



NEW YORK STATE SENATOR

Alessandra Biaggi

NEW YORKERS NEED A FAIR AND TRANSPARENT BUDGET: SENATORS BIAGGI, RIVERA, SKOUFIS, ASSEMBLY MEMBER GOTTFRIED AND 50+ ORGANIZATIONS PUSH BUDGET EQUITY ACT

ALESSANDRA BIAGGI July 15, 2020

Bill Would Give Legislature Equal Power in Budget Process

NEW YORK, NY – On Wednesday, July 15th, State Senators Alessandra Biaggi, Gustavo Rivera, James Skoufis, Assembly Member Richard Gottfried, and members of community organizations held a virtual press conference to push for the passage of the Budget Equity Act ([S8198A/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. They were joined by Senator Liz Krueger, Assembly Member Jake Ashby, Assembly Member Walter T. Mosley, as well as Make the Road New York, Northwest Bronx Community & Clergy Coalition, and Empire State Indivisible. More than 50 organizations from across the state have [signed onto a letter](#) to the New York State Legislative leaders in support of the Budget Equity Act.

The New York State Constitution, as written and interpreted by a series of court decisions over decades, has given the Governor vast control of the budget process, essentially deeming the Governor the powerful “constructor” and the Legislature the “critic.” Under the New York Constitution, the Governor must deliver budget bills to the Legislature each year. Over time,

Governors have increasingly used the budget process for policy-making in addition to traditional budgetary decisions. However, while the Legislature may change spending levels for items in the budget, it has no ability to amend policy language nor remove or reduce items in the budget; the Governor has the only say as to what goes into the final budget. Anything the Legislature would like to include, the Governor must approve. This structure results in a dynamic in which legislators must accept the Governor's policy changes or reject the entire budget, giving the Governor disproportionate control over the process, and creating a strong imbalance between the two branches.

"This year New York passed one of the worst budgets our State has ever seen, largely driven by the Executive branch and its dominant power over the process. Our role as legislators is to make thoughtful policy decisions in the interests of the people we represent, but that is nearly impossible when the Executive has almost unilateral control over the contents of the budget. The Budget Equity Act will give the Legislature equal-footing with the Executive to lift the voices of the people, and build more transparency in the process. It is an honor to fight alongside my colleagues and community members to push this bill forward – we cannot wait any longer to give New Yorkers the fair and transparent budget process they deserve," said **State Senator Alessandra Biaggi, Chair of the Senate Ethics and Internal Governance Committee and lead sponsor of the bill (D-Bronx/Westchester).**

"The State budget is central to public policy, and the current system is undemocratic as it is heavily weighted toward Executive power," said **Assembly Member Richard Gottfried, Chair of the Assembly Health Committee and lead Assembly sponsor of the bill.** "This bill is about serving the people by restoring the balance of power in budget and policy making."

"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's obscure

budgetary process clearly illustrated the imbalance of power between these supposedly co-equal branches of government. This bill will break the status quo and gives us equal powers when deciding our State's budgetary course for the year, which will help us ensure that our constituents' needs are truly met," said **State Senator Gustavo Rivera, Chair of the Senate Health Committee and co-prime sponsor of the bill.**

"The current state budget process hurts New Yorkers because it drowns out the very voices that were elected to fight for their needs in Albany; this is why my like-minded colleagues and I are demanding that we amend the State Constitution. 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 from co-equal branches of government. It's time to balance out the scales of democracy in New York and getting this passed is the right first step," said **Senator James Skoufis (D- Hudson Valley), Chair of the Investigations and Government Operations Committee and co-prime sponsor of the bill.**

"The budget is the most important piece of legislation passed in Albany every year, yet many of my constituents are aghast when they discover how the budget process actually works in New York State, and how little power their locally elected representatives have to affect the outcome. We are supposed to be a nation and a state that enshrines the concept of checks and balances, in which the Legislature is a co-equal branch of government. Yet budgetary power has become so concentrated in the hands of the executive as to render this principle moot. This amendment would restore a key element of constitutional government by clarifying the powers of the executive and re-establishing the Legislature's historical role in the budget process," said **State Senator Liz Krueger.**

"New York State's budget drives the future for all New Yorkers," said **Assistant Speaker Félix W. Ortiz.** "Giving the Legislature equal input in the final state budget ensures the voices of the people who elected us to represent them are heard and that our government is functioning as intended by the constitution."

"It may surprise many New Yorkers to learn that the state legislature is an unequal branch of government in the state's budget process. The only way to ensure that our state budget is more transparent, fair, and reflective of New Yorkers' priorities is to pass the Budget Equity Act and restore balance to a budget process that is broken," said **State Senator Andrew Gounardes**.

"This legislation is an important step towards increasing transparency and responsibility to the New York State budgetary process. By restoring bargaining power to the Legislature we will be furthering our direct responsibilities to the constituencies to whom we represent, while establishing a more balanced separation of powers that is necessary for a representational democracy to thrive," said **State Senator John E. Brooks**.

"This bill is so important and I'm proud to be a co-sponsor," said **State Senator Robert Jackson (D-Manhattan)**. "The budget process we went through this year showed more clearly than ever the imbalance of power that puts the Governor above the Legislature when it comes to the crucial task of balancing the state's books. This may seem like just a technical issue, but it has huge implications for every aspect of our lives: public education, healthcare, transportation, and more. We have to get this bill passed this year so we start our run down the path to real budget equity by rebalancing the power. Together we can bring #BudgetJustice to New York State!"

"The Budget Equity Act restores much-needed balance to New York State's budget process. As it stands, the Legislature is too often relegated to the sidelines when it comes to the budget, and we are forced to 'take it or leave it' as a whole when it comes to both fiscal and policy matters. The sensible reforms advanced in the Budget Equity Act reassert the Legislature's role as a co-equal branch of government, and will result in more equitable outcomes for the people of our great state," said **State Senator John Liu**.

"The New York State Constitution stipulates over and over that 'The legislature shall provide' for the needs of the state, whether it be in education, or public safety, or transportation, or other key public services. Yet the power of the purse is almost entirely reserved to the Executive. This makes a mockery of legislative responsibilities, and disempowers not only legislators but the people of our districts who elect us. I strongly support this effort to rebalance the powers of the various branches of state government," said **State Senator Rachel May**.

"For far too long our State Legislature has neglected its role in the budgetary process by ceding powers to the Governor," said **Assemblyman Jake Ashby (R, C, I – Castleton)**. "I am proud to join with my colleagues to reclaim the legislature's power in the budget process and help legislators from across the State better address the needs of their constituents and the communities they live in."

"I am proud to co-sponsor A.9100 to ensure the Legislature's rightful role as a co-equal branch of the New York State Government, particularly in light of the court decisions that have wrongly limited the authority of the Legislature in the budget process," said **Assembly Member Fred Thiele**. "As we continue to see an increasingly policy-laden budget, this legislation will allow the people of the state of New York, through their legislative representatives, to have more of a say in the measures that affect their everyday lives."

"Court decisions empowering the governor to dictate the terms of the state budget and virtually eliminating the New York Legislature's role in shaping the state budget exclude community input and make a mockery of democracy," said **Assembly Member Tom Abinanti (D, Westchester)**. "We must restore balance to the budget process to make sure that the budget addresses the needs of the whole state."

“Our state’s constitution set in place three branches of government in order to protect the hardworking citizens and their tax dollars,” said **Assemblyman Mike Norris**. “As schools, local governments and health care systems continue wondering about their fiscal matters, they need advocates and deserve to have their elected state legislative representatives involved in the process. That’s why I am proud to be among the sponsors of this important, bipartisan legislation and I join with Assembly Member Gottfried in calling for the Legislature to bring this bill up for a vote.”

“The Budget Equity Act will be an important step toward restoring the government operated by three co-equal branches called for in our state constitution,” said **Assembly Member Chris Tague**. “Since this pandemic began, the governor has sought to run this state unilaterally, but our constituents deserve better than that. They deserve a voice in the budget process, and by giving legislators that represent them real input, this bill will give them that voice. I applaud Assemblyman Gottfried for sponsoring this much-needed bill and I support it completely.”

"As representatives, we understand the funding needs of the people we represent, and as legislators, we know how important it is for our branch of government to have an equal say in how tax dollars are spent," said **Assemblyman Brian Kolb**. "I'm pleased to support the Budget Equity Act."

“I am proud to be a co-sponsor on this vital legislation from Assembly Member Gottfried and Senator Biaggi, which will redistribute the power behind shaping the State budget,” said **Assembly Member Yuh-Line Niou**. “In New York State there is an inappropriate consolidation of power in the Executive Branch, which gives our Governor a disproportionate amount of influence over the State budget. As we saw with this year’s austerity budget, the first sectors to get cut during a health and economic crisis were healthcare, social services, and housing. As the ‘People’s House’ it is extremely important that we have an equal role with the Governor in shaping the Budget each year, so that we can protect the services that are so

essential to our constituents and our New York State community.”

“In the Legislature, Assembly Members and Senators are the closest proxy for constituents in our democracy. I am cosponsoring the Budget Equity Act to amplify the voices of New Yorkers in the budget process. As a result of a major crisis in our state, we can look at this as a turning point in which we can improve upon our democratic governmental processes,” said **Assembly Member Rebecca Seawright**.

“The branch of government closest to individual New Yorkers needs to play a full-fledged role in the budget-making process. After an austerity budget passed amid the COVID-19 pandemic, the Legislature needs to have an equal say,” said **Assembly Member Aravella Simotas**.

“As an elected legislator it is time we have an opportunity in voicing our district budget needs,” said **Assembly Member Angelo Morinello**. “We are a co-equal branch of government and the time to exercise our right to have a voice in the budget process has come.

“Government is about partnership and accountability,” said **Assembly Member John T. MacDonald**. “For far too long, spanning several legislatures and executives, the relationship has been one sided in the view by many, and it is not the legislature. Our founding fathers believed that government should represent the people's concerns and who best to have equal footing in the process than the legislators who by size of their district are closest to the people. I support the Budget Equity Act as it truly reflects the intention of our founding fathers and most importantly puts the authority in the hands of the people.”

“Time and again, Governor Cuomo has used his disproportionate power to balance budgets on the backs of Black, Brown, and immigrant communities,” said **Theo Oshiro, Deputy Director of Make the Road New York**. “He refuses to tax the rich and to meet urgent needs, like the dire plight facing hundreds of thousands of excluded workers and tenants who’ve received zero

government assistance during the pandemic. We need a budget process that enables our communities' voices to be heard.”

“The Bronx for decades has suffered from austerity budgets and the budget passed 3 months ago failed to address the pre-existing health inequities, housing issues, and economic insecurity in our borough. We need to level the playing field in our budget process so that those we elect to fight for us can have a say and not the ultra-rich,” said **Adolfo Abreu, Organizing Director for the Northwest Bronx Community and Clergy Coalition.**

“New Yorkers elect representatives in the State Senate and Assembly to champion the needs of their communities and those needs are almost exclusively prioritized via the budget process. Yet every year, our state legislators say that they do not have enough power in the budget process and every year it's their constituents that suffer the consequences. The Budget Equity Act would give New Yorkers a much needed seat at the table in the budget negotiations by re-balancing powers between the Legislature and the Governor. It is time for our representatives to stand up and fight to truly represent their communities in the budget process. It is time to pass the Budget Equity Act,” said **Ricky Silver, Co-Lead Organizer at Empire State Indivisible.**

The Budget Equity Act seeks to restore balance of power in the budget process. This bill would increase transparency by requiring the Governor’s budget to clearly identify and state each legislative proposal in the budget. The Legislature would be able to reduce, eliminate, modify and add new policy proposals. The Governor would have authority to veto additions, increases, or modifications in budget appropriations, but not deletions of legislation, while the Legislature could override vetoes. The bill would also enable the Legislature to fund proposals that were not within the Governor’s budget. The Constitution as it is currently written and interpreted does not allow the Legislature these powers.

For a proposed constitutional amendment to go before the voters, the bill must be passed by two consecutive legislatures. Amendments do not need to be approved by the Governor.

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