to article seven of the Constitution”;

(2) records reflecting why Governor Hochul’s Division of the Budget website does NOT post these five **actual** bills, *to wit*:

- [Public Protection & General Government Budget Bill #S.4005/A.3005](#)
- [Education, Labor & Family Assistance Budget Bill #S.4006/A.3006](#)
- [Health & Mental Hygiene Budget Bill #S.4007/A.3007](#)
- [Transportation, Economic Development & Environmental Conservation Budget Bill #S.4008/A.3008](#)
- [Revenue Budget Bill #S.4009/A.3009](#).

(3) records reflecting findings of fact and conclusions of law made with respect to [CJA’s March 18, 2020 letter to then Governor Cuomo](#), entitled:

“...GOOD NEWS DURING THIS CORONAVIRUS EMERGENCY – You Can Chuck Six of Your Seven ‘Article VII Bills’ Because They are Unconstitutional. Here’s why based on the Court of Appeals’ 2004 plurality, concurring, and dissenting opinions in *Pataki v. Assembly/Silver v. Pataki*, 4 N.Y.3d 75.” –

a letter CJA [simultaneously sent](#) to Governor Cuomo’s budget director, the Legislative Bill Drafting Commission, and Senate and Assembly leadership – and to legislators repeatedly thereafter,² most recently as part of [CJA’s written testimony for the Legislature’s February 7, 2023 “public protection” budget hearing](#).

Thank you.

² [On June 23, 2022](#) Governor Hochul, legislative leaders, and the Senate and Assembly were furnished with hard copies of the letter, annexed as [Exhibit A-5](#) to the [June 6, 2022 verified petition](#) in the lawsuit [CJA v. JCOPE, et. al.](#), to which they are respondents.