



For over 200 years, Albany has been the officially designated seat of the state government. Even before state government found a home, it erected an operational structure in the form of a State Constitution. The first State Constitution, adopted in 1777 before independence had even been won or statehood established, provided for the first popularly elected chief executive in America, freedom of religious exercise and judicial review of government actions. New York's first Constitution served as a model for the Federal Constitution which was drafted 10 years later.

Even so, that first State Constitution proved too detailed in other respects and soon became outdated. Eight conventions have been held since 1777, with the constitution of 1894 serving today as the backbone of New York's present body of law. It is the State Constitution that broadly delineates the powers and duties of state government's three branches – the legislative, the judicial and the executive.

This brochure is your guide to the three branches of state government and the ways in which they carry out the various tasks assigned to each of them under the State Constitution.

Roxanne Persaud

*Senator Roxanne J. Persaud
19th Senate District*

Legislative Judicial Executive



The Legislature is the law-making branch of state government. It is a bicameral, or two-house, body composed of the Senate and the Assembly. The Constitution authorizes a Senate of varying number, currently 63 members, and an Assembly of 150 members, who are elected from districts throughout the State for two-year terms. Each member of the Legislature must be a United States citizen, a resident of the State for five years and, in most cases, of the Senate or Assembly district for one year preceding the election.

The Lieutenant Governor is the Senate's President. In this largely ceremonial capacity, this officer presides over the Senate during the legislative session and has a casting vote to break ties in measures before the house.

After each election, the Senate elects from among its members a Temporary President who serves a two-year term. Traditionally, the Temporary President is the ranking Senator of the majority political party — the Majority Leader. It is the duty of the Temporary President to direct and guide the business of the Senate, appoint Senate committees, name Senate employees and perform or delegate to another Senator the duties of the President during the Lieutenant Governor's absence from the Senate Chamber.

The Assembly is presided over by the Speaker, who is elected from and by the Assembly membership for a two-year term. In addition to the duties as presiding officer, the Speaker possesses general powers similar to those of the Temporary President of the Senate.

The Temporary President and then the Speaker are next in line to the Lieutenant Governor in succession to the governorship.

The Constitution reserves varied and extensive powers for the Legislature. The most important is that which permits the Senate and Assembly to propose laws, within the limits of the Federal Constitution and certain Federal statutes and treaties. These laws first take the form of bills, which may be introduced in either house. A bill passed by one house must be passed in the same form by the other before it can be sent to the Governor for a signature or veto.

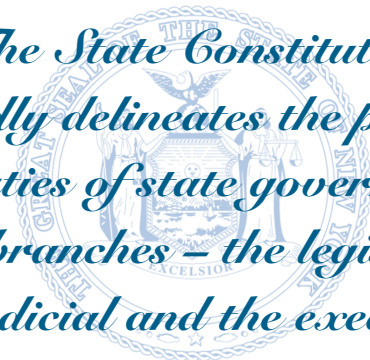
The law-making powers of the Legislature include: the appropriation of funds to operate state government and its agencies and for aid to local governments; the definition of acts or omissions that constitute crimes and the setting of penalties; the promotion of the public welfare, including that of the State's indigent, mentally ill and unemployed; and the correction, clarification, amendment or repeal of laws that are outdated or confusing.

The Senate and Assembly have several additional powers that are reserved solely for them in the Constitution. An important weapon in legislative deliberation is the override of the Governor's veto. The Legislature can approve a law despite a veto by the Governor with the support of two-thirds of the membership in each house. However, the most common law-making procedure is the result of compromise among the Senate, the Assembly and the Governor.

The Senate alone has the power to confirm the Governor's appointment of non-elected state officials and court judges. The Constitution provides that such appointments are subject to the advice and consent of the Senate, which approves or disapproves them, after hearings on the candidate's qualifications.

The Legislature, through its varied functions, serves as a check upon the executive authority of the Governor and helps ensure that the best interests of the State's citizens are legislatively represented.

*The State Constitution
broadly delineates the powers
and duties of state government's
three branches — the legislative,
the judicial and the executive.*



The State Constitution defines the organization and jurisdiction of New York State's unified court system, which has grown to become one of the busiest and most complex in the world. The judicial system consists of approximately 1,200 full-time judges, 2,300 town and village court judges and approximately 15,000 non-judicial employees.

The Chief Judge of the Court of Appeals is the chief judicial officer of the State. The Chief Judge serves as the chairman of the Administrative Board of the Courts, which consists of the Presiding Justices of the four Appellate Divisions of the Supreme Court. The Administrative Board establishes statewide administrative standards and policies for the court system.

The structure of the State's court system is based upon the cases each court is empowered to adjudicate.

The three main classifications of courts in the State are the Appellate Courts, Trial Courts of Superior Jurisdiction and Trial Courts of Limited or Lesser Jurisdiction. The trial courts are those with original jurisdiction. They are empowered to hear the initial case in most court proceedings. The appellate courts hear appeals of the decisions from other courts.

The Court of Appeals is the State's highest court. The Chief Judge and six associate judges are appointed by the Governor for 14-year terms from recommendations by the Commission on Judicial Nomination, with the advice and consent of the Senate. The Court hears cases on appeal from the other appellate courts and, in some instances, from the courts of original jurisdiction. Its review is generally limited to questions of law.

There are four Appellate Divisions of the Supreme Court, one in each of the State's four judicial departments. These departments include the 13 judicial districts that divide the State. The appellate justices are designated by the Governor from among Supreme Court justices to serve five-year terms. In addition to the 20 permanently authorized justices, the Constitution provides that the Governor may designate additional justices. In the first two departments, appellate courts hear appeals in criminal and civil cases originating in the Criminal and Civil Courts of New York City and in

county, district, city, town and village courts. In the Third and Fourth Departments, appeals from city, town and village courts are heard in the appropriate county court.

The Supreme Court, which functions in each of the 13 judicial districts, is a court of unlimited jurisdiction. However, it usually hears only cases outside the authority of other courts. It generally limits its civil jurisdiction to statewide cases while, in New York City and certain other parts of the State, it also adjudicates felony cases.

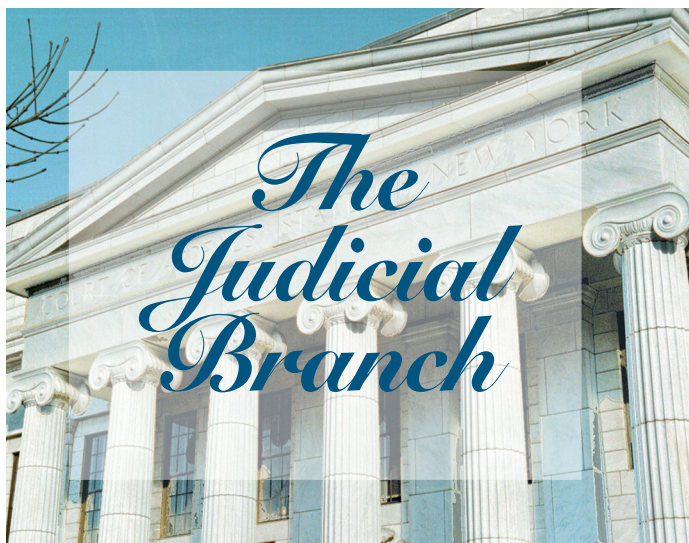
The Court of Claims, whose judges are appointed by the Governor to serve nine-year terms, is a statewide court whose main jurisdiction is over claims for money damages involving the State and a claimant, or two conflicting claimants. Certain judges serving in the Court of Claims also are empowered to adjudicate other civil and criminal matters that would normally come before the Supreme Court.

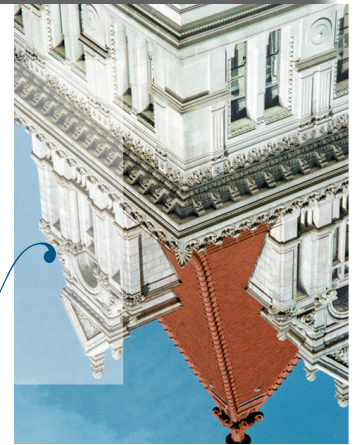
There are four courts of lesser jurisdiction outside New York City — district, city, town and village courts — that handle minor civil and criminal matters.

The complex structure of the State's court system is a reflection of the varied objectives that the Judiciary strives to realize. The Judicial Branch is empowered to: provide a forum for the peaceful, fair and prompt resolution of civil

claims, family disputes, criminal charges, juvenile delinquency charges, disputes between citizens and their government and challenges to government actions; determine the legality of wills, adoptions, divorces and other disputed matters; provide legal protection for children, the mentally ill and others entitled to the special protection of the court; regulate the admission of lawyers to the bar and their legal conduct; and review administrative determinations to admonish, censure or remove judges or justices.

The Judicial Branch serves as the enforcement body for bills that are passed by the Legislature and signed into law by the Governor. The courts determine the practical application of laws and decide their constitutionality. This is often a complex and challenging task, but the court system is organized to best meet the varied legal needs of our State's citizens.





New York State's Government

Understanding the Three Branches of

The Executive Branch is headed by the Governor, who is elected for a term of four years. The Governor, who must be at least 30 years old, a citizen of the United States and a resident of New York for five years, serves as the State's chief executive and Commander-in-Chief of its military and naval forces. The Governor is required by the Constitution to submit a yearly State Budget to the Legislature in which they make recommendations for legislation and proposed funding appropriations for departments and programs. The Governor is also empowered to: sign or veto legislative bills; convene the Legislature for special sessions; appoint and, under certain conditions, remove non-elected state officers; and grant reprieves, commutations and pardons. The Lieutenant Governor is elected for the same term and must possess the same qualifications for office as the Governor. The Lieutenant Governor, whose main function is to serve as President of the State Senate, assumes the governorship in case of impeachment, resignation, absence or death of the Governor. Other executive duties are designated by the Governor and may include the chairing of state councils.

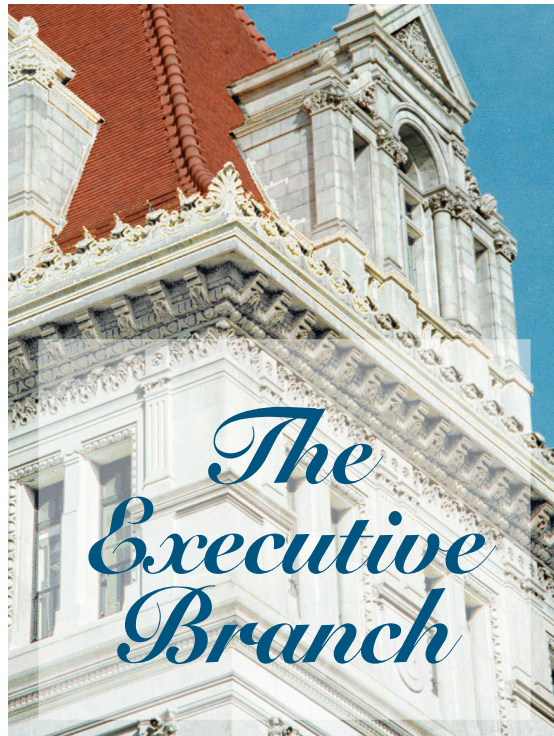
The State Comptroller and the Attorney General are the other two elected officials who serve in the Executive Branch. The Comptroller is the chief

fiscal officer of the State and serves as the administrative head of the Department of Audit and Control. The Attorney General, the State's chief legal officer, heads the Department of Law and is responsible for the prosecution of all actions for or against the State and for the legal affairs of state officers and departments. The Attorney General also serves as the chief guardian of the legal rights of New York's citizens, businesses and natural resources.

New York State's governmental activities are run by various departments of the Executive Branch. Three of the departments are supervised by elected officials — the Governor, the Comptroller and the Attorney General. The heads of the remaining departments, who each coordinate policy and activities for a specific concern, are generally appointed by the Governor with the advice and consent of the Senate. The principal exception to this is the Commissioner of Education, who is selected for this post

by the Regents of the University of the State of New York.

The Executive Branch is characterized by a strong Governor, with certain powers over appointments and the budget. However, executive authority is restricted by the independently appointed and elected officials.



The Executive Branch