



NEW YORK STATE SENATOR

Patrick M. Gallivan

State Budget Should Focus on Dollars and Cents

PATRICK GALLIVAN March 1, 2019

| ISSUE: **NEW YORK STATE BUDGET**



It is budget season at the State Capitol and my Legislature colleagues and I are busy reviewing the Governor's \$176 billion spending proposal that he presented last month. During this time, members of the Senate and Assembly spend countless hours conducting hearings and analyzing how much the governor wants to spend on things like education, health care, roads and bridges, and other important programs. Approving a budget that New York residents can afford and meets the needs of the state is among the most important jobs of the Legislature. We have until April 1 to complete our review, make changes to the

Governor's proposal and adopt a final budget.

Complicating the process is a host of non-budgetary items that the Governor has inserted into his plan. This includes the legalization of adult-use marijuana, a proposal to raise the minimum age for purchasing tobacco products and e-cigarettes, a ban on single-use plastic bags, new requirements for seatbelt use, and a plan to increase the penalty for people charged with attacking transportation workers. While these items may or may not add or subtract from New York's bottom line, they have more to do with policy than finances.

These are important proposals that require careful debate and consideration. They do not belong inside a multi-billion dollar appropriation bill that must be decided on within a few weeks.

This practice of inserting legislation into the budget has been going on for many years and it is time to put a stop to it. To that end, I have introduced a resolution (S.3302) to amend the New York State Constitution to prevent the governor from including non-budgetary legislation in the budget proposal submitted to the lawmakers.

Governors from both parties have made a habit of injecting far-reaching policy initiatives into their budget proposals, bypassing the usual legislative process and preventing the Legislature from exercising its 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.

The New York Court of Appeals in a 2004 opinion 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 of such appropriation. As a result, the court has given broad discretion to the Governor and has harmed the traditional notion of checks and balances.

Changing this process will neither be quick nor easy. 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. That means the earliest this proposed change could appear on a statewide ballot is November 2021.

The goal is to reassert the intent of our framers – a state government with limited power divided among three co-equal branches of government.

RELATED LEGISLATION

2019-S3302

- 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
-

Relates to items of appropriation

February 05, 2019

In Senate Committee [Judiciary](#)

Sponsored by [Patrick M. Gallivan](#)

Do you support this bill?