

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, February 26, 2021 10:19 AM
To: 'foil@nysenate.gov'; 'marillar@nyassembly.gov'
Subject: FOIL/records request: The Legislature's "joint budget conference committee(s)" mandated to have been established pursuant to Legislative Law §54-a, and §2 of Joint Rule III of the Permanent Joint Rules of the Senate and Assembly

**TO: Senate Records Access Officer/Secretary of the Senate Alejandra Paulino, Esq.
Assembly Records Access Officer Robin Marilla**

Legislative Law §54-a, entitled "Scheduling of legislative consideration of budget bills", requires that the Legislature's joint rule or rules provide that within 10 days of the Governor's submission of the budget pursuant to Article VII of the New York State Constitution, "a joint budget conference committee or joint budget conference committees" be established "to consider and reconcile such budget resolution or budget bills as may be passed by each house". Pursuant thereto, the Legislature promulgated Permanent Joint Rule III, §2. These two provisions – and Permanent Joint Rule II – are below, for your convenience.

As the Governor submitted the budget on January 19, 2021, the "joint budget conference committee...or committees" were required to be established by January 29, 2021.

Pursuant to Senate Rule ____ ["Freedom of Information"] and Assembly Rules VIII ["Public Access to Records"], request is made for the records of their establishment.

Thank you.

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Legislative Law §54-a. Scheduling of legislative consideration of budget bills.

The legislature shall by concurrent resolution of the senate and assembly prescribe by joint rule or rules a procedure for:

1. establishing a joint budget conference committee or joint budget conference committees within ten days following the submission of the budget by the governor pursuant to article seven of the constitution, to consider and reconcile such budget resolution or budget bills as may be passed by each house; and
2. promulgating a schedule within ten days following the submission of the budget by the governor pursuant to article seven of the constitution, for considering and acting upon such budget appropriation and related bills which shall include:
 - (a) dates for those actions required to be taken by the legislature pursuant to section fifty-three of this chapter;

- (b) dates for public hearings on submissions by the governor as required by section thirty-two-a of this chapter;
- (c) a date for the establishment of joint budget conference committee or committees; and
- (d) a date by which such joint budget conference committee or committees shall issue their final reports.

JOINT RULE III OF THE PERMANENT JOINT RULES OF THE SENATE AND ASSEMBLY

§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 II and shall file its written report in accord with the schedule established pursuant to section 1 of this rule.

JOINT RULE II OF THE PERMANENT JOINT RULES OF THE SENATE AND ASSEMBLY

§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 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.