Syllabus for RPOS321/RPAD321: State and Local Government, Fall 2016

Rockefeller College of Public Affairs & Policy, University at Albany, SUNY

RPOS 321 (8890) and RPAD 321 (9189): State & Local Government, Fall 2016, Tuesdays and Thursdays, 4:15 pm to 5:35 pm, Room HU 129 (Humanities Building)

Frank J. Mauro, Public Service Professor, Rockefeller College; adjunct Lecturer, Political Science Department; and Executive Director Emeritus, Fiscal Policy Institute

Office hours are by appointment at the Rockefeller College Contact Office in Room 016 of the Humanities Building (http://www.albany.edu/rockefeller/contact_office.shtml). To schedule an appointment, please send an e-mail message to me at fjmauro@albany.edu with possible dates and times and I will get back to you to confirm a specific date and time. My preferred time for meetings is on Mondays, Wednesdays and Fridays, either finishing by 10:30 am or starting at 2:30 pm or later.

Contact me at fjmauro@albany.edu with any questions you have regarding course administrative matters or any of the material being covered in the course. If you do not receive a response to an email within 24 hours, please call me at 518-346-3122. If no one answers, please leave a message and your telephone number on the voice mail.

I. Course Description. This course will cover the role of state and local governments in the American federal system with an emphasis on:

- The division of powers between the federal government and the 50 state governments,
- The variations that exist among the 50 states relative to the structure and operations of the state executive branches and their component agencies, state legislatures, state court systems, and the states’ local government systems
- The variations among the 50 states in terms of the degree of home rule authority granted to their local governments

While this course deals with state and local government in all 50 states, we will frequently use issues, concerns and proposals involving New York State as the basis for discussion and comparative analysis. Moreover, during the Fall 2016 semester, in anticipation of New York State’s November 2017 statewide referendum on the question of whether or not New York should hold a state constitutional convention in April 2019, an emphasis will be placed on what, if anything, New York can learn from the constitutions of the other 49 states, and what, if anything, those other states can learn from New York. For example, we will compare the nature of state-local relations in New York and six other states (California, Colorado, Georgia, Illinois, Massachusetts, and Washington) using the book *City Bound: How States Stifle Urban Innovation* by Gerald E. Frug and David J. Barron. In addition, each student in the class will be assigned responsibility for researching one of the other 43 states and for sharing her or his findings and analysis regarding that state with the rest of the class.
II. Course Objectives. The instructor's objectives are for each participating student to

- Develop a clear understanding of the variety of state and local governmental institutions and processes through which the residents of the United States govern themselves
- Become familiar with many of the sources of information that are available regarding state and local governmental institutions and processes
- Be able to understand and explain current developments involving state and local governmental institutions and processes in theoretical, historical and comparative context.

III. Class Meetings. This class will meet on Tuesday and Thursday afternoons from 4:15 pm to 5:35 pm in Room 129 in the Humanities Building. At the beginning of most class meetings, students will be given the opportunity to report on interesting developments regarding state and/or local government in their assigned states and in New York and the other six comparison states from Frug and Barron, *City Bound*.

IV. Examinations. There will be two exams: (1) a mid-term exam during the regular class meeting period on Thursday, October 27, 2016, and (2) a two-hour final exam on Tuesday, December 20, 2016, from 1:00 pm to 3:00 pm in our regular classroom. The final exam will cover the material on the syllabus for the entire semester but with an emphasis on the material covered after the mid-term exam. The complete final exam schedule and the University’s final exam policy are both available at [http://www.albany.edu/registrar/final-exam-schedule.php](http://www.albany.edu/registrar/final-exam-schedule.php).

V. Course Requirements. Each student in this class will be responsible for:

A. Completing all assignments, including reading assignments, on a timely basis. (Each written assignment is due electronically by the date and time specified. Each reading assignment should be completed prior to the beginning of the first class meeting at which the assignment is scheduled for discussion.)

B. Reading and thinking about current developments related to state and local government, particularly developments involving her or his assigned state, by regularly reading the articles posted on *Governing* magazine’s website, [www.governing.com](http://www.governing.com); and reporting and commenting on those developments in class and via Blackboard.

C. Participating in class discussions on the basis of items A and B above.

D. Checking the course Blackboard site on a regular basis for any changes in the substance or due dates of assignments.

VI. Academic Integrity. Every student is responsible for becoming familiar with and following the University at Albany’s “Standards of Academic Integrity.” These standards are available for review at [http://www.albany.edu/undergraduate_bulletin/regulations.html](http://www.albany.edu/undergraduate_bulletin/regulations.html). Ignorance of the standards, unintentional error, or personal or academic pressures are not acceptable reasons for violation of the University’s academic integrity standards.

VII. Medical Excuse Policy. See [http://www.albany.edu/health_center/medicalexcuse.shtml](http://www.albany.edu/health_center/medicalexcuse.shtml)
VIII. Grading.

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<tr>
<th>Grade Component</th>
<th>Points</th>
<th>Share of Course Grade</th>
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<tr>
<td>Six (6) Written Assignments. The weight given to the grade on each assignment</td>
<td>42</td>
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<td>is indicated in section XI of this syllabus.</td>
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<td>Attendance and class participation including reporting on and commenting on</td>
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<td>current developments in state and local government in your assigned state and</td>
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<td>in any of the 7 comparison states, in class discussions and via Blackboard</td>
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<td>Mid-Term Exam (Thursday, October 27 in class)</td>
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<td>Final Exam (Tuesday, December 20, 1:00 pm to 3:00 pm)</td>
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IX. Reading Materials. The two books listed below have been ordered for purchase at either (a) the University Bookstore on the uptown campus, or (b) Mary Jane Books at 522 Washington Avenue near the downtown campus.


In addition, we will read several sections (and skim several other sections) of the 2016 edition of the Council of State Governments’ *Book of the States* which is available on-line at http://knowledgecenter.csg.org/kc/category/content-type/bos-2016. For research purposes, prior years’ editions of the *Book of the States* can be accessed from various links on the page at http://knowledgecenter.csg.org/kc/category/content-type/content-type/book-states.

Copies of other required readings as well as supplementary materials and resources (or links to electronic versions of such materials) are posted in appropriately named folders on the Blackboard site for this course.

X. Written Assignments. Please check the course Blackboard site for any changes in the substance and/or due dates of assignments as well as any additional instructions, guidance or resources for these assignments.

Written Assignment #1. Read the text of the United States Constitution including the 27 amendments that have been adopted. Then prepare, and by **12:45 pm on Tuesday, September 6**, submit, an MS Word document (or a Word compatible document) that contains informatively titled
lists of provisions of the United States Constitution (including the amendments) (a) that assign (or at one time assigned) roles to the states that are relevant to the organization and operations of the national government; (b) that deal with the states’ powers in a positive (i.e., empowering) way; (c) that deal with the states’ powers in a limiting way; and (c) that have served as the basis for the expansion of the powers of the national government into areas that some strict constructionists view as having been reserved to the states. Include the actual text of each provision you list, as well as the provision’s Article (or Amendment) and Section number. (4 points)

Written Assignment #2. Read the Preface (pages ix through xiii) of City Bound: How States Stifle Urban Innovation by Gerald E. Frug and David J. Barron and the related End Notes on page 235 of that book. Then, on the basis of your thinking about the information and arguments presented in the Preface, prepare, and by 5:45 pm on Wednesday, September 14, submit a MS Word document (or Word compatible document) that contains (a) a list of the laws or “facts” or statements, etc. discussed or mentioned in the text of the Preface that, in your opinion, would benefit from fuller explanations or additional end notes or more extensive end notes; (b) a list of any questions about state-local relations or about other aspects of government in the United States that you have as a result of reading and thinking about the information and arguments presented in the Preface; and (c) your thoughts regarding how a student or other researcher could go about trying to determine how the story presented in the Preface played out after the July 21, 2007, New York Times article referenced in the end notes. (5 points)

Written Assignment #3. Prepare, and by 5:45 pm on Friday, September 30, submit an MS Word document (or a Word compatible document) that contains (a) the link or links at which a student or other researcher can access the current (or relatively current) full text of the State Constitution of your assigned state; (b) the link or links at which a student or other researcher can access useful summaries and/or analyses of all or portions of the State Constitution of your assigned state; (c) the text of the section(s) of your assigned state’s State Constitution that govern the procedures by which that constitution may be amended or revised, etc.; and, (d) a careful comparison of those procedures with the procedures by which the United States Constitution and the New York State Constitution may each be amended or revised. (6 points)

Written Assignment #4. Prepare, and by 5:45 pm on Wednesday, October 19, submit an MS Word document (or a Word compatible document) that contains (a) the text of the provisions of your assigned state’s constitution that govern (1) the veto power(s) of that state’s Governor; and (2) the veto override power(s) of that state’s legislature; (b) the text of the comparable provisions of the United States Constitution and the New York State Constitution; and (c) a careful comparison of the veto and veto override provisions of those three constitutions. In preparing this comparison, you should read and make use of the tables in Chapters 3 and 4 of the 2016 edition of the Book of the States that deal with the nature and use of these veto and veto override posers and processes. (8 points)

Written Assignment #5. Prepare, and by 5:45 pm on Friday, November 18, submit an MS Word document (or a Word compatible document) that contains a well-organized and well-documented (e.g., well-footnoted) 5 to 6 page, double-spaced paper in which you compare the methods used for appointing and/or electing, and, if applicable retaining and/or recalling/removing judges for (a) your assigned state’s court system; (b) New York State’s court system; and (3) the United States (i.e., federal) court system. In preparing this comparison, you should read and make use of Chapter 5 of the 2016 edition of the Book of the States and the various materials posted in the State Judicial Systems folder on the Blackboard site for this course. If you find anything in any of the tables in Chapter 5 that seems incorrect or outdated, please let me know. (9 points)
Written Assignment #6. Prepare, and by 5:45 pm on Monday, December 5, submit an MS Word document (or a Word compatible document) that contains a well-organized and well-documented (e.g., well-footnoted) 5 to 7 page, double-spaced paper in which you identify (based on your reading, thinking, and writing during the course of the semester) the (a) changes that you would recommend in the constitution of your assigned state and/or in the New York State constitution; (b) the possible constitutional changes discussed in Tarr & Williams (and/or in Frug & Barron) that you would recommend against most strongly. In discussing specific changes that you are recommending and specific changes that you are opposing, be sure to discuss both the arguments for and against those changes. (10 points)

XI. Schedule of Required Readings and Class Discussions. Please check the course Blackboard site for any changes in the substance and/or due dates of assignments as well as any additional instructions, guidance, or resources for assignments.

August 27: Welcome and Overview of the Course.
- Course requirements (writing assignments; reading assignments; contributing to discussions based on reading and writing assignments; monitoring and reporting on current developments involving state and local governments)
- Finding the course readings
- Supplementary materials and other resources
- Using governing.com to follow current developments
- Assignment of states for research and monitoring
- New York State’s November 2017 statewide referendum on the question of convening a state constitutional convention

September 1, 6 and 8: The States and the Federal System.
For September 1, read Chapter 1 from Joseph F. Zimmerman, Contemporary American Federalism: The Growth of National Power
For September 6, read the text of the United States Constitution and skim the references to the United States Constitution (a/k/a the federal Constitution) in Frug & Barron and Tarr & Williams
For September 8, skim the supplementary materials in the Blackboard folder on The States and the Federal System

Topics to be covered include:
- National Governance Systems (Unitary Governments, Confederations, and Federal Systems)
- Advantages and Disadvantages of Federal Systems
- Theories of American Federalism
- The Growth of National Power; the expansion of the federal role over time
- The role of the states in the federal system
- Dual sovereignty but federal supremacy
- The Tenth Amendment to the U. S. Constitution and the “Police Power”
- The direct election of U.S. Senators
- The Federal Income Tax and Federal Grants-In-Aid
- The process for amending the U.S. Constitution

September 13, 15, 20 and 22: Local Government and State-Local Relations.
For September 13, read pages ix to xiii and pages 1 to 11 in Frug & Barron
For September 15, read Frug & Baron pages 12 to 74
For September 20, read Chapter 5 in Tarr & Williams
For September 22, read (A) the referenced sections of the “Individual State Descriptions” volume of the 2012 Census of Governments; (B) the “Cities 101” primer from the National League of Cities; (C) the text of the Local Government article (Article IX) of the NYS Constitution; and (D) the text of the local government and home rule provisions, if any, of the constitution of your assigned state.

Topics to be covered include:

• Dillon’s Rule
• Home Rule and its variations
• Types of local government (general purpose and special purpose; county and subcounty; municipalities and townships)
• Regional variations
• Special cases: City-County Consolidation (NYC, Indianapolis, Louisville); City-County Separation (Baltimore, St. Louis, and, statewide, in Virginia)
• Forms of local government (mayor-council (strong mayor vs. weak mayor); council-manager; commission; town meeting; representative town meeting)
• Local legislative bodies (at-large, single member districts, multi-member districts; mixed systems; proportional representation)
• Mayors and mayoral elections

September 27 and October 4 and 6: State Constitutions.
For September 27, read (A) “State Constitutions in the Federal System" and “Principal Provisions of State Constitutions: A Brief Overview;" (B) the text of the articles of the US Constitution (Article V) and the NYS Constitution (Article XIX) that govern the processes by which these two constitutions may be amended; (C) the comparable provisions of the constitution of your assigned state.; and (CD Tables 1.1 to 1.4 in the 2016 Book of the States.
For October 4, read Chapters 1, 7 and 10 in Tarr & Williams

Topics to be covered include:

• The nature of state constitutions
• How state constitutions are like the U.S. Constitution
• How state constitutions are unlike the U.S. Constitution
• Amending and revising state constitutions, including the roles of conventions, commissions and the legislatures
• Selecting delegates to state constitutional conventions
• The role of the electorate in calling state constitutional conventions and in adopting (and rejecting) constitutional amendments.

September 29: (Tentative) Hold for session on careers in federal and state government.

October 13: Governors and the Executive Branch.
Read (A) Chapter 3 in Tarr & Williams; (B) “Governors' Powers and Authority” from the National Governors’ Association (NGA); (C) Articles IV and V of the New York State Constitution; and (D) the text of the provisions of the constitution of your assigned state that deal with that state’s governorship and the structure of its executive branch.
Skim (A) “Introduction to Governors” by Margaret R. Ferguson; (B) the articles on gubernatorial elections from the 2014, 2015 and 2016 editions of the Council of State Governments' Book of the States.
Topics to be covered include:

- Gubernatorial roles (e.g., the Governor as political leader, chief executive, chief legislator, etc.) and gubernatorial powers
- Gubernatorial elections
- The state agency structure and the work of state agencies
- The reform model (a relatively small number of functionally-defined departments with all or virtually all department heads appointed by the Governor)

October 18, 20 and 25: The State Legislatures.
For October 18, read Chapter 2 in Tarr & Williams and skim Tables 3.1 to 3.27 from the 2016 edition of the *Book of the States*.
For October 20, read (A) "75 Years of Institutional Change in State Legislatures," (B) “The ‘Good’ Legislature,” (C) “Legislatures' Adaptation to Term Limits,” and (D) “Trends in State Legislatures”
For October 25, read (A) Article III of the New York State Constitution, and (B) the text of the provisions of the constitution of your assigned state that deal with the structure, operations, powers and duties of that state’s legislature.

Topics to be covered include:

- Terms and term limits
- Incumbency advantages and reelection rates
- The increasing importance of legislative party campaign committees
- The power of legislative leaders
- Committee systems
- Redistricting
- Bicameralism in operation
- Legislative oversight

October 27: Mid-Term Exam. Closed book exam during the regular class meeting time.

November 1 and 3: Public Education.
For November 1, read Chapter 9 in Tarr & Williams and Chapter 6 in Frug & Baron
For November 3, read (A) the State Education Governance Matrix from the National Association of State Boards of Education; (B) the referenced education sections of the “Individual State Descriptions” volume of the 2012 Census of Governments; (C) “State Constitution Education Clause Language” by Molly A. Hunter; (D) the text of the Education article (Article XI) of the NYS Constitution; and (E) the education provisions, if any, of the constitution of your assigned state.

Topics to be covered include:

- Governance of elementary and secondary education at the local level (independent school districts vs. dependent school systems; elected vs. appointed school boards and variations in the nature of school board elections; Mayoral control)
- Governance of elementary and secondary education at the state level (elected vs. appointed state boards; election vs. appointment of chief state school officers)
- The changing nature of the federal role in elementary and secondary education,

November 8: Election Day.

November 10 and 15: Voting and Elections.
For November 10, read Chapter 6 in Tarr & Williams and skim Chapter 6 (including the tables) in the 2016 edition of the *Book of the States*.
For November 15, read (A) the materials on “State Primary Election Types” from the National Conference of State Legislatures (NCSL); and (B) the May 2011 issue of *The Canvass* (the NCSL
Topics to be covered include:

- Political parties in society vs. political parties in government
- Relationships among and between national, state and local party organizations
- Geographic cleavages in policy preferences and elections results
- Bipartisan vs. nonpartisan election administration
- The mechanics of the nominating process (including primary elections of various types; and fusion a/k/a cross-endorsement)
- Representation, Reapportionment and Redistricting
- The US Supreme Court’s One-Person/One-Vote decisions
- The Voting Rights Act of 1965
- Reapportionment and redistricting. Including gerrymandering, packing and fracturing


For November 17, read (A) Chapter 4 in Tarr and Williams.; (B) “How Courts Work” from the American Bar Association; and (C) “Comparing Federal and State Courts” from the website of the United States Courts; and skim (A) the other materials in the Blackboard folder on State Judicial Systems, and (B) Tables 5.1 through 5.8 in the 2016 edition of the Book of the States.

Topics to be covered include:

- America’s dual court system
- The structure and roles of state court systems
- Judicial selection – appointment, election, and hybrid systems (e.g., the Missouri Plan)
- Trial courts and appellate courts
- Criminal courts and civil courts

November 29 and December 1: State and Local Finance and Economic Development.

For November 29, read Chapter 8 in Tarr & Williams. and Chapters 4 and 5 in Frug & Barron.

Topics to be covered include:

- Constitutional limitations on state and local expenditures, revenues and borrowing
- Balanced budget requirements
- Variations among the 50 states in the mix and level of revenues and expenditures
- State and local budgeting and financial management
- Economic development subsidies and other “tax expenditures”
- State and local roles in land use planning and zoning

December 6 and 8: State and City Futures

For December 6, read Part III and the Conclusion in Frug & Barron; and skim Chapter 9 in the 2016 edition of the Book of the States

December 13: Reading Day. There are no classes on Reading Day but there will be an optional review session for the RPAD321/RPOS321 final exam

December 20: Final Exam. Closed book exam in our regular classroom from 1:00 pm to 3:00 pm