



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan Proposes Constitutional Amendment Preventing Non-Fiscal Policies in State Budget

JIM RANNEY February 11, 2019

| ISSUE: **BUDGET, EXECUTIVE BUDGET PROPOSAL**



Senator Patrick M. Gallivan (R-C-I, Elma) has introduced a resolution (S.3302) to amend the New York State Constitution in relation to budget appropriations. The proposed change would prevent the governor from including non-budgetary legislation in the budget proposal submitted to the Legislature.

“For too many years, New York Governors have made a habit of inserting far-reaching policy initiatives into their budget proposals, bypassing the usual legislative process,” Senator Gallivan said. “Such action prevents the Senate and Assembly from conducting a thorough review of these policies and limits the Legislature’s role of providing a system of ‘checks and balances’ on the Executive Branch. I do not believe this is what the framers of our Constitution had in mind.”

Recent examples of non-fiscal policy matters included in budget proposal include education reforms, criminal justice reforms and other expansions or amendments to existing state law. The most recent budget proposal submitted to the Legislature includes initiatives to legalize adult-use marijuana, raise the minimum age for purchasing tobacco products and e-cigarettes, and to ban single-use plastic bags.

“These are important proposals that require serious analysis and debate. They do not belong inside a multi-billion dollar appropriation bill,” Gallivan said.

The New York Court of Appeals in an opinion in two cases, (*Pataki v. Assembly No. 171* and *Silver v. Pataki No. 172* - December 16, 2004) held that while the Governor "should not put into an appropriation bill essentially non-fiscal or non-budgetary legislation," should he so act, the Legislature had no remedies other than accepting, rejecting or reducing the dollar amount adjunct to such appropriation.

In order to amend the Constitution, the resolution must be approved by two consecutive Legislatures and be approved by New York State voters in a referendum.

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## 2019-S3302

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Relates to items of appropriation

February 05, 2019

In Senate Committee [Judiciary](#)

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Do you support this bill?