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TALE OF THE TAPE: NYPIRG'S 2020 LEGISLATIVE REVIEW

"PANDEMIC" SESSION SEES LOWEST NUMBER OF TWO-HOUSE BILLS PASSED IN A QUARTER CENTURY

As part of NYPIRG's ongoing review of legislative activity, this analysis examines the 2020 New York legislative session to date. This analysis does not analyze or draw conclusions on the substance of bills or the overall legislative output, since "productivity" is more complicated and subjective than objective numbers. It is up to New Yorkers to assess the Legislature's effectiveness and impact. In order to be informed, however, New Yorkers deserve information on the functioning of their Legislature and we hope that the following information will stimulate dialogue between lawmakers and their constituents.

Unless otherwise noted, the following information is based on data compiled by the Legislative Bill Drafting Commission. Numbers are subject to revision in the event of a special or extraordinary session taking place before the end of the calendar year. Note that 2020 is the second year of the two year 2019-20 legislative session and an election year for Assembly and Senate legislators.

One additional note, since the session ended last week, actions taken by the governor cannot be compared with previous sessions. The governor will have until the end of the calendar year to act on bills that have been approved by both houses. Lastly, if lawmakers return before the end of the calendar year, the numbers could change.

As seen in Chart 1, the number of bills passed in 2020 represents a *significant decrease* over the previous year. The 2020 session accelerates an overall historical trend: 2020 shows a significant decline in passage of legislation, the lowest in at least a quarter of a century. Of course, a big reason for this reduction is the legislative chaos caused by the COVID-19 pandemic. Whether this year is an exception, time will tell, but it is clear that the drastic reduction in legislative actions in March, April and May (as seen in Chart 5) are unprecedented and track the explosion of the virus in New York.

Chart 1: Bills Passing Both Houses 1995-2020

Year	Passed Assembly Jan-July	Passed Senate Jan-July	Passed both Jan-July	Passed Assembly Full Year	Passed Senate Full Year	Passed both Full Year	Number of bills introduced in both houses during 2 year session
2020	581	796	413	TBD	TBD	TBD	16818
2019 ¹	1099	1555	935	1099	1555	935	
2018	1113	1542	641	1113	1542	641	17960
2017	998	1896	606	998	1896	606	
2016	1041	1752	618	1041	1752	618	16649
2015	1065	1637	718	1065	1637	718	
2014	1143	1460	658	1143	1460	658	15971
2013	1071	1408	650	1071	1408	650	
2012	1056	1256	571	1056	1256	571	15945
2011	999	1289	677	1001	1291	679	
2010	1196	1124	700	1210	1143	716	18079
2009	1242	640	554	1256	694	588	
2008	1641	1794	811	1645	1822	830	18294
2007	1531	1770	847	1538	1828	861	
2006	1961	1842	958	1965	1848	963	17770
2005	1628	1603	882	1630	1619	890	
2004	1702	1522	777	1793	1607	879	17214
2003	1403	1366	761	1408	1374	768	
2002	1654	1294	745	1654	1314	755	16892
2001	1283	1050	549	1394	1149	662	
2000	1537	1424	711	1537	1424	711	16995
1999	1470	1317	607	1586	1412	732	
1998	1547	1369	674	1563	1391	694	16106
1997	1132	1234	475	1469	1408	758	
1996	1580	1543	813	1585	1558	830	15670
1995	1362	1401	776	1362	1407	782	

¹ As of July 27, 2020.

Chart 2: Comparing Passage of Two House Bills During Gubernatorial Administrations 1920 through 2020²

Governor	Average Two House Bills per Year
Miller	908
Smith 1923-1928	936
FDR	1047
Lehman	1214
Dewey	1189
Harriman	1289
Rockefeller	1356
Wilson	1348
Carey	1041
Cuomo, M.	942
Pataki	785
Spitzer	861
Paterson	711
Cuomo, A.	620

Messages of Necessity use continues to be less frequent than in years past. In the ten single year legislative sessions of Governor Cuomo’s tenure, an average of 12.3 bills have passed both houses per year on an expedited basis through use of a message of necessity, compared to his immediate predecessors the Spitzer/Paterson Administrations (41) and the Pataki Administration (89.2).

² Historic totals from 1920 through 1994 were obtained from the New York State Red Book.

Chart 3: Annual messages of necessity, 1995 through 2020

Year	Bills Passing Within Either House with a Message of Necessity
2020	12
2019	10
2018	9
2017	15
2016	13
2015	10
2014	17
2013	3
2012	5
2011	29
2010	57
2009	43
2008	41
2007	23
2006	39
2005	34
2004	84
2003	58
2002	102
2001	80
2000	83
1999	118
1998	100
1997	109
1996	144
1995	119

Despite the partisan control of state governmental control by Democrats, the trend continues of the use of vetoes by this governor has increased during his tenure. In fact, 2019 saw the most gubernatorial vetoes in over a decade – despite one-party control.

As seen in Chart 4 below, in 2019 there was a dramatic increase in the number of bills approved by the governor, the most in more than a decade. This increase likely reflects the partisan makeup of the Legislature – both houses and the governor all share the same political party. As mentioned earlier, the “pandemic” session is likely to change that trend, given the drastic reduction in legislative activity. Note the combined total of bills that have been approved or vetoed does not exactly match the total number of bills passing both houses. Due to the governor’s line-item power, many appropriation bills fall into both categories. Note regarding the 2020 legislative session: Most of the bills passed came in the flurry of July, 2020 activity and few, if any, of those bills have yet been acted upon by the governor —a process that will continue until the end of the calendar year.

Chart 4: Two-house bills approved or vetoed, 1995 through 2020³

Year	Chaptered	Vetoed
2020	126	4
2019	749	170
2018	522	122
2017	505	101
2016	519	99
2015	589	133
2014	552	109
2013	558	87
2012	505	61
2011	610	68
2010	567	150
2009	507	79
2008	652	177
2007	691	164
2006	750	219
2005	770	119
2004	750	132
2003	755	69
2002	698	55
2001	591	70
2000	609	101
1999	657	70
1998	656	46
1997	686	69
1996	721	94
1995	694	83

Legislative activity by month.

Legislative activity increases each month that lawmakers are in session, culminating with the overwhelming number of bills being approved in the final scheduled session month of June. Note that March is the biggest month for campaign fundraisers, coinciding with the run up to the acknowledged deadline for budget passage by April 1st. Note that the monthly totals below if aggregated do not match the totals in Chart 1. Since legislation can be recalled and repassed, the monthly totals, when aggregated, are slightly larger than the final end-of-session totals.

³ As of July 27, 2020

Chart 5: Monthly legislative and campaign fundraising activity, session 2020⁴

Month	Senate passage of bills	Assembly passage of bills	Campaign fundraisers ⁵	Number of scheduled session days ⁶
January	108	65		11
February	129	95		11
March	75	38		15 (14)
April	6	8		7 (0)
May	32	32		11 (3)
June	85	100		2 (3)
July	363	244		(4)

Constitutional Amendments

There was one proposed amendments to the state Constitution this session that were approved by both houses.⁷

Chart 6: Annual approvals of constitutional amendments, 2002 through 2020

Year	Constitutional Amendments Passing Both Houses
2020	1
2019	4
2018	0
2017	2
2016	2
2015	0
2014	0
2013	8
2012	6
2011	2
2010	1
2009	2
2008	1
2007	5
2006	3
2005	3
2004	1
2003	2

⁴ These month-to-month totals when aggregated for the session exceed the amount in Chart 1 because some bills are recalled and can be approved a second time.

⁵ List of 2020 fundraisers collected by NYPIRG. Fundraiser event information was collected from cooperative lobbyists, thus may not include all fundraisers. Does not include fundraisers held within lawmakers' districts, does include all known fundraisers held in Albany and by the governor, legislative leaders and political parties anywhere in the state.

⁶ In the months of March, April and May, the number of session days was far lower than scheduled, due to the pandemic. July was added since it included what was more like an end of session week. The number in parentheses is the *actual* number of days that the Legislature was in session.

⁷ The state Constitution requires that before a proposed constitutional change can be sent to voters for consideration, the identical proposed change pass each house in two concurrent two year legislative sessions.