



**Division of
the Budget**

ANDREW M. CUOMO
Governor

ROBERT F. MUJICA JR.
Director of the Budget

SANDRA L. BEATTIE
First Deputy Director

CHARLES WILLIAMS
Deputy Director

Via Electronic Mail

May 26, 2020

Ms. Elena Sassower
elena@judgewidth.org

Dear Ms. Sassower:

This is in further response to your Freedom of Information Law ("FOIL") request to the New York State Division of the Budget (the "Division") dated April 6, 2020 in which you seek: "1. records establishing that the Governor, Temporary Senate President, and Assembly Speaker were constitutionally-entitled to "amend" these seven budget bills on March 31-April 2, 2020 - and to do so behind-closed-doors; 2. records showing what specific changes the "amendments" made, as for instance, the "detail sheets" and "amended memorandum(a)", required by Senate Rule VI, section 4(b), and the "detailed description(s)" required by Assembly Rule III, section 6(a)."

To the extent that your request is reasonably described, for the first portion of your request, please see the following link to Article VII Section 3 of the NYS Constitution which makes clear that the Executive Budget may be amended after the 30-day deadline with the consent of the Legislature:
https://www.dos.ny.gov/info/constitution/article_7_state_finances.html. For the second portion of your request, please be advised the Executive is not required to maintain records pursuant to the rules of the New York State Senate or the New York State Assembly.

Pursuant to the provisions of Public Officers Law Section 89(4), you have thirty (30) days to submit a written appeal of this determination. Should you decide to file a written appeal, please send it to the Division's designated Appeals Officer, Amy Ottaviano, at foil@budget.ny.gov.

Sincerely,

Joel C. Lombardi
FOIL Officer