



The seal of the State of New York has been in effect since 1777, was redesigned in 1778, and the current seal has been in use since 1882. On the left is a figure of Liberty holding a staff topped with a Phrygian cap (a cap given to freed slaves in Roman times) in her right hand. A royal crown is at her left foot to symbolize the defeat of the English monarchy. On the right side is a figure of Justice blindfolded and holding a sword in her right hand and the scales of justice in her left.

On the shield is a rising sun over three mountain ranges with two ships sailing on the Hudson River. Over the shield is an American eagle sitting on a globe. Underneath is a scroll with the state's motto "Excelsior" printed underneath, which means "Ever Upward" in Latin.



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**Tom
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Listening & Delivering

**Guide to New York
Government**



The Capital of New York is Albany. The Capitol building was constructed between 1867 and 1899. It cost \$25 million to build, making it the most costly public building constructed at the time. The Capitol houses the Governor's office and the legislative chambers. There are three branches of government in New York. They are:

EXECUTIVE

The Executive Branch of government in New York State is headed by the Governor. The Governor is elected by citizens of New York to serve for a four-year term. According to the New York state Constitution, the Governor must be at least 30 years old and a resident of the state for five years.

The Governor is responsible for the day-to-day operations of the State government. The Governor also decides whether to sign a bill into law or to veto it. The Governor also appoints commissioners of state departments. Some of the departments include Transportation, Health, Environmental Conservation, and Corrections. The Governor also proposes the state budget. The largest items in the budget are education and health care.

Presidents of the United States who have served as Governor of New York include Martin Van Buren, Grover Cleveland, Theodore Roosevelt, and Franklin Delano Roosevelt.

The Lieutenant Governor is elected at the same time as the Governor. He or she serves as acting Governor in the event the Governor is unable to fulfill his or her duties.

There are two other statewide elected officials. The Comptroller is responsible for conducting audits of state agencies and local governments. The Comptroller is responsible for properly spending the state's money and is the sole trustee of the state pension fund. The Attorney General is responsible for defending state agencies in court, as well as advocating for the public in areas such as consumer protection, antitrust and civil rights. The Comptroller and Attorney General are elected to four-year terms.

LEGISLATIVE

All laws are made by the New York State Legislature. The Legislature is composed of two bodies: the Senate and the Assembly. In order for a person to be elected to the legislature, one must be 18 years old, a resident of New York State for five years and a resident of the particular district for one year. Districts of legislative members are redrawn every ten years after the census is completed to reflect shifts in population.

The Senate (sometimes called the "upper house") is composed of 63 Senators who represent individual districts throughout the state. The average size of a district is 308,000 people. Senators are elected to two-year terms in even-numbered years. The Senate is presided over by the Lieutenant Governor of the State of New York who also holds the title of "President of the Senate." However, the Majority Leader, who is elected by the majority of Senators, actually controls the agenda and assigns Senators to committees. In addition to passing legislation, the Senate is also responsible for approving the Governor's appointments to head state departments and members of various boards, as well as judges to some of the State's courts (known as the confirmation process).

The Assembly (sometimes called the "lower house") is composed of 150 Members who are elected to two-year terms in even-numbered years. Each Assembly district consists of approximately 129,000 people. The Assembly is presided over by a Member called the Speaker who is elected by a majority of Members of the Assembly. The Speaker controls the agenda and assigns members to committees.



Assembly Chamber

JUDICIAL

The third branch of government in New York State is the court system. Courts are designed to resolve disputes and rule on whether laws passed by the legislature are unconstitutional.

In most states, the highest court is known as the Supreme Court. However, in New York it is called the Court of Appeals. There are seven judges who sit on the Court. When there is a vacancy

on the Court, a group known as the Commission on Judicial Nomination screens and interviews those people who apply for a judgeship. If the vacancy is for an Associate Judge, the Commission must forward the names of the three to seven candidates to the Governor, whereas if the vacancy is for the position of Chief Judge, the Commission is required to nominate seven candidates. When the Governor makes his or her choice, that person must then be approved by the New York State Senate. Judges of the Court of Appeals are appointed for 14-year terms and their mandatory retirement is age 80. The head of the Court of Appeals is called the Chief Judge of the State of New York. The Chief Judge is also responsible for administering the entire Court system.

The Court of Appeals is an appellate court. That means that it does not hold trials. Cases come to the Court of Appeals after they have been heard previously by the lower courts. It determines whether the lower court who heard the case previously made the correct decision. The Court of Appeals does not have to hear a case. A person must make what is called a "Motion for Leave to Appeal to the Court of Appeals." It is from these motions that the Court selects which cases it hears.

The next level of courts is called the Appellate Division. There are four Appellate Divisions in the State of New York (called Departments). They are responsible for hearing appeals from lower courts in a certain geographic area. The Appellate Divisions are located in the following places: Manhattan, Brooklyn, Albany, and Rochester.

Nassau and Suffolk counties are located in the Second Department. Other counties in this department include Kings (Brooklyn), Queens, Richmond (Staten Island), Westchester, Rockland, Putnam, Dutchess and Orange. Appellate Division judges are appointed by the Governor for five-year terms and must presently be a Supreme Court Justice.

In New York, the Supreme Court is the highest trial court. It conducts civil trials in which the amount in controversy is at least \$25,000, as well as matrimonial matters. Its Justices are elected to 14-year terms and must be admitted as an attorney at law for at least 10 years.

County Courts throughout much of the state handle criminal felony matters. Family Courts handle criminal matters for those under 16 years of age, as well as custody disputes and adoptions. The Surrogate Court is responsible for the administration of estates, probate of wills, and adoptions. Judges of these three courts serve for 10-year terms except that the Surrogate's Court Judges in NYC serve for 14 years.

District Courts in Nassau County and the five western towns of Suffolk County handle civil matters under \$15,000 and criminal matters which are classified as misdemeanors and violations. Small Claims Court (matters involving less than \$5,000) is handled by these District Courts. These judges are elected to six-year terms.