



Memorandum of Support

S.8198A(Biaggi)/A.9100A (Gottfried)

Amends Article VII of the New York State Constitution to give the legislature equal powers to the governor in the budget process.

The Fiscal Policy Institute strongly supports S .8198A (Biaggi)/A.9100A (Gottfried) to create a more equitable balance of power within New York’s state government. As the legislation requires passage by both houses within two consecutive legislative sessions, FPI urges the senate and assembly to pass this legislation before August 3, 2020, and again in the 2021 - 2022 session so it can go before the voters in the 2021 fall election.

The current provisions of the New York State Constitution, as interpreted by the Court of Appeals, has created a situation in which the governor can include changes in permanent law in his proposed appropriations bills, and the legislature cannot delete or change the governor’s proposed statutory changes. This puts the legislature in a “take it or leave it” position.

FPI believes we need to ensure a proper balance of power between the executive and legislative branches of government in New York. The scales are currently tipped in the governor’s favor, and this proposed resolution would provide the necessary checks and balances to ensure a fair and equitable budget process.

FPI believes that Budget Equity Act will restore a constitutional balance of power by allowing the legislature to add, delete, and modify legislation packaged in budget bills. The resolution will also help provide greater transparency of last-minute legislation by requiring the governor to give statements on any new provisions created.