

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Friday, February 26, 2021 9:41 AM  
**To:** 'foil@nysenate.gov'; 'marillar@nyassembly.gov'  
**Subject:** FOIL/records request: The Legislature's "schedule for the specific budget-related actions of each house", required by Legislative Law §53, §54a, and §1 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 §53, entitled "Budget review process", and Legislative Law §54-a, entitled "Scheduling of legislative consideration of budget bills", require that within 10 days after the Governor has submitted his budget pursuant to Article VII of the New York State Constitution, the Temporary Senate President and Assembly Speaker promulgate, either jointly or separately, "a schedule for the specific budget-related actions of each house". So too §1 of Joint Rule III of the Permanent Joint Rules of the Senate and Assembly based thereon. For your convenience, these three interrelated and reinforcing provisions are below

The Governor's budget was submitted on January 19, 2021 – making the Legislature's "schedule for the specific budget-related actions of each house" due by January 29, 2021. However, the only schedule Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie appear to have promulgated was on January 20, 2021, jointly, for hearings on the budget, as to which they improperly combined the hearings required by Legislative Law §53.2 with those required by Legislative Law §53.4: <https://www.nysenate.gov/newsroom/press-releases/liz-krueger/legislature-announces-joint-budget-hearing-schedule-0>; <https://www.nyassembly.gov/Press/?sec=story&story=95061>.

Pursuant to Senate Rule \_\_\_ ["Freedom of Information"] and Assembly Rules VIII ["Public Access to Records"], request is made for any additional schedules that Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie have promulgated for "specific budget-related actions of each house" – and for the posting of same on the Senate and Assembly websites.

Thank you.

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### Legislative Law §53. Budget review process.

Within ten days after submission of the budget by the governor pursuant to article seven of the constitution, the temporary president of the senate and the speaker of the assembly shall jointly or separately promulgate a schedule for the specific budget-related actions of each house, including but not limited to the following:

1. a preliminary response by the houses to the governor's budget submission;

2. fiscal committee hearings on the budget, hearings with heads of departments and divisions pursuant to section three of article seven of the constitution, and other actions which may be taken by the fiscal committees, which shall be designed to inform the public of the contents of the governor's budget, policy issues relating to such budget and such other information as the senate and the assembly shall jointly or separately determine. Such hearings and other actions may be conducted jointly or separately;

3. a date for the production of a forecast or forecasts on receipts which shall constitute an evaluation developed by the fiscal committees of each house, jointly or separately, of the receipts likely to be available to the state absent passage of any new revenue measures. Such forecast or forecasts shall also contain an evaluation of the receipts likely to be available to the state upon passage of any revenue measure submitted and proposed by the governor pursuant to section three of article seven of the state constitution; and

4. the dates for public hearings required by the provisions of section thirty-two-a of this chapter.

**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 RULE III of the Permanent Joint Rules of the Senate & Assembly**

**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.