

Citizens Budget Commission • Citizens Union of the City of New York
Common Cause New York • Empire Center for Public Policy
League of Women Voters of New York State • Reinvent Albany

March 23, 2023

Hon. Andrea Stewart-Cousins
President Pro Tempore and Majority Leader
New York State Senate
Legislative Office Building
188 State Street, Room 907
Albany, NY 12247

Hon. Carl Heastie
Speaker
New York State Assembly
Legislative Office Building
188 State Street, Room 932
Albany, NY 12248

Dear Majority Leader Stewart-Cousins and Speaker Heastie:

We strongly support your choice to omit several extraordinary Executive budget powers in your houses' fiscal year 2024 budget proposals. We write to urge you to ensure that these and other extraordinary budget powers are omitted from the enacted budget, and that you reject provisions added to appropriations that remove competitive bidding requirements and the Comptroller's oversight.

The Executive Budget included provisions that continue to give the Executive broad, unilateral spending and borrowing authorities that are unnecessary and fiscally risky. The Executive Budget also removes competitive bidding requirements and Comptroller pre-audit authority from numerous appropriations, actions which reverse the good work of your houses last year to restore Comptroller authority.

Last year, many of us [recommended rejecting those powers](#), and we appreciated your efforts to omit or amend many of them in one-house proposals and the Fiscal Year 2023 Enacted Budget. Earlier this year, several of our groups [reiterated this recommendation](#) prior to release of the Fiscal Year 2024 Executive Budget. We are encouraged to see most of our recommendations

reflected in your one-house bills, including rejection of universal transfer authority in the State Operations appropriations bill, rejection of short-term borrowing authorities, and preservation of competitive bidding and oversight powers of the Comptroller on certain (though not all) appropriations.

We strongly support the intent of these one-house positions and urge you to maintain specific measures in the enacted budget to:

- Reject universal appropriation transfer and interchange authority within the State Operations bill;
- Reject authority to issue up to \$3 billion in revenue anticipation notes; and
- Reject authority to utilize a \$2 billion line of credit.

We recommend the enacted budget include modifications of the Assembly proposals to:

- Reduce the “Special Emergency Appropriation” from \$2 billion to \$1 billion, as in the Senate’s proposals. Both houses already reinstate OSC oversight, which we strongly support; and
- Reject the \$6 billion “Special Public Health Emergency Appropriation,” as done by the Senate.

We recommend the enacted budget modify both houses’ proposals to:

- Reject a \$1 billion transfer from the General Fund to the “Health Care Transformation Account” unless its uses are more clearly defined in appropriations with oversight; and
- Reject provisions added to other appropriations that remove competitive bidding requirements and the Comptroller’s oversight.

Some of these policies were originally enacted in the Fiscal Year 2021 Budget in April 2020 as a response to the COVID-19 pandemic. The broad appropriation, budget management, and borrowing authorities gave the Governor authority and flexibility to manage a public health emergency and dire fiscal situation.

Nearly three years later, the situation is vastly different and these authorities are no longer necessary. Enacting them would give the Executive unchecked authority to spend billions of dollars for nearly any purpose, generally without OSC oversight or Legislative input.

Furthermore, the State Operations interchange authority, which grants the Executive unilateral authority to re-program spending authorizations without Legislative input, nearly renders the agreed-upon State Operations budget potentially meaningless. This has been proposed by the Executive and rejected by the Legislature in each of the past two budgets. It is critical that it be rejected this year as well.

These proposed extraordinary powers are unnecessary and create significant fiscal risk. We support your actions to date and recommend additional modifications in the enacted budget.

Thank you for considering our recommendations.

Sincerely,

Andrew S. Rein
President
Citizens Budget Commission

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cc:

Robert Megna, Director of the New York State Division of the Budget
Liz Krueger, Chair of the Senate Finance Committee
Helene Weinstein, Chair of the Assembly Ways and Means Committee