



## Legislation Text

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File #: Res 0040-2022, Version: \*

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### Res. No. 40

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A. 1928/S. 820, which would amend the New York State Constitution to realign budgetary power by granting the Legislature a more equal role with the Governor in shaping the state budget.

By the Public Advocate (Mr. Williams) and Council Members Hanif and Cabán

Whereas, Since 1927, the State of New York has had an executive budget system, under which the legislature has a limited ability to substantively shape the state budget; and

Whereas, Prior to 1927, the state budget was passed through a variety of appropriations legislation that afforded no opportunity to balance revenues and expenditures; and

Whereas, Under the current budget process, the Governor constructs a budget by submitting appropriations legislation to the Legislature each year, after which the Legislature may remove or reduce line-items, while any additions proposed by the Legislature are subject to gubernatorial veto; and

Whereas, Court rulings, most recently including *Silver v. Pataki* and *Pataki v. Assembly*, have maintained that the Legislature is unable to substitute appropriations by deleting line-items and simultaneously proposing substantially similar line-items; and

Whereas, As a result, the state budget process is largely controlled by the Governor, who has recently included unprecedented numbers of non-budgetary legislation within the text of appropriations legislation as a means of setting state policy; and

Whereas, In the 2019-2020 budget cycle, there were 80 non-budgetary provisions in the initially proposed executive budget, though only several dozen remained in the adopted budget after negotiations, including criminal justice reforms, a ban on plastic bags, and a codification of the Affordable Care Act, to name

a few; and

Whereas, Using the budget to set state policy within an executive-dominant system strips the Legislature of their constitutional role of setting state policy through state law and hampers state legislators' ability, including New York City representatives, to fully inform the implementation of shared policy goals; and

Whereas, For example, during the Fiscal Year 2021 budget negotiations, then-Governor Cuomo included an amendment to the implementation of the Driver's License for All legislation which had previously been enacted in 2019, provoking advocate ire; and

Whereas, Rather than risk an unfunded mandate, legislators conceded and ultimately voted to pass the appropriations bill with the Governor's implementation update; and

Whereas, On January 13, 2021, Assembly Member Richard Gottfried introduced A. 1928, companion to S. 820 sponsored by Senator Alessandra Biaggi, which would reform the state budget process by increasing transparency and granting the Legislature new authority to shape budget and non-budgetary components by line-item; and

Whereas, A. 1928/S. 820 would add to the Legislature's budgetary powers by allowing the modification or substitution of items of appropriation as long as these are separately stated and subject to gubernatorial veto; and

Whereas, The bill would additionally repeal the existing requirement of a Governor's message of necessity for the Legislature to issue appropriations prior to the passage of the executive budget, which could allow the Legislature to avoid a state shutdown in the midst of budget negotiations; and

Whereas, The New York State Legislature is elected by New Yorkers to set state policy through law, which the Governor executes; and

Whereas, The current state budget process harms New York City by stifling the legislative authority of its representatives; and

Whereas, Passage of A. 1928/S. 820 would help ensure that needs of New York City are not left out of the state budget; and

Whereas, A. 1928/S. 820 would additionally clarify the budget process for the public, making all amendments, substitutions and deletions separate statements; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A. 1928/S. 820, which would amend the New York State Constitution to realign budgetary power by granting the Legislature a more equal role with the Governor in shaping the state budget.

Session 12

AH

LS #4543

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Session 11

EK

LS #14847