



NEW YORK STATE SENATOR

James Tedisco

## Tedisco: Comptroller Punts on Definition of On-Time Budget

SENATOR JAMES N. TEDISCO March 30, 2019

| ISSUE: **STATE BUDGET**

With one day left in the state fiscal year, Senator Jim Tedisco (R,C,I,REF-Glenville) today received a response from State Comptroller Thomas P. DiNapoli's office from his request for clarification on when the budget would be certified as "on-time" from a fiscal standpoint. The answer was essentially: "It's up to the Legislature!"

This year, state legislators stand to gain another \$10,000 pay raise with the "on-time budget passage by April 1st" according to the state's Pay Commission Report. However, the Pay Commission Report does not clearly specify if all the state budget bills or just one or some of the bills need to be passed by April 1st or if a continuing resolution to avoid a government shutdown would suffice.

Moreover, it is not clear from the report whether the budget is considered "on-time" if it is passed by 11:59 p.m. and 59 seconds on March 31st or 11:59 p.m. and 59 seconds on April 1st.

In the past, lawmakers have stretched the definition of what constitutes "on-time" and have even gone so far as to stop the clocks in the legislative chambers.

"I'm disappointed the state comptroller, who was a member of the Pay Commission and who ultimately pays the bills the budget funds, and then signs the paychecks that would contain the raises of state lawmakers, has chosen to punt on what the real deadline is for an 'on-time

state budget,” said Senator Tedisco. “We should all be made aware of what that definition constitutes as the budget moves to the April 1st deadline before the Majorities ram through a bad budget for taxpayers, stretch the definition of what it means to be ‘on-time’ and then give themselves a \$10,000 pay raise for their incompetence.”

“Our constituents deserve to have a good, balanced and on-time budget. Protecting their tax dollars by providing the best economic plan for New York may be the most important obligation we have as state representatives and most important in keeping the trust of our constituents in this year’s budget process is being transparent so all know what would represent an ‘on-time budget,” said Senator Tedisco.

Below please find the Comptroller’s Office’s response sent today to Tedisco’s inquiry:

Dear Senator Tedisco:

I write in response to your email, dated March 28, 2019, requesting clarification as to what constitutes an “on-time” budget as referenced in the report of the Committee on Legislative and Executive Compensation. Under the statute creating the Committee, once the Committee issued its report, its work was complete and it ceased to exist. It then fell upon the Legislature to either act to modify or abrogate the recommendations before January 1, 2019, or choose to allow them to become law. The Comptroller cannot speak on behalf of this now-defunct body or its other members. Moreover, as the Office of the State Comptroller, we are highly cognizant of the constitutionally limited role of our office in determining that the appropriation bill or bills acted upon by the Legislature are sufficient for the ongoing operation and support of state government and local assistance for the ensuing fiscal year. As such, we will not presume to render a hypothetical, advisory opinion interpreting an act of the Legislature. We are confident that the Legislature and Executive are working to enact a timely budget and optimistic that your inquiry will be rendered academic.

Sincerely

Nelson R. Sheingold

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