



For Immediate Release:
Sunday, June 5, 2022, 6 pages

For more information:
Blair Horner 518 727-4506, bhorner@nypirg.org

TALE OF THE TAPE: NYPIRG'S 2022 LEGISLATIVE REVIEW
NUMBER OF BILLS THAT PASSED BOTH HOUSES INCREASED
GOVERNOR'S USE OF EMERGENCY "MESSAGES OF NECESSITY" JUMPS

As part of NYPIRG's ongoing review of legislative activity, this analysis examines the 2022 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.

One note: Since the session just finished this 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 by both houses in 2022 represents an *increase* over recent sessions. The 2019, 2021 and 2022 sessions (the pandemic-stricken 2020 year was unique) document that one-party control has *reversed* an overall historical trend: Since seizing control of the Senate for the 2019 session, the Democratic majorities have increased approval of "same-as" legislation, reversing the previous decade's overall decline and at the highest numbers over the past two decades (other than the 2020 pandemic session). Also of note, the increase in the use of messages of necessity by Governor Hochul. The use of the messages of necessity, primarily to approve the budget and the redistricting legislation, are the most since 2014, but pale in comparison to earlier decades.

Chart 1: Bills Passing Both Houses 1995-2022

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
2022	1245	1634	1007	TBD	TBD	TBD	17155 ¹
2021	1054	1559	892	1056	1561	894	
2020	581	796	413	582	797	414	16818
2019	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 June 4, 2022.

NYPIRG Legislative Review, Page 3

Chart 2: Comparing Passage of Two-House Bills During Gubernatorial Administrations 1920 through 2022.² The first session of the Hochul Administration showed a big jump in the number of identical bills approved by both houses, reversing a decades-long decline.

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.	671
Hochul ³	1007

The use of Messages of Necessity jumped. In the first session of Governor Hochul’s tenure, messages of necessity were used at a level unseen in recent years. The use of the message of necessity were the largest since 2014 (although far less than earlier decades).

2022 Passed Either House with Message of Necessity

A9007C	BUDGET -- Implement the state health and mental hygiene budget
A9167	ZEBROWSKI -- Relates to congressional districts
A9168	ZEBROWSKI -- Relates to assembly and senate districts
S8000E	BUDGET -- State Operations Budget
S8001A	BUDGET -- Legislature And Judiciary Budget
S8003D	BUDGET -- Aid To Localities Budget
S8004D	BUDGET -- Capital Projects Budget
S8005C	BUDGET -- Implement the state public protection and general government budget
S8006C	BUDGET -- Implement the state education, labor, housing and family assistance budget
S8008C	BUDGET -- Implement the transportation, economic development and environmental conservation budget
S8009C	BUDGET -- Implement the state fiscal plan
S8715	KRUEGER -- Provides for emergency appropriation for April 1, 2022 through April 7, 2022
S8748	JACKSON -- Enacts major components relating to compensation, benefits and other terms and conditions of employment of various units; repeals certain provisions relating thereto
S9464A	KRUEGER -- Relates to an increase in the federal poverty level for purposes of the child care program
S9467	COONEY -- Allows for eligibility of green CHIPS projects in the Excelsior tax credit program
S9478	JACKSON -- Provides for compensation and other terms and conditions of employment of certain state officers and employees; appropriation

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

³ For the 2022 legislative session.

Chart 3: Annual messages of necessity, 1995 through 2022

Year	Bills Passing Within Either House with a Message of Necessity
2022	16
2021	9
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

As seen in Chart 4 below, in 2019 and 2021 there were dramatic increases in the number of bills approved by the governor, the most in more than a decade. During the pandemic session of 2020, that number dropped significantly, as did all legislative activity. As mentioned earlier, it is too early to tell what the governor will do *this* session, but it appears that there has been an obvious change in the trajectory of legislation. These increases likely reflect the partisan makeup of the Legislature – both houses and the governor all share the same political party. Due to the governor’s line-item veto power, many appropriation bills fall into both categories. Note regarding the 2022 legislative session: Most of the bills passed came in the flurry of late May and early June 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 2022⁴

Year	Chaptered	Vetoed
2022	203	1
2021	834	57
2020	389	27
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 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 different than the final end-of-session totals.

⁴ Chapters and vetoes are calculated for the calendar year. Some additional actions can occur in the following January for the preceding calendar year. As of June 4, 2022.

NYPIRG Legislative Review, Page 6

Chart 5: Monthly legislative activity, session 2022⁵

Month	Senate passage of bills	Assembly passage of bills	Number of scheduled session days
January	130	133	11
February	129	127	10
March	175	129	17
April	85	42	6 ⁶
May	757	513	14
June	391	308	2 ⁷

Constitutional Amendments

There were two proposed amendments to the state Constitution this session that were approved by both houses and will be on the ballot this November.⁸

Chart 6: Annual approvals of constitutional amendments, 2003 through 2022

Year	Constitutional Amendments Passing Both Houses
2022	2
2021	5
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

⁵ 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.

⁶ Lawmakers worked into Saturday April 9, to complete passage of the state budget – an additional 3 days.

⁷ The Senate worked into June 3rd, an additional day, the Assembly June 4th.

⁸ 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. In 2022, both proposed amendments address local debt issues.