

ARTICLE VII
STATE FINANCES

[Estimates by departments, the legislature and the judiciary of needed appropriations; hearings]

Section 1. For the preparation of the budget, the head of each department of state government, except the legislature and judiciary, shall furnish the governor such estimates and information in such form and at such times as the governor may require, copies of which shall forthwith be furnished to the appropriate committees of the legislature. The governor shall hold hearings thereon at which the governor may require the attendance of heads of departments and their subordinates.

Itemized estimates of the financial needs of the legislature, certified by the presiding officer of each house, and of the judiciary, approved by the court of appeals and certified by the chief judge of the court of appeals, shall be transmitted to the governor not later than the first day of December in each year for inclusion in the budget without revision but with such recommendations as the governor may deem proper. Copies of the itemized estimates of the financial needs of the judiciary also shall forthwith be transmitted to the appropriate committees of the legislature. (Amended by vote of the people November 8, 1977; November 6, 2001.)

[Executive budget]

§2. Annually, on or before the first day of February in each year following the year fixed by the constitution for the election of governor and lieutenant governor, and on or before the second Tuesday following the first day of the annual meeting of the legislature, in all other years, the governor shall submit to the legislature a budget containing a complete plan of expenditures proposed to be made before the close of the ensuing fiscal year and all moneys and revenues estimated to be available therefor, together with an explanation of the basis of such estimates and recommendations as to proposed legislation, if any, which the governor may deem necessary to provide moneys and revenues sufficient to meet such proposed expenditures. It shall also contain such other recommendations and information as the governor may deem proper and such additional information as may be required by law. (New. Derived in part from former §2 of Art. 4-a. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; amended by vote of the people November 2, 1965; November 6, 2001.)

[Budget bills; appearances before legislature]

§3. At the time of submitting the budget to the legislature the governor shall submit a bill or bills containing all the proposed appropriations and reappropriations included in the budget and the proposed legislation, if any, recommended therein.

The governor may at any time within thirty days thereafter and, with the consent of the legislature, at any time before the adjournment thereof, amend or supplement the budget and submit amendments to any bills submitted by him or her or submit supplemental bills.

The governor and the heads of departments shall have the right, and it shall be the duty of the heads of departments when requested by either house of the legislature or an appropriate committee thereof, to appear and be heard in respect to the budget during the consideration thereof, and to answer inquiries relevant thereto. The procedure for such appearances and inquiries shall be provided by law. (New. Derived in part from former §§2 and 3 of Art. 4-a. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; amended by vote of the people November 6, 2001.)

[Action on budget bills by legislature; effect thereof]

§4. The legislature may not alter an appropriation bill submitted by the governor except to strike out or reduce items therein, but it may add thereto items of appropriation provided that such additions are stated separately and distinctly from the original items of the bill and refer each to a single object or purpose. None of the restrictions of this section, however, shall apply to appropriations for the legislature or judiciary.

Such an appropriation bill shall when passed by both houses be a law immediately without further action by the governor, except that

Public Accountant
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Submission in Support of
oral testimony
Elena Sassone
Capital for
Admission, 10/1/19

appropriations for the legislature and judiciary and separate items added to the governor's bills by the legislature shall be subject to approval of the governor as provided in section 7 of article IV. (New. Derived in part from former §3 of Art. 4-a. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; amended by vote of the people November 6, 2001.)

[Restrictions on consideration of other appropriations]

§5. Neither house of the legislature shall consider any other bill making an appropriation until all the appropriation bills submitted by the governor shall have been finally acted on by both houses, except on message from the governor certifying to the necessity of the immediate passage of such a bill. (New. Derived in part from former §4 of Art. 4-a. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

[Restrictions on content of appropriation bills]

§6. Except for appropriations contained in the bills submitted by the governor and in a supplemental appropriation bill for the support of government, no appropriations shall be made except by separate bills each for a single object or purpose. All such bills and such supplemental appropriation bill shall be subject to the governor's approval as provided in section 7 of article IV.

No provision shall be embraced in any appropriation bill submitted by the governor or in such supplemental appropriation bill unless it relates specifically to some particular appropriation in the bill, and any such provision shall be limited in its operation to such appropriation. (New. Derived in part from former §22 of Art. 3 and former §4 of Art. 4-a. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

[Appropriation bills]

§7. No money shall ever be paid out of the state treasury or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation act, and every such law making a new appropriation or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object or purpose to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum. (New. Derived in part from former §21 of Art. 3. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, January 18, 2017 3:42 PM
To: 'records.access@exec.ny.gov'
Subject: FOIL: The Governor's "recommendations" pertaining to the Legislative & Judiciary budgets for fiscal year 2017-2018

TO: Governor Cuomo's Records Access Officer Lauren Grasso

Article VII, §1 of the New York State Constitution empowers the Governor to make "recommendations" to the Legislature pertaining to the Legislative and Judiciary budgets.

The website of the Governor's Division of the Budget, <https://www.budget.ny.gov/>, which posts the Legislative and Judiciary budget requests for fiscal year 2017-2018 – and the Governor's combined Legislative/Judiciary budget bill S.2001/A.3001 that he submitted to the Legislature yesterday – does not appear to have posted any "recommendations" he made pertaining thereto.

Consequently, pursuant to FOIL [Public Officers Law Article VI], request is made for such "recommendations" as the Governor made concerning the Legislative and Judiciary budgets for fiscal year 2017-2018 – if he made any.

Pursuant to FOIL [Public Officers Law §89.3], your response is required within five business days of receipt of this written request.

Thank you.

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



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

January 25, 2017

Via Email: elena@judgewatch.org

Elena Sassower
Center for Judicial Accountability
P.O. Box 8101
White Plains, NY 10602

Dear Ms. Sassower:

The Executive Chamber acknowledges receipt of your FOIL request dated January 18, 2017, seeking:

The website of the Governor's Division of the Budget, <https://www.budget.ny.gov/>, which posts the Legislative and Judiciary budget requests for fiscal year 2017-2018 – and the Governor's combined Legislative/Judiciary budget bill S.2001/A.3001 that he submitted to the Legislature yesterday – does not appear to have posted any "recommendations" he made pertaining thereto.

. . . request is made for such "recommendations" as the Governor made concerning the Legislative and Judiciary budgets for fiscal year 2017-2018 – if he made any.

We are conducting a search for records that respond to your request and will review them for appropriate exemptions under FOIL. We will provide you with a status update on or before February 23, 2017, if we have not completed our response by then.

If any documents are located that respond to your request, you will be charged \$.25 per page for photocopies. If the response to your request will be provided in another media, we will notify you of any charges.

Very truly yours,

A handwritten signature in black ink, appearing to be 'L Grasso', written over a horizontal line.

Lauren Grasso
FOIL Counsel
Records Access Officer

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: mail@judgewatch.org

Website: www.judgewatch.org

BY E-MAIL: skerby@nycourts.gov

December 9, 2016

Shawn Kerby, Records Access Officer & Assistant Deputy Counsel
Office of Court Administration
25 Beaver Street, 11th Floor
New York, New York 10004

RE: FOIL/Records Request: Chief Administrative Judge Marks' approvals of increases, decreases, and interchanges in fiscal year 2016-2017, as authorized by §2 of Legislative/Judiciary Budget Bill #S.6401-a/A.9001-a

Dear Records Access Officer Kerby,

The Judiciary's "single budget bill" for fiscal year 2016-2017 – embodied, without revision, in the Governor's Legislative/Judiciary Budget Bill #S.6401/A.9001 and retained in the amended/enacted bill, #S.6401-a/A.9001-a – consisted of two sections: §2 containing a schedule of appropriations and §3 containing a schedule of reappropriations.

The text in §2, directly beneath the word "Schedule", was as follows:

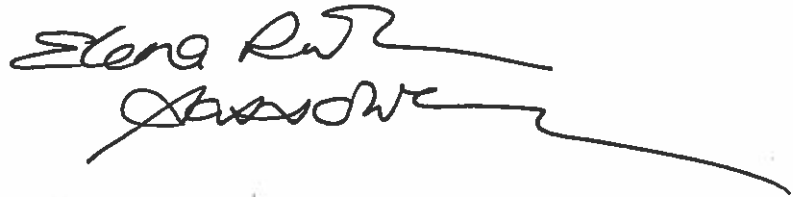
"Notwithstanding any provision of law, the amount appropriated for any program within a major purpose within this schedule may be increased or decreased in any amount by interchange with any other program in any other major purpose, or any appropriation in section three of this act, with the approval of the chief administrator of the courts."

Missing from the Judiciary's December 1, 2016 budget request for fiscal year 2017-2018 is any disclosure of what increases, decreases, and interchanges were made for fiscal year 2016-2017 pursuant to this §2. Consequently, pursuant to §124 of the Chief Administrator's Rules and Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], I request to inspect and copy records of all Chief Administrative Judge Lawrence Marks' approvals of same.

Needless to say, the interchanges of greatest interest to me are those that enabled the Judiciary to fund the "force of law" judicial salary increases for 2016-2017 recommended by the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation – and, additionally, to fund the increases in general state charges resulting therefrom.

§124.6 of the Chief Administrator's Rules and Public Officers Law §89.3 require your response "within five business days" of receipt of this request. I would appreciate if you e-mailed it to me at elena@judgewatch.org.

Thank you.

Handwritten signature of Elena R. W. Kerby in black ink. The signature is written in a cursive style and is followed by a long horizontal line that extends to the right.

Center for Judicial Accountability, Inc. (CJA)

From: Shawn Kerby <skerby@nycourts.gov>
Sent: Friday, December 9, 2016 3:18 PM
To: Center for Judicial Accountability, Inc. (CJA)
Subject: RE: FOIL/Records Request: Chief Administrative Judge Marks' approvals of increases, decreases & interchanges in fiscal year 2016-2017, as authorized by Sec. 2 of Leg/Judiciary Budget Bill S.6401-a/A.9001-a

Dear Ms. Sassower:

We will process your request and expect to respond within 20 business days.

Very truly yours,
Shawn Kerby
Assistant Deputy Counsel

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Friday, December 09, 2016 2:43 PM
To: Shawn Kerby <skerby@nycourts.gov>
Subject: FOIL/Records Request: Chief Administrative Judge Marks' approvals of increases, decreases & interchanges in fiscal year 2016-2017, as authorized by Sec. 2 of Leg/Judiciary Budget Bill S.6401-a/A.9001-a

Attached is the Center for Judicial Accountability's above-entitled FOIL/records request of today's date.

Thank you.

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