



NEW YORK STATE SENATOR

James Tedisco

## “Nothing Good Happens at NYS Capitol After Midnight”

JAMES TEDISCO March 29, 2023

| ISSUE: **2023 STATE BUDGET, EMERGENCY POWERS OF THE GOVERNOR, STATE BUDGET;  
GOVERNMENT SPENDING; TAXES**

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*Lawmakers call for “NYS Budget Transparency Act” to stop abuse of messages of necessity and prevent secret government from keeping public in the dark*

**Albany** - - As the clock ticks down to Saturday's April 1<sup>st</sup> deadline for an on-time New York State budget, Senator Jim Tedisco, Senator Steve Rhoads, Assemblyman John McGowan, and several of their colleagues today are responding to the Governor and Majority's habit of

foregoing public debate and rushing through state budget bills and other important legislation in the dark of the night. Tedisco and Rhoads are sponsoring the “NYS Budget Transparency Act” to stop the abuse of “messages of necessity” and prevent secret government from keeping many legislators, the public and media in the dark when significant legislation is being voted on.

The use of a message of necessity by Governors to push through a variety of controversial policy proposals by sweeping them into budget bills passed in the middle of the night while most New Yorkers are sleeping to avoid public scrutiny and thorough vetting by the media, public and legislators has drawn widespread derision over the years.

Currently, the state Constitution requires bills to “age” three days so legislators and the public have an opportunity to review them. When important policies or a budget is voted on, governors will often issue “messages of necessity” to circumvent the three-day rule and push through major legislation giving lawmakers and New Yorkers little-to-no time to read the bills. Although not unique to this executive, Governor Hochul promised she’d lead a “new era of transparency.” Regardless of which governor used the tool more in the past, it’s time to change this trend. Senators Tedisco and Rhoads and several of their colleagues, have a plan to help Gov. Hochul accomplish that goal.

Tedisco, Rhoads and McGowan’s “NYS Budget Transparency Act” ([S.48/A.4723](#)) is a constitutional amendment that would stop the clock on all legislative proceedings between midnight and 8 a.m. and limit messages of necessity except in the case of genuine emergencies such as a security threat, natural disaster or dire fiscal situation. The bill requires a two-thirds majority vote to take up any message of necessity.

“We’re calling on our colleagues to work morning to night to get the job done of passing a fiscally responsible budget, but let’s not substitute political expediency for transparency

because it's been shown time after time that nothing good can happen for taxpayers when the legislature is in session at the New York State Capitol after midnight. Sunlight is the best antiseptic. The Fourth Estate and the most important part of our representative democracy, the voters, shouldn't wake up with nightmares as their state government passed the largest spending plan in the history of New York State in the dead of night!" said Senator Jim Tedisco.

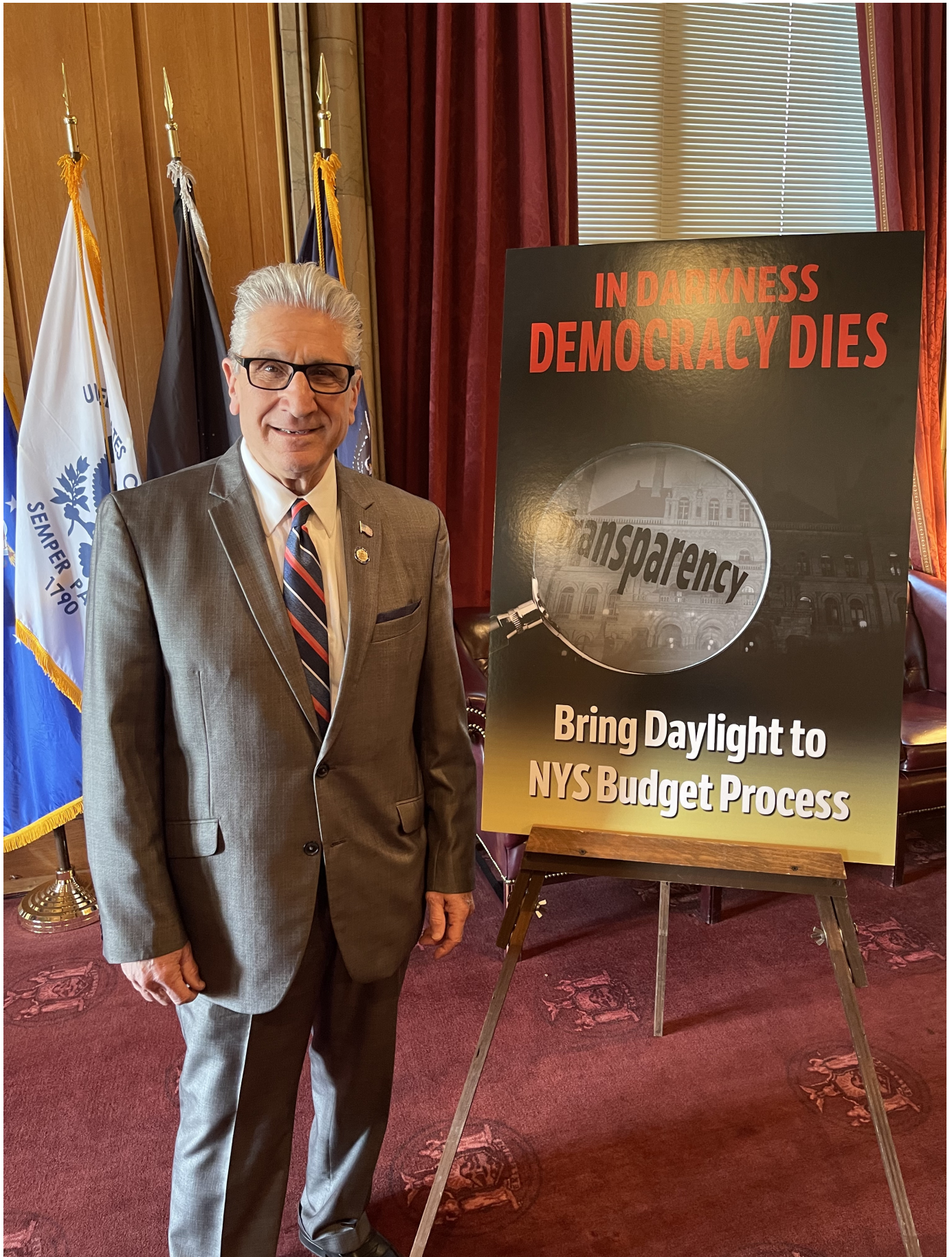
"Time and time again, under the cover of darkness, the Governor and Majorities in the New York State Senate and Assembly have cooked up a budget that fails to deliver meaningful tax relief to residents currently struggling with sky-high inflation or safer communities for the taxpayers of New York. In 2019 - under the cover of darkness - taxpayers were given cashless bail that freed killers, rapists, and drug dealers making our communities less safe. In 2020 - under the cover of darkness - taxpayers were given a public campaign financing system that could potentially cost taxpayers hundreds of millions of dollars. In 2022 - under the cover of darkness - billions of tax payer dollars in capital appropriations were passed. This lunacy needs to come to an end! That's why I'm proud to work with Senator Tedisco to introduce the New York State Transparency Act that will bring much needed light to the legislative process and increase accountability and openness for the hardworking taxpayers of New York. I'm standing up for all New Yorkers who deserve to know their government is working for them - not in the darkness of night, but in the light of day," said Senator Steve Rhoads.

"We as elected officials have a duty and obligation to provide full transparency to the residents of the state of New York when it comes to the legislative process. We must ensure that the process promotes and fosters the full participation of all duly-elected legislators. While it is understandable that negotiations and debate of complex legislation take time, this vital work must be done when all legislators can be afforded an opportunity to weigh in and be heard. Furthermore, it is essential for the public to witness the work of their elected

representatives and have the ability to hold them accountable. Therefore, passing laws in the middle of the night and behind closed doors stands in stark contrast to these fundamental principles that must be applied in order to have a fair and proper legislative process,” said Assemblyman John McGowan (R,C-Rockland).

“Ultimately, if the Governor and Leaders think passing a state budget that’s projected to be billions of dollars above last year’s in darkness is so good for New York taxpayers, then why don’t my colleagues hold their press conferences at 3 a.m. instead of the light of day? Clearly, they don’t because they want a full airing of their ideas to the public through the media so they can be seen and heard. As the famed journalist Bob Woodward popularized, ‘Democracy dies in darkness.’ If an agreement hatched in the dark of night at 3 a.m. is so good for our state then it will still be a good one to be debated and voted on at 3 p.m.,” said Senator Tedisco.





## 2023-S48

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Prohibits the passage of bills by the legislature between the hours of midnight and eight o'clock a.m. unless two-thirds of the legislature is present and requires two-thirds approval for messages of necessity

December 27, 2022

In Senate Committee [Judiciary](#)

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