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UPDATED: TALE OF THE TAPE: NYPIRG'S 2023 LEGISLATIVE REVIEW

NUMBER OF BILLS THAT PASSED SENATE INCREASED

ASSEMBLY MEETING THIS WEEK BOOSTED THE NUMBER THAT PASSED IN THAT HOUSE, BUT TOTAL AMOUNT STILL DOWN FROM 2022

GOVERNOR'S USE OF EMERGENCY "MESSAGES OF NECESSITY" CONTINUES TO MOVE UPWARD

As part of NYPIRG's ongoing review of legislative activity, this analysis examines the 2023 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 among and 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, 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.

As seen in Chart 1, the number of bills passed by both houses in 2023 represents a decline compared to last session. *The decline was the result of a drop-off in legislation approved by the Assembly, despite its two-day session this week.* 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; the most since 2014, but pale in comparison to earlier decades.

Chart 1: Bills Passing Both Houses 1995-2023

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
2023	1026	1648	896	TBD	TBD	TBD	14973 ¹
2022	1245	1634	1007	1245	1634	1010	17155
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	

Chart 2: Comparing Passage of Two-House Bills During Gubernatorial Administrations 1920 through 2023. While the two-house legislation approved in 2023 is smaller than in 2022, the overall trend has seen an increase in approved legislation when compared to previous decades.

¹ As of June 10, 2023.

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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	952

The use of Messages of Necessity continued to climb.

2023 Passed Either House with Message of Necessity

Bill No.	
A3003D	Budget -- Aid To Localities Budget
A3004D	Budget -- Capital Projects Budget
A3005C	Budget -- Enacts Into Law Major Components Of Legislation Necessary To Implement The State Public Protection And General Government Budget
A3006C	Budget -- Enacts Into Law Major Components Of Legislation Necessary To Implement The State Education, Labor, Housing And Family Assistance Budget
A6063	Weinstein -- Provides For Emergency Appropriation For The Period April 1, 2023 Through April 10, 2023
A6550	Weinstein -- Provides For Emergency Appropriation For The Period April 1, 2023 Through April 20, 2023
A6685	Weinstein -- Provides For Emergency Appropriation For The Period April 1, 2023 Through May 4,2023
S4000D	Budget -- State Operations Budget
S4001B	Budget -- Legislature And Judiciary Budget
S4007C	Budget -- Enacts Into Law Major Components Of Legislation Necessary To Implement The State Health And Mental Hygiene Budget
S4008C	Budget -- (Ted) Enacts Into Law Major Components Of Legislation Necessary To Implement The State Transportation, Economic Development And Environmental Conservation Budget
S4009C	Budget -- Enacts Into Law Major Components Of Legislation Which Are Necessary To Implement The State Fiscal Plan
S6260	Krueger -- Provides For Emergency Appropriation For The Period April 1, 2023 Through April 17, 2023
S6440	Krueger -- Provides For Emergency Appropriation For The Period April 1, 2023 Through April 24, 2023
S6480	Krueger -- Provides For Emergency Appropriation For The Period April 1, 2023 Through April 28, 2023
S7566B	Kennedy -- Relates To A Settlement Of Certain Land Claims Between The State And The Saint Regis Mohawk Tribe, The Mohawk Council Of Akwesasne, And The Mohawk Nation Council Of Chiefs
S7575	Jackson -- Implements An Agreement Between The State And An Employee Organization; Providing For The Adjustment Of Salaries Of Certain Incumbents In The Professional Service In The State University; Appropriation
S7576	Jackson -- Provides For Compensation And Other Terms And Conditions Of Employment Of Certain State Officers And Employees; Repealer; Appropriation
S7579	Kennedy -- Provides For Amendments To A Tribal-State Compact With The Seneca Nation Of Indians

Chart 3: Annual messages of necessity, 1995 through 2023

Year	Bills Passing Within Either House with a Message of Necessity
2023	19
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, 2021, and 2022 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. 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 2023 legislative session: Most of the bills passed came in the flurry of late May and 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 2023²

Year	Chaptered	Vetoed
2023	135	2
2022	841	167 ³
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.

² 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 10, 2023. Since the legislative session has just ended, the 2023 numbers will grow.

³ Includes two vetoes issued in January, 2023 related to legislation that had been approved in 2022 – S.74-A and S8815.

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Chart 5: Monthly legislative activity, session 2023⁴

Month	Senate passage of bills	Assembly passage of bills	Number of scheduled session days
January	99	57	10
February	100	46	9
March	171	67	16
April	53	37	5 (10) ⁵
May	448	317	15
June	802	507	5 (7) ⁶ (2) ⁷

Chart 6: Annual approvals of constitutional amendments, 2003 through 2023

Year	Constitutional Amendments Passing Both Houses
2023	1 ⁸
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

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 Lawmakers were in session beyond the scheduled number of days due to the late budget. After reviewing LRS “Digest,” “Daily Reports List,” lawmakers were in session on April 3, 4, 10, 19, and 20, a total of 5 additional days.

⁶ Both Houses were in on June 9th. The Senate worked into June 10th, the Assembly, all day June 10th.

⁷ The state Assembly was in session on June 20 and 21.

⁸ The amendment can be found in Senate bill 5540, which to the Mount Van Hoevenberg Olympic Sports Complex in Essex County.