



## Schuyler Center's *First Look* at the NYS 2020-21 Executive Budget as It Intersects with Our Policy Priorities

Schuyler Center's *First Look* is an initial assessment of New York State's 2020-21 proposed Executive Budget and how it advances priorities that improve the health and well-being of all New Yorkers, especially those living in poverty. Schuyler Center staff will spend the coming days gaining a deeper understanding of the Executive Budget and its impacts, and working to achieve a final State budget that prioritizes investing in children and families, and reducing poverty and inequality.

Several proposals in the Executive Budget would save State dollars by shifting costs to localities, invariably leading to cuts in essential services in most, if not all, counties, and likely to exacerbate inequities across the state. Missing from the Executive's proposal: long overdue investments in children and families who need child care, additional investment in Early Intervention services for young children with delays and disabilities, and sufficient funding for kinship services.

In short, while this Executive Budget contains some important proposals and new investments, it is not a budget that puts children and families first. At best, this budget, if enacted, would require our children and families to continue to "make do" with inadequate resources. At worst, when the many proposed cuts are implemented at the county level – including the cap on Medicaid spending – many New York families that are already facing obstacles like disability, ill health, racism, and poverty, will be left in a worse position.

### CHILD WELFARE AND JUVENILE JUSTICE

#### Preventive, Protective, Independent Living, Adoption, and Aftercare Services

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##### ***What's in the Executive Budget***

The **Executive Budget** proposes an appropriation of \$610 million for preventive, protective, independent living, adoption, and aftercare services. This is a cut of \$25 million from state funding for these services, which the budget proposes to make up by shifting \$40 million from the TANF Flexible Fund for Family Services (FFFS) to be spent on child welfare services. This would increase the child welfare minimum spending threshold within FFFS funds from \$342.3 million to \$382.3 million. While we are still working to better understand the impact of this shift, it raises two concerns:

- This collective \$40 million reduction of FFFS funding will mean that counties will have to cut or eliminate programs currently relying on these funds, all of which are services for low-income seniors and families.

- This shift will also leave counties with fewer dollars available to draw down preventive services, which could result in an overall cut in preventive services.

The budget once again reduces the State share for preventive, protective, independent living, adoption and aftercare services to 62% from 65% (as is written in statute). This reduction in the State share has been made through the budget every year since the 2008 recession.

The budget also maintains funding at \$12.1 million for the Community Optional Preventive Services (COPS) program. This year, the Executive Budget proposes an increase in the range of programs and counties that qualify for the funding. This will effectively decrease available funds for programs currently relying on COPS funding.

### **Background**

Localities use the open-ended preventive funding stream to pay for child protective services and services to prevent children from entering, or re-entering, foster care. Counties use FFFS funding to support social services programs, including those for low-income seniors and families. The budget's proposal may leave counties with fewer dollars to use for preventive services at a time when New York should be bolstering its preventive services. While State reimbursement to counties is written into statute at 65%, it has been reduced to 62% through the budget every year since 2008.

The State should expand its investment in primary prevention. A more strategic approach to prevention would be to make services available further upstream, before there is any documented risk of entry into foster care.

**We urge the State to restore the funds transferred from FFFS to preventive services, re-assume the 65% State share, as provided in statute, and reserve that increased funding for community-based primary prevention services that reach families before there is a risk of removal to foster care.**

## **Foster Care Block Grant**

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### **What's in the Executive Budget**

The **Executive Budget** does **not** propose restoration of the \$62 million cut to the Foster Care Block Grant included in the 2017-18 Enacted Budget, and instead proposes maintaining funding of the Block Grant at \$383.5 million.

### **Background**

Counties use the Foster Care Block Grant to pay for foster care and the Kinship Guardianship Assistance Payment (subsidized guardianship) program. A reduced block grant means that counties assume a higher share of spending for their foster care systems.

## Prevention and Post-Adoption Services

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### ***What's in the Executive Budget***

The **Executive Budget** would invest \$7.6 million in adoption assistance savings derived from a higher federal share of adoption assistance into post-permanency services and services to prevent children from entering foster care. This would amount to level funding compared to last year's final budget.

### ***Background***

Post-permanency services are available to families after an adoption or guardianship arrangement has been finalized. These services are intended to help support families in permanency and to meet the needs of children and youth who had been in foster care.

## Family First Transition

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### ***What's in the Executive Budget***

The **Executive Budget** proposes to fund the Family First Transition Fund at \$3 million. This would amount to level funding for the fund's second year.

The budget also proposes to create a federal Family First Transition Act account, appropriating \$75 million in new, one-time federal funding: \$25 million directed to Family First implementation and \$50 million for programs that have expiring projects with Title IV-E waivers.

### ***Background***

The Family First Preventive Services Act, which passed Congress in early 2018, fundamentally changes the approach to child welfare financing. Under the law, new requirements will be in place around the use of federal funding to support children in group home settings to encourage states to place more children with foster families, including relatives. States will also be allowed to use some federal foster care dollars to fund evidence-based preventive services.

Last year, New York State created a Family First Transition Fund to support counties' efforts to recruit and support foster and kinship families in preparation for implementation of the new Family First Prevention Services Act.

**The Schuyler Center, along with CHAMPS-NY (Children Need Amazing Parents), a statewide coalition we co-lead, urge the State to add \$1.5 million to the Executive Budget proposal, for a total funding of \$4.5 million per year for two years for the Family First Transition Fund to ensure all counties receive robust enough support to take the steps necessary to move as many children as possible out of congregate care and into family-based settings.**

## Kinship Navigator and Kinship Caregiver Services

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### ***What's in the Executive Budget***

The **Executive Budget** proposes funding for kinship caregiver services at \$338,750. This is a cut of the \$1.9 million the Assembly added to last year's budget.

The budget also proposes \$220,500 in funding for the statewide Kinship Navigator information and referral network. This represents a cut of the \$100,000 the Assembly added to last year's budget.

### ***Background***

Kinship caregiver programs offer important support and services to people who care for relatives' minor children outside of the formal foster care program. Programs provide information about family members' rights, support to meet children's education and health care needs, and assistance with obtaining benefits.

The Kinship Navigator is a statewide resource and referral network for kinship families, providing information and connections to important resources.

**The Schuyler Center urges the State to strengthen funding for kinship caregiver services to \$4 million by adding \$3.7 million and strengthen funding for the Kinship Navigator Program to \$1 million by adding \$779,500 to the Executive Budget's proposals. These are important and cost-effective programs which need support in the coming year.**

## Kinship Guardianship Assistance Program (KinGAP)

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### ***What's in the Executive Budget***

The **Executive Budget** proposes to continue funding KinGAP within the Foster Care Block Grant.

### ***Background***

KinGAP provides relatives in certified foster care settings a permanency option when both adoption and family reunification are ruled out. Many of these families require financial assistance to continue caring for a foster child in their household; with KinGAP, kinship families can exit the foster care system, provide a stable, permanent home for a kin child and continue to receive financial support. KinGAP is an important way to promote permanency for children and youth.

**The Schuyler Center, along with the statewide Child Welfare Coalition and CHAMPS-NY, urge the State to fund KinGAP as separate, uncapped, and outside of the Foster Care Block Grant, with no reduction to the Foster Care Block Grant.**

## Foster Care and Higher Education

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### ***What's in the Executive Budget***

The **Executive Budget** proposes \$6 million in funding for the Foster Youth College Success Initiative (FYSI) to support youth in foster care who pursue higher education to graduation. This represents level funding compared to last year's final budget, when the Assembly added \$4.5 million to the Governor's proposal.

### ***Background***

The Schuyler Center is a member of the steering committee of the Fostering Youth Success Alliance (FYSA), which is working to provide a realistic path to higher education for the State's youth in care.

**The Schuyler Center, along with FYSA, urge the State to add \$1.5 million in the budget's proposal of funding for FYSI. This will bring total funding to \$7.5 million, which will allow the initiative to cover an increasing percentage of college-age youth in foster care.**

## Juvenile Justice

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### ***What's in the Executive Budget***

The **Executive Budget** proposes \$250 million for services and expenses related to raising the age of juvenile jurisdiction. Based upon language included in the statute, it is unlikely that New York City will be eligible to receive any of the funding.

The budget also fails to restore \$41.4 million in funding to the Close to Home juvenile justice program, cut in the 2018-19 Enacted Budget.

### ***Background***

In 2017, New York State passed legislation to raise the age of juvenile jurisdiction. The legislation, which is being phased in over 2018 and 2019, moved misdemeanors to Family Court, and created a new Youth Part of the criminal court for felonies, with the presumption that non-violent felonies will be moved down to Family Court, unless the district attorney files a motion within 30 days showing "extraordinary circumstances" that the case should remain in the Youth Part. Family Court judges will also preside over the Youth Part of the criminal court. As part of the legislation, youth will be provided with rehabilitative services.

Close to Home is a juvenile justice reform initiative implemented in New York City and designed to keep youth close to their families and community. Under Close to Home, young people receive therapeutic services at small group homes, where they are close to resources that can support their successful transition back into their communities.

## Workforce

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### ***What's in the Executive Budget***

The **Executive Budget** does **not** propose funding to strengthen the child welfare workforce.

### ***Background***

According to the New York State Citizen Review Panels for Child Protective Services, the child welfare system is facing a workforce crisis. Since 2008, the State has reduced human services funding by 26%, resulting in rates lower than in 1980. Nonprofits are expected to do more with less, but the sector cannot continue to provide quality services to communities without fair funding. The average human services worker lives at or below the poverty line. It has been 10 years since the state last provided a cost-of-living adjustment for the sector's workers.

New Yorkers deserve qualified workers and consistent services. Low salaries are one of the reasons the child welfare field has a high caseworker turnover. High turnover produces negative outcomes for children and families such as increased time to permanency, increased number of placements, and reduced ability to engage and build relationships with children and families.

**The Schuyler Center supports the 3for5 campaign's request for a 3% increase on contracts and rates for the next 5 years for the survival of the sector.**

## WORKING FAMILY TAX REFORMS

### Child Tax Credit

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### ***What's in the Executive Budget***

The **Executive Budget** proposes to expand the Empire State Child Credit to include children under age four in low-income families.

### ***Background***

New York's Empire State Child Credit provides eligible taxpayers a credit equal to 33% of the federal child tax credit at the levels that existed prior to the passage of the 2018 federal tax overhaul, or \$100 per qualifying child, whichever is greater, for children age 4 through 17. The Governor's proposal would begin to fill in this omission by extending the credit to young children (under age 4), with the credit available only to those taxpayers with a state adjusted gross income of \$50,000 or less. In contrast, for older children, the credit begins to phase out for single filers at \$75,000 and for joint filers at \$110,000 adjusted gross income.

**The Schuyler Center fully supports the Executive Budget proposal, but urges the State to build upon this proposal by:**

- 1. removing the credit's phase-in so that it is available to the state's poorest children, and acts more like a child allowance;**

2. **increasing the maximum for the young child credit from \$330 to \$1,000, and raising the phase-out to be the same as is in place for older children. This will give the most help to babies and toddlers who are most likely to live in poverty and are currently excluded from the state’s child tax credit; and**
3. **expanding the existing credit to \$500 for children four years and older.**

## Earned Income Tax Credit

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### ***What’s in the Executive Budget***

The **Executive Budget** proposes that the Tax Department automatically issue refunds for the Earned Income Tax Credit to taxpayers who have unclaimed credits.

### ***Background***

The EITC is one of the best ways to “make work pay” for low-income families and individuals, and research shows that children of EITC recipients are healthier and do better in school. The state’s EITC provides eligible taxpayers with children a refundable credit equal to 30% of the federal child tax credit. Non-custodial parents are also eligible for a credit, along with most childless adults – although this credit is considerably smaller.

However, a number of groups that would benefit from the credit are completely excluded from the federal and state EITC. Among them: young childless adults ages 18 to 25 at exactly the period in their lives when they are struggling to gain their footing in the workforce and build a nest egg for a future family. The poverty rate for young New York adults is 20%, far exceeding the 14% poverty rate for New York State overall. Another excluded group: many hard-working immigrants. At the same time, New York’s EITC’s structure should be reoriented around the State’s rising minimum wage to ensure it continues to encourage work by phasing out slowly as recipients achieve economic security. Finally, the EITC would help working New Yorkers better meet their monthly bills if it was paid out on a quarterly basis, rather than once a year.

**The Schuyler Center supports the Executive Budget proposal as an important way to ensure more eligible New Yorkers receive this tax credit. We also urge the State to build upon this proposal by further strengthening the EITC by expanding the credit to include young, childless adults and immigrant ITIN filers, by reorienting the credit around the rising minimum wage, and paying out the credit on a quarterly basis.**

## EARLY CHILDHOOD WELL-BEING

### Maternal Health

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### ***What’s in the Executive Budget***

The **Executive Budget** invests \$4 million to reduce maternal mortality by creating the maternal mortality review board (signed into law in August 2019), developing implicit racial bias training, expanding community health workers and building a data warehouse to support quality improvement activities for maternal health outcomes.

## **Background**

Women in the United States are more likely to die from complications relating to childbirth than in many other wealthy countries. And among states, New York ranks 30<sup>th</sup>. Racial disparities in maternal deaths are significant: Black mothers in New York are four times more likely to die during childbirth than White or Asian mothers. Addressing maternal health is essential to ensure the health of children – and, by extension, the whole family.

## **Maternal, Infant, and Early Childhood Home Visiting**

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### **What's in the Executive Budget**

The **Executive Budget** includes funding for Healthy Families New York (\$26.1 million) and Nurse-Family Partnership (\$3 million) at the same amounts as last year's Executive Budget proposal.

Funding for the public private partnership program at the Office of Children and Family Services that funded several Parent Child Plus and Parents as Teachers programs was eliminated (\$3.6 million).

No funding was proposed for other evidence-based home visiting programs.

### **Background**

Maternal, infant, and early childhood home visiting, a proven strategy for improving maternal and child outcomes, is available to less than five percent of families with young children in New York State and is entirely unavailable in some areas. A significantly higher investment is needed if New York aims to serve all communities with families in need and endeavor to ensure the best health and developmental outcomes for mothers, infants, and families.

## **Child Care**

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### **What's in the Executive Budget**

The **Executive Budget** proposes the same level of funding as last year for child care subsidies, which are the principal means of assistance for working families to cover the high costs of quality child care. Total 2020-21 funding for child care subsidies will be approximately \$832 million plus approximately \$8.75 million in new federal CCDBG funds. This flat funding will prevent New York from expanding access to quality child care for the 80% of eligible working families unable to access subsidies because of inadequate investment. Flat funding also will leave child care educators struggling to make ends meet on low wages, and providers scrambling to cover monthly expenses. The budget also includes, drawing upon new federal CCDBG, level funding for the Infant-Toddler Resource Network, up to \$6,532,000, which provides critical training and supports to providers serving our youngest New Yorkers, and level funding of \$5 million for QUALITYstarsNY, the state's quality rating and improvement system.

### **Background**

Currently, child care subsidies are available for fewer than 20% of New York families eligible for child care assistance.



While child care represents a significant expenditure for families, much of the child care workforce struggles to get by on low wages. The shortage of investment in child care impedes parents' ability to achieve economic security, driving many working families into poverty.

In 2018, New York took an important step in convening a Child Care Availability Task Force. We are part of this task force and believe it can play a critical role in significantly expanding quality, affordable child care. Unfortunately, this marks the third Executive Budget since Governor Cuomo signed the Task Force Legislation into law without meaningful new State investment in child care. Even as the Task Force engages in its important work, underinvestment is causing the foundations of the system we are looking to strengthen to crumble further.

**Schuyler Center, along with the Empire State Campaign for Child Care and Winning Beginning NY – two statewide early childhood coalitions we help lead – urge the State to make a substantial investment in child care this year to keep the providers' doors open, parents working, and children learning.**

## Pre-Kindergarten

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### ***What's in the Executive Budget***

The **Executive Budget** proposes to increase funding by \$15 million for 3- and 4-year-olds, open to all districts. The budget secures all other current pre-K funding for FY 2020-21, as long as districts continue to serve the same number of children. All districts may apply, with priority given to districts without any pre-K services, and proposals that target the highest-need schools and students and maximize total number of eligible children served.

### ***Background***

Nearly 77,000 4-year-olds outside New York City still have no access to full-day pre-K. The new funding is a modest step forward. It will increase the number of children in pre-K by a small number, but still falls far short of providing access to 4-year-olds, and shorter still of the Governor's stated goal of providing a full-day pre-K seat to all 4-year-olds by 2019. It is also problematic that funding levels are frozen at levels that, in some cases, have been the same for several decades. Many districts desperately need increased resources and support to sustain current services. Virtually all districts need improved funding levels to appropriately compensate and support qualified teachers in all settings, as well as the resources to convert part-day services to full-day, known to benefit children the most.

## Early Intervention

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### ***What's in the Executive Budget***

The **Executive Budget** proposes \$164.9 million to fund the Early Intervention (EI) program. This is a reduction from the \$173 million included in the 2019-2020 budget. Noting that 42% of children receiving Early Intervention have commercial health insurance and only 2% of EI services are paid for by commercial insurance, the Executive Budget includes language that aims to increase payment from commercial insurance.

## **Background**

The Early Intervention program provides therapeutic and support services to eligible infants and toddlers under the age of three who qualify due to disabilities or developmental delays. Access to timely services is critical when delays are identified, yet data show that one in four children did not receive mandated Early Intervention services within the required timeframe.

**While last year's budget increased payment rates for some categories of providers, we urge New York to increase rates for all EI providers, evaluators, and service coordinators by at least 10% to close gaps in accessibility and the State should implement a robust covered lives assessment, requiring health insurance companies to contribute to EI claims, that could result in tens of millions of dollars to support EI services.**

## **Afterschool Programs**

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### **What's in the Executive Budget**

The **Executive Budget** again proposes to reduce funding for Advantage After School by \$5 million as compared to last year's final budget.

### **Background**

High-quality afterschool programs have been shown to help close the achievement gap for low-income children and enable families to achieve economic stability.

**Schuyler Center joins our partner, the New York State Network for Youth Success, in recommending increasing the Advantage per-student rate from \$2,000 to \$2,320 to keep up with rising costs, at a cost of \$5.12 million. We also urge the Legislature to restore \$5 million to the Advantage After School Program.**

## **PREPARING FOR THE 2020 CENSUS**

### **Counting Children in the 2020 Census**

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#### **What's in the Executive Budget**

The **Executive Budget** proposes an additional \$10 million for census outreach.

#### **Background**

Every year, more than \$53 billion in federal funds is allocated to New York and localities based on Census data either directly or through Census population estimates or surveys that in turn rely on the Decennial Census. This includes \$6.7 billion for programs that benefit children, such as Medicaid, the Children's Health Insurance Program (Child Health Plus), education grants, Head Start, foster care and child care assistance.

In 2010, New York experienced a significant undercount, including among young children who, for many reasons, are historically undercounted in the Census. Another undercount in 2020 could lead to a significant cut in programs that New York children and families rely upon.

It could also lead to a loss of representation for New Yorkers in Congress and beyond, and distorted, inaccurate data. And, the impacts of an undercount would haunt us for a decade. With the Census beginning on April 1, 2020, it is essential that New York prioritize robust get out the count efforts immediately.

## PUBLIC HEALTH, HEALTH COVERAGE, ACCESS AND CARE

### Medicaid

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#### ***What's in the Executive Budget***

The Executive plans to reconvene the Medicaid Redesign Team (MRT) to find \$2.5 billion in savings that has no impact on beneficiaries and does not rely on local government as funding sources.

The Executive proposes that New York City and counties would be required to cover Medicaid spending increases beyond three percent per year, reversing recent policy limiting the local share of Medicaid growth.

#### ***Background***

New York State's Medicaid program provides coverage and access to services for more than seven million low-income and disabled children, adults, and seniors. For low-income seniors, Medicaid fills in gaps in Medicare coverage. This MRT II will be on a very tight timeline to generate proposals in time for budget enactment. **An MRT II should, unlike the first MRT, include a breadth of perspectives, including but not limited to, people with disabilities, parents, older adults, people in historically-underserved communities, and people of color.**

Under the Executive proposal, local government would be required to cover the non-federal share of Medicaid cost growth above three percent. New York is among the only states that secure a significant local share of funding for the program. In recent years, the State has assumed responsibility for a growing share of Medicaid, improving equity statewide.

### Health Coverage

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#### ***What's in the Executive Budget***

The **Executive Budget** does **not** include any funding to expand health insurance coverage to New Yorkers not eligible for existing coverage or who find coverage unaffordable.

#### ***Background***

Efforts at the federal level to destabilize the health insurance market created under the Affordable Care Act have begun to cause an erosion of coverage throughout the country and, even in New York, recent data indicates that coverage for children under age 5 has begun to slip. Protecting existing coverage is essential, but New York should also create opportunities for populations not currently enrolled to have access to health insurance options.

## Local Public Health Funding

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### ***What's in the Executive Budget***

The **Executive Budget** maintains reimbursement for the General Public Health Work (GPHW) program even with a reduction to the budget line from \$179 million last year to \$161 million this year. The lower appropriation reflects the reduction in reimbursement to New York City implemented as part of last year's budget.

### ***Background***

Public health programs maintain the health of populations and provide important services, such as maternal and child health programs, teen pregnancy prevention, tobacco control and disease prevention. Maintaining New York's strong public health infrastructure is essential for public safety, whether preventing the spread of contagious disease, like measles, or planning for a pandemic such as the emerging coronavirus.

## Lead Poisoning Prevention

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### ***What's in the Executive Budget***

The **Executive Budget** maintains flat funding of \$9.7 million for lead poisoning protection activities.

### ***Background***

Lead poisoning is preventable. Sweeping changes in the definition of blood lead levels and requirements for remediation were passed last year with the support of public health officials but resources were not provided to adequately cover the costs of activities associated with surveillance, enforcement and abatement last year or in this year's proposed budget.

## Center for Health Workforce Studies

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### ***What's in the Executive Budget***

The **Executive Budget** reduces funding for the Center for Health Workforce Studies by \$148,000.

### ***Background***

The health workforce is a vital part of New York's health care delivery system. Efforts to improve the quality of health services and expand access to care depend on the availability of an adequate supply of appropriately trained health workers. As New York continues to reform Medicaid, expand mental health and addiction services and prepare for new health services, robust information about the current workforce is necessary to evaluate existing programs and to plan for future needs. Cutting vital funds to an established, respected program that provides this information is shortsighted and inconsistent with the needs of policymakers.

## Adult Homes

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### ***What's in the Executive Budget***

The **Executive Budget** proposes significant changes to the Enhanced Quality of Adult Living (EQUAL) Program. These changes would limit the use of the grants to support independent skills training, mental hygiene staff trainings and capital improvement projects.

The budget also includes increased funding for supportive housing and services for residents transitioning out of adult homes.

### ***Background***

Both the EQUAL program and housing are important to adult home residents. Following a class action lawsuit, up to 4,500 adult home residents with mental illness were promised an opportunity to move out of institutional settings into independent community apartments, with the ongoing supports they need to successfully transition from institutional to community living.

The EQUAL program is critical to providing adult home residents with services and programs that improve their quality of life. These now include clothing allowances, air conditioners for resident rooms, improve food choices and other items that the residents in each home decide are important. **As proposed, the statutory language changes threaten to further marginalize adult home residents.**

## Consumer Assistance for Health Insurance

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### ***What's in the Executive Budget***

The **Executive Budget** includes \$2.5 million for the consumer assistance program.

### ***Background***

Consumer assistance programs help New Yorkers get and use health insurance. These essential programs provide assistance to New Yorkers as they enroll in and begin to use health insurance, thereby ensuring that insurance coverage translates into use of medical care, including preventive services.

**The Schuyler Center urges the State to increase funding of consumer assistance programs to \$8 million.**

## **About the budget process**

The Governor's Executive Budget proposal was released on Tuesday, January 21, 2020.

### **What happens next?**

- ✓ The State constitution allows the governor to submit revisions to the budget within 30 days of submitting the budget to the legislature (referred to as 30-day amendments).
- ✓ The Senate and Assembly hold a series of joint legislative hearings on the governor's proposed budget.
- ✓ In early to mid-March, each house of the legislature presents and passes its own version of the budget, accepting, rejecting, or amending items in the governor's proposed budget.
- ✓ An agreement on the final budget should be reached by April 1<sup>st</sup>, when the new state fiscal year will begin. The Cuomo Administration and legislature have been committed to, and successful in, securing passage of on-time budgets.

### **Budget legislation includes:**

Appropriations bills: These contain the line-item appropriations. The legislature may not alter appropriations bills except to reduce or strike-out appropriations, or to add distinct, separate items ("legislative adds"). The governor can line-item veto legislative additions (but not reductions or eliminations or provisions that the legislature did not alter).

Article VII bills: These include statutory provisions necessary to implement the budget as proposed. These bills are treated like any other legislation, and can be accepted or amended by the legislature, and approved or vetoed by the governor.