



NEW YORK STATE SENATOR

Thomas F. O'Mara

## Senator O'Mara's weekly column 'From the Capitol' -- for the week of May 1, 2023 -- 'A state budget process that blindfolds the public'

THOMAS F. O'MARA May 1, 2023

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Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature, as well as on legislative actions, local initiatives, state programs and policies, and more. Stop back every Monday for Senator O'Mara's latest column...

This week, "A state budget process the blindfolds the public"

**ALBANY, April 30, 2023 --** Early last week, when it became increasingly clear that Governor Hochul and the Legislature's Democrat leaders were not going to stick around at the State Capitol to enact a budget now a month overdue, we renewed our call for desperately needed accountability in this process.

While the governor stepped out on her own Friday night to announce a "conceptual" agreement with legislative leaders on a final budget, as of this writing it remains a Governor Hochul "take my word for it" budget. There's no legislation for the public to review.

Keep in mind that the enactment of a new state budget is the most impactful action that state legislators take every year. It reaches into the pockets and the everyday lives of all New Yorkers. That will be especially true this year when Governor Hochul and Albany Democrats finally put the finishing touches on a new state budget pushing state spending to its highest level ever and, at the same time, including far-reaching, non-budget-related policy initiatives that many good government groups believe should not even be considered as part of the budget adoption process.

Yet, negotiations go on entirely behind closed doors. That becomes especially troubling -- and dangerous -- in this era of complete one-party control of state government where there is an unprecedented lack of legislative checks and balances. The public is kept in the dark like never before. We know that taxpayers will be shouldered with their heaviest-ever burden footing the bill for at least a nearly \$230 billion spending plan, one of the world's largest governmental budgets! We know that there will be tax and fee increases. We know that there will be new mandates. We know that debt will increase. We know that there will be winners and losers.

And we know that it's poised to include monumental policy actions like banning natural gas hookups in the construction of new homes and buildings by the end of 2026, an even higher state minimum wage (a move that farmers, small business owners and others have been warning against, and rightly so) and some sort of attempt (will it even begin to go far enough?) to address the failed bail reform that continues to devastate public safety and security across this state.

What we still do not know, with any specificity, is exactly how Governor Hochul and legislative Democrats intend to carry it all out -- or, for that matter, what surprises are still in store.

The bottom line is that we don't know and that's the point Senate and Assembly Republicans made at the Capitol last week: Before any legislator votes on this year's final budget, our constituents deserve to know what's in it.

Specifically, we called on Governor Hochul and legislative Democrats to reject the use of so-called "messages of necessity" once the budget legislation is printed and ready for a vote. The State

Constitution includes a vital “aging” provision that essentially requires a three-day waiting period (commonly called “aging”) before legislation can receive a final vote. While three days is not nearly enough time in the context of a stack of budget legislation as thick as dictionaries, it at least gives individual legislators, the press, the public, and all interested parties the chance to review the plan’s details.

However, a longstanding loophole in the law authorizes governors to issue a “message of necessity” to bypass this three-day waiting period and allow for an immediate vote on any piece of legislation once it’s introduced.

It’s time to bring this state’s budget adoption process out into the light of day, especially at this time when one-party control continues to produce skyrocketing state spending plans that are increasingly chock-full of policy initiatives that should, for accountability’s sake, be given stand-alone consideration.

Fundamental checks and balances have effectively gone by the wayside in this state government. Governor Hochul and the Legislature's Democrat majorities continue working behind closed doors to enact what will be the highest-spending budget New York State taxpayers have ever been asked to shoulder. It will be a budget overloaded with policy initiatives that will impact our local citizens, communities, and economies in consequential ways.

This budget demands a full public airing and the appropriate time for review and debate, but that’s not where we are headed. It's a broken process that keeps producing bloated state budgets that taxpayers will never be able to afford.

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