

**From:** NYS Executive Chamber Records Access Office <governorny@govqa.us>  
**Sent:** Monday, February 10, 2025 10:24 AM  
**To:** elena@judgewatch.org  
**Subject:** [Records Center] FOIL Records Request :: R001497-021025

--- Please respond above this line ---



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

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RE: FOIL Records Request of February 10, 2025., Reference # R001497-021025.

Dear Elena Sassower,

This letter responds to your request dated February 10, 2025, which pursuant to FOIL, requested:

- (1) records reflecting how Governor Hochul’s five so-called “FY 2026 Article VII Bills”, requiring Senate and Assembly sponsors – and so-posted on her Division of the Budget webpage of “FY2025 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 Required For the Budget”, 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 Revenue (REV) Bill & Memorandum in Support – became five actual bills without Senate and Assembly sponsors, bearing combined Senate Assembly bill numbers S.3005/A.3005 to S.3009/A.3009, a January 22, 2025 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.3005/A.3005, Education, Labor & Family Assistance Budget Bill #S.3006/A.3006, Health & Mental Hygiene Budget Bill #S.3007/A.3007, Transportation, Economic Development & Environmental Conservation Budget Bill #S.3008/A.3008, Revenue Budget Bill #S.3009/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 thereafter, repeatedly, to legislators, most recently as part of CJA’s written testimony for the Legislature’s February 6, 2024 “local government officials/general government” budget hearing, to which CJA’s written testimony for the Legislature’s February 4, 2025 “local government officials/general government” budget hearing, linked, describing the situation (at p. 1) as “unchanged” and “all true then and now”.**

It has long been established that FOIL does not require responses to specific questions, but instead governs release of government records. See Public Officers Law § 89(3)(a) (indicating that an agency is not required to create a record in response to a request). “There is nothing in the Freedom of Information Law or the Open Meetings Law that requires that government officers or employees respond to questions, supply information in response to questions or offer explanations for their governmental activities. New York State Committee On Open Government Advisory Opinion 16632a (June 18, 2007).

Pursuant to Public Officers Law § 89(4)(a), you have thirty (30) days to take a written appeal of this determination. You may appeal by writing: FOIL Appeals Officer, Executive Chamber, State Capitol, Albany, New York, 12224; or by email at [Records.Access@exec.ny.gov](mailto:Records.Access@exec.ny.gov).

Sincerely,

New York State Executive Chamber Records Access Office

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To monitor the progress or update this request please log into the [Records Access Center](#)

