



NEW YORK STATE SENATOR

Alessandra Biaggi

SENATORS BIAGGI, RIVERA, SKOUFIS JOIN ASSEMBLYMEMBER GOTTFRIED IN INTRODUCING LEGISLATION TO EQUALIZE BUDGET PROCESS

ALESSANDRA BIAGGI April 17, 2020

Just two weeks after the passage of the SFY 2020-2021 budget, legislators introduce bill to amend the New York State Constitution to create co-equal branches of government in the budget process

ALBANY, NY – This week State Senators Alessandra Biaggi, Gustavo Rivera, James Skoufis, and Assemblymember Richard Gottfried introduced legislation [S8198/A9100](#) that would amend the New York State Constitution, to allow the Legislature to play an equal role with the Governor in shaping the state budget. The introduction comes just two weeks after an austerity budget led by the Executive branch was passed amid the COVID-19 pandemic.

Since 1927, the New York State Constitution has given the Executive outsized control of the budget process, essentially deeming the Governor the powerful “constructor” and the Legislature the helpless “critic.” Under the New York Constitution, the Executive must deliver budget bills to the Legislature each year. While the Legislature may remove or reduce items in the budget, the Governor has final say as to what goes into the final budget. Anything that the Legislature would like to be included, the Governor must agree to. This structure creates a disproportionate balance of control over the process in terms of which items are ultimately adopted.

Efforts by the Legislature to challenge Executive control of the budget process were dealt a fatal blow in the *Silver v. Pataki* decision held by the Court of Appeals in 2004.

This bill would require the Governor's budget submission to clearly identify and separately state each legislative proposal in the budget. The Legislature would not only be able to reduce, eliminate, or add a new item, it would be authorized to modify items as well. The Governor would have authority to veto any additions, increases, or modifications in budget appropriations or legislative language, and the Legislature could override any veto. The bill would also enable the Legislature to pass appropriation bills even if it has not yet been proposed within the Governor's budget. The constitution as it is currently written and interpreted does not allow the Legislature these powers.

State Senator Alessandra Biaggi (D-Bronx/Westchester), Chair of the Senate Ethics and Internal Governance Committee and sponsor of the bill, said: "This year's austerity budget is a microcosm of what is wrong with the construction process and the disproportionate power dynamics in Albany. The unilateral control the Executive branch holds over the state budget process undermines the constitutional duty of legislators to make thoughtful spending and policy choices on behalf of the New Yorkers we represent. It is neither fair, nor just to subdue the voice of the people in this critical and highly consequential decision-making process. Our bill gives the Legislature its fair share of bargaining power, by putting us on equal-footing with the Governor and building more transparency. The only way we will achieve budget justice for the people of New York is by ensuring they have a true seat at the table."

Assemblymember Richard N. Gottfried (D-Manhattan), Chair of the Assembly Health Committee and sponsor of the bill, said: "The State budget is central to public policy, and increasingly it includes not just appropriations but all sorts of substantive policy proposals. The current system is extraordinarily weighted toward Executive power, and really undemocratic. This bill is about serving the people we were elected to serve by asserting our equal role in budget

and policy making. Otherwise, every budget will just be the Legislature responding to Executive initiatives without any policy making power of our own."

State Senator James Skoufis (D-Woodbury, Orange County), Chair of the Investigations and Government Operations Committee and co-prime sponsor of the bill, said: "For the past sixteen years, Governors have been afforded the power to show up to budget negotiations armed with a machete - legislators, with slingshots. When it comes to the most important action we take as a state government each year - enactment of the budget - we have the furthest thing in the democratic world from co-equal branches of government. This enormous imbalance must be fixed with a constitutional amendment and that process must begin now. I'm partnering with Senator Biaggi because the voices of the Legislature - and the millions of mutual constituents we represent with the Governor - deserve better than to be drowned out due to a technical interpretation of the State Constitution."

State Senator Gustavo Rivera (D-Bronx), Chair of the Senate Health Committee and co-prime sponsor of the bill, said: "It's not a secret that in New York the Governor has excessive powers during the budget process, which forces the Legislature to work within a strict framework that limits its ability to adequately influence the financial future of New York State. This year, in particular, we were able to see how this imbalance led to an obscure process resulting in a devastating budget. This bill breaks this unacceptable status quo and gives our equal branch of government, the same powers when deciding our State's budgetary course for the year."

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RELATED LEGISLATION

2019-S8198

- 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
-

Grants the legislature to have an equal role with the governor in the budget process

April 13, 2020

In Senate Committee [Judiciary](#)

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Do you support this bill?