

Statewide Systems Advocacy Network (SSAN)

Roles of Two State Government Branches: Executive and Legislative

Executive

Governor – Chief Executive of NY State Government

- Proposes Executive Budget by mid-January, which initiates budget negotiations with the Legislature.
 - Budget includes:
 - Appropriations for specific programs by state agency.
 - Article VII bills – legislation accompanying budget proposal.
 - State Fiscal Year (SFY): April 1 – March 31.
- Appoints commissioners of state agencies [except the State Education Department (SED), which is overseen by the Board of Regents, appointed by the Legislature, and a Commissioner who is selected by the Regents].
- Maintains a policy staff (people on the “2nd Floor” of the Capitol), including legal counsel who work closely with agency and legislative staff on the budgetary and legislative items that are most important to the Governor.
- Finalizes enactment of legislation that has passed both houses of the Legislature by signing it into law and assigning it a chapter number.
- Vetoes legislation that has passed both houses, preventing it from becoming law.
- Proposes Governor’s Program Bills.

State Agencies – Directed by Governor-appointed commissioners (often nominated and confirmed by Senate)

- Propose and set (after a public comment period) regulatory policy under statutory authorization, which provides explicit details to implement and structure programs established in state law.
- Control and design implementation of government-funded and administered programs, including: application processes, contracts with non-government agencies (RFPs), manner of distributing funding to localities and clients (allocation methodologies).
- Propose Departmental bills, which reflect the policy agenda of the Governor. To be introduced, the Governor must find a legislator who is willing to sponsor them.

Division of Budget (DOB) – Directed by Governor-appointed commissioner www.budget.state.ny.us

- Develops Executive Budget which reflects Governor's funding priorities and budget requests from all State Agencies (Nov-Dec).
- DOB staff conducts briefings on Executive Budget by agency for legislative staff (Assembly Ways & Means, Program & Counsel; Senate Finance, Counsel/Program; chairs of standing committees' staff) and negotiates details of major policy and appropriation decisions made by Governor and legislative leaders (Jan-Feb).
- Approves expenditures throughout the year once budget is enacted (post-April 1).

Legislative

Legislature – 2 Houses: Assembly & Senate. Legislative Term = 2 years (2007-08). Annual Legislative Session convenes in January with Governor's State-of-the-State Address and typically ends the third week in June, unless the budget has not yet passed.

- Budget - Approves final Budget (deadline: April 1).
 - Joint Public Budget Hearings by agency are convened by Assembly Ways & Means, Senate Finance and standing committees (Jan-Feb).
 - ONLY has power to modify Executive Budget (without Governor's resubmission) by: adding, reducing or cutting appropriations.
 - CANNOT amend programmatic language attached to appropriation.
 - CANNOT change "carve-outs" contained within an appropriation.
 - CAN refuse to pass Article VII bills.
 - CAN stall budget approval process by refusing to pass it.
- Elected members – Can introduce legislation amending any section of law, regardless of which standing committees they sit on or chair.
- Committees – Have jurisdiction over specific policy areas, directed by a chair.
 - Chairs and members are appointed by legislative leaders.
 - All legislation introduced is referred to the committee having jurisdiction over that portion of state law.
 - Have power to report them out of committee, either to move on to another committee (Ways & Means, Codes, Rules) or to potentially be voted on by the full membership of the house on the floor.
 - All bills MUST be reported by the standing committee to which they are referred before they can have the opportunity to be brought before the house for its consideration by all the members – this is why advocacy at the committee level is so important, including educating the chair and committee members of crucial legislation affecting individuals with disabilities.

- Task Forces – Conduct research, convene hearings, draft and introduce legislation on various policy topics, but CANNOT report bills.
- Enactment of Legislation - Requires a “Same-As” bill: an identical bill introduced and sponsored by a member of each house (usually a member of the Majority – Democrat in Assembly and Republican in Senate) to be passed by both houses before the end of the legislative session.
 - Example: **A9303B (Lavine) and S6943A (DeFrancisco)** – creates a visitability tax credit for individuals who modify their home to make it more accessible, or for including visitable features at the time of construction. This bill passed both the Assembly and Senate, but was vetoed.
 - All bills, committee agendas, floor calendars, chapters and vetoes are accessible at: www.public.leginfo.state.ny.us
 - Once a bill has passed both Houses, it is delivered to the Governor to either be signed or vetoed. Signed bills become a chapter of the laws of that year. Vetoed bills receive a veto message number of that year.
 - Veto override requires 2/3 vote by each house of the Legislature.

Assembly – Controlled by Speaker (Carl E. Heastie– Democrat)

www.assembly.state.ny.us

- Key Standing Committees:
 - Ways & Means – receives all bills with a fiscal impact,
 - Codes – receives all bills with penal/judicial impact,
 - Rules
 - Education
 - Health
 - Housing
 - Aging
 - Election Law
 - Mental Health
 - Higher Education
 - Transportation
 - Social Services
 - Children & Families
 - Government Operations
- Key Task Forces:
 - Task Force on People with Disabilities
- STAFF:
 - Majority Office of Program & Counsel – Central policy staff; hired by Speaker
 - Policy analysts and legal counsel assigned to each committee, work in collaboration with chairs to craft committee agendas (bills reported/held)
 - Team leaders oversee analysts/counsel – serve as primary legislative coordinators for Speaker in major policy areas
 - Member staff – Work directly for elected Assemblymembers

Senate – Controlled by Majority Leader (John J. Flanagan– Republican)

www.senate.state.ny.us

- Key Standing Committees:
 - Finance – receives all bills with a fiscal impact
 - Codes – receives all bills with penal/judicial impact
 - Rules
 - Education
 - Health
 - Housing
 - Aging
 - Alcoholism and Drug Abuse
 - Children and Families
 - Elections
 - Higher Education
 - Mental Health and Developmental Disabilities
 - Investigations and Government Operations
 - Transportation
- STAFF:
 - Majority Counsel/Program Services – Central policy staff, hired by Majority Leader
 - Member staff – Work directly for elected Senators