

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, January 9, 2018 2:39 PM
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Subject: EDUCATING THE PUBLIC about the constitutional constraints that pertain to the budget -- TONIGHT's City & State panel discussion
Attachments: constitutional-provisions-budget-openness.pdf

**TO: Mischa Sogut, Legislative Director to Assemblyman Richard Gottfried
Sumeet Sharma, Legislative Director to Assemblyman David Weprin
Elizabeth Segun, Legislative Associate to Assemblywoman Michaelle Solages**

This follows up my phone conversations with each of you, yesterday afternoon and this morning, pertaining to this evening's panel discussion on "top policy issues and how and where the state should invest in this year's budget", sponsored by City & State.

As Assemblyman Weprin was present for my testimony at last year's January 31, 2017 legislative budget hearing, he knows that the fashioning and enactment of the budget is constitutionally regulated, *inter alia*, by Article VII, Secs. 1-7 of the NYS Constitution – and that the flagrant violation of those provisions and of Article III, Sec. 10 "Each house of the legislature shall keep a journal of its proceedings, and publish the same...The doors of each house shall be kept open" by the Governor and Legislature is the subject of a citizen-taxpayer action, suing them and the Attorney General, Comptroller, and Chief Judge for corruption with respect to the legislative budget, the judiciary budget, and the whole of the executive budget.

It is incumbent upon the three Assembly members who are panelists at tonight's event to EDUCATE the public that the Governor's budget bills are NOT like other legislative bills. The Senate and Assembly are constitutionally constrained as to how they can alter the Governor's budget bills, excepting the legislative/judiciary budget bill. They can only strike appropriations and reduce appropriations – and once they so-modify the Governor's budget bills – and reconcile their differences -- each of the budget bills, excepting the legislative/judiciary bill, becomes "law immediately without further action by the governor" (Article VII, Sec. 4). In other words, under the Constitution, New York has a rolling-budget, which takes effect, bill by bill. Only after all the bills are "fully acted on by both houses" can "additions" be made to the state budget, by separate bills, which go to the Governor for his signature or veto, as likewise the legislative/judiciary budget bill.

For your convenience, Article VII, Secs. 1-7 and Article III, Sec. 10 are attached. They are also posted on the Center for Judicial Accountability's website, www.judgewatch.org, with other statutory and rule provisions, as well as caselaw, here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/1st/2016/budget-resource-page.htm>. Also accessible from our website are the VIDEOS of my testimony before the Legislature on both January 30, 2017 and January 31, 2017: <http://www.judgewatch.org/web-pages/searching-nys/2017-legislature/budget-hearings.htm>. The direct link to the record of the citizen-taxpayer action, from which – as I stated on January 30, 2017 – plaintiffs' entitlement to summary judgment on ALL ten of their causes of action is readily-verifiable -- is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/menu-budget-reform.htm>.

This morning, I called the Governor's office and left a message for Policy Director John Maggiore, who will also be on this evening's panel – and with whom I hoped to discuss the constraints that the NYS Constitution imposes on the Governor with respect to the budget – embodied by the citizen-taxpayer action. As yet, I have received no return call.

Finally, as I discussed with both Mr. Sogut and Ms. Segan, I would appreciate knowing whether Assemblyman Gottfried and Assemblywoman Solages knew – prior to my yesterday’s phone calls – about my last year’s budget testimony and about the citizen-taxpayer action, to which they are defendants. And, if not, I’d like to know from Assemblyman Weprin why, based on my testimony and the citizen-taxpayer action of which he had notice -- he didn’t believe it was incumbent upon him, as a member of the Assembly Ways and Means Committee – and a lawyer – to so-appraise them and all fellow legislators, indeed, to “blow the whistle” on what’s been going on.

Thank you.

Elena Sassower, Director
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