

Syllabus for RPOS321/RPAD321: State and Local Government, Fall 2015

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

RPOS 321 (9736) and RPAD 321 (10094): State & Local Government, Fall 2015, Tuesdays and Thursdays, 4:15 pm to 5:35 pm, Room HU 124 (Humanities Building)

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Office hours are by appointment at the Political Science Department Contact Office in Room 016 of the Humanities Building. To schedule an appointment, please send me an e-mail message with possible dates and times and I will get back to you to confirm a specific time. Also feel free to contact me by e-mail with any questions you may have regarding course administrative matters or any of the material being covered in the course. If you do not receive a response to an e-mail message in a reasonable amount of time, call me at home at 518-346-3122. If no one answers, leave a message on the voice mail and I will get back to you as soon as possible.

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

- The constitutional division of powers between the federal government and the 50 state governments, and the evolution of that relationship over time;
- The systems of local government established by each of the 50 states and the evolution of those systems over time;
- The variations that exist among the 50 states in terms of the degree of home rule authority that the states have granted to their different types of local governments;
- The main state government institutions and their roles in (a) the making and implementation of public policy, and (b) the reconciliation of conflicts and demands among and between competing interests;
- The role of the states (and local governments in some states) in the operation and financing of major federal domestic programs such as Medicaid.

This is a course in state and local government in the United States generally but we will frequently use issues, concerns and proposals that have arisen in New York State as the basis for comparative analysis. More in-depth coverage of New York issues is available in RPAD325/RPOS325, Government and Politics of New York State, during the Spring 2016 semester. Each student will also be assigned a state, in addition to New York, to monitor and to periodically report on during class discussions.

Each student is responsible for completing a term paper that deals with one or more questions related to state and/or local government in one or more states. Topics for the term papers must be worked out with the instructor on or before September 22. See section IX of this syllabus for more information on the term paper assignments.

II. Course Objectives. The instructor's objectives are for each participating student to

1. Develop a good understanding of the state and local governmental institutions and processes through which the residents of the United States govern themselves.
2. Become familiar with the major sources of information that are available regarding the workings of state and local governmental institutions and processes.
3. Be able to understand and explain current developments involving state and local governmental institutions and processes in their proper theoretical and historical context.

III. Class Meetings and Examinations. From Thursday, August 27, 2015, through Tuesday, December 8, 2015, this class will meet on Tuesday and Thursday afternoons from 4:15 pm to 5:35 pm EXCEPT there will be no class meetings on either Tuesday, September 22, 2015, or Thursday, November 26, 2015. There will be three exams:

- An in-class exam on Tuesday, September 29, 2015 (which will cover the material on the syllabus for August 27 through September 17)
- An in-class exam on Thursday, October 29, 2015 (which will cover the material on the syllabus for October 1 through October 22)
- A final exam which, pursuant to the final exam schedule prepared by the Registrar http://www.albany.edu/registrar/registrar_assets/Fall_2015_Final_Examination_Schedule.pdf will be held on Monday, December 14, 2015 from 10:30 am to 12:30 pm. This exam will cover the material for the entire semester with a slight emphasis on the material on the syllabus for November 3 through December 3)

IV. Course Requirements

- A. Completion of all assignments on a timely basis including completion of all assigned readings prior to the class at which those readings are scheduled for discussion. Please check the course Blackboard site on a regular basis for any changes in course readings.
- B. Monitoring on a regular basis
 1. A newspaper (or comparable news service) available online that covers state and local government developments in New York on a regular basis
 2. A newspaper (or a comparable news service) available online that covers state and local government developments in your assigned state on a regular basis
 3. Governing magazine's website, <http://www.governing.com/>
- C. Participation in class discussions on the basis of items A and B above and on the basis of your readings and research related to your term paper.

V. Prerequisites. An understanding of the basic elements of American democracy (such as the concepts of "separation of powers" and "checks and balances").

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. 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

VIII. Grading

Term Paper (2% for selection of topic on time; 4% for submission of a reasonably detailed outline and a useful preliminary bibliography on time; and 14% for the quality and timeliness of final paper.	20%
Attendance, class participation and weekly assignments	20%
Exam #1 (Tuesday, September 29 in class)	20%
Exam #2 (Thursday, October 29 in class)	20%
Final Exam (Monday, December 14, 10:30 am to 12:30 pm)	20%

IX. Reading Materials. Two books (listed below) have been ordered for purchase at either (a) the University Bookstore on the uptown campus, or (b) Mary Jane Books (215 Western Avenue at the corner of Western Avenue and Quail Street) near the downtown campus. In addition to these two books, copies of other readings (or links to electronic versions of other readings) will be available via the Blackboard site for this course. Please check the course Blackboard site on a regular basis for any changes in course readings.

1. Joseph F. Zimmerman, *Contemporary American Federalism: The Growth of National Power*, Second Edition, SUNY Press, Paperback, July 2009.
2. Gerald E. Frug and David Barron, *City Bound: How States Stifle Urban Innovation*, Cornell University Press, Paperback, October 2013.

X. Schedule of Class Discussion Topics and Reading and Research Assignments (Please check the course Blackboard site on a regular basis for any changes in course readings.)

August 27: Introduction

- Course Requirements
- Assignment of states for monitoring
- Overview of federal-state relations and state-local relations, and the differences between the two
- Overview of the concepts of “separation of powers” and “checks and balances”
- Discussion of bicameralism in America vs. bicameralism elsewhere
- Overview of regional variations in local government in America

September 1 and 3: The States and the Federal System

Read and be prepared to discuss (a) Preface, Chapters 1 through 4 and 9 of Zimmerman, *Contemporary American Federalism*; (b) the U. S. Constitution; and (c) the materials in the Blackboard folder on “The States and the Federal System” including the U.S. Supreme Court decisions in *Hunt v. Washington State Apple Advertising Commission* (1977), *South Dakota v*

Dole (1984), and *National Federation of Independent Business v. Sebelius* (2012). Topics to be covered in class:

- 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 expansion of the federal role over time
- The direct election of U.S. Senators
- The Voting Rights Act and its interpretation
- The process for amending the U.S. Constitution with a focus on the role of the states in this process

September 8 and 10: State Constitutions

Read and be prepared to discuss (a) the materials in the Blackboard folder on “State Constitutions” including "State Constitutions in the Federal System" and "Principal Provisions of State Constitutions: A Brief Overview" by Richard Briffault, the tables on State Constitutions from the 2014 edition of the Council of State Governments’ annual publication, the *Book of the States*, the article about "State Constitutional Developments in 2013" from the 2014 *Book of the States*; and (b) the sections of the U.S. Constitution, the New York State Constitution, and the constitution of your assigned state that govern the processes by which those constitutions may be revised and amended. Topics to be covered in class:

- 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 15 and 17: State-Local Relations

Read and be prepared to discuss (a) Chapter 8 of Zimmerman, *Contemporary American Federalism*; (b) Preface, Part 1 and Chapter 3 of Frug and Barron, *City Bound: How States Stifle Urban Innovation*; (c) the materials in the Blackboard folder on “State-Local Relations” including the material on “Local Government Authority” from the website of the National League of Cities; and (d) the sections of the New York State Constitution and the sections, if any, of the constitution of your assigned state that deal with the home rule authority granted to different types of local governments in that state.

September 24: Review for Exam #1

September 29: Exam #1

October 1: Intergovernmental Fiscal Relations

Read and be prepared to discuss (a) Chapter 6 of Zimmerman, *Contemporary American Federalism*; (b) Chapter 4 of Frug and Barron, *City Bound: How States Stifle Urban Innovation*; and (c) the materials in the Blackboard folder on “Intergovernmental Fiscal Relations” including the U.S. Congressional Budget Office’s March 2013 report on federal grants to state and local governments, the U.S. Congressional Research Service’s July 2014 report, “Block Grants: Perspectives and Controversies,” and the "Aid to State and Local Governments" section of the

"Analytical Perspectives" volume of President Obama's Fiscal Year 2016 Budget. Also familiarize yourself with the data available from the U.S. Census Bureau on state and local government revenues (including intergovernmental revenues) and expenditures. Topics to be covered in class:

- The growth in the number of federal grant-in-aid programs
- Categorical Grants, Block Grants, and Revenue Sharing
- Policy linkages (e.g., 55 MPH speed limit; Drinking age)
- The State role in the management and partial financing of major federal initiatives
- Income Maintenance programs (from AFDC, OAA, AB, and AD to TANF and SSI)
- Health Care programs (from Medicare and Medicaid to the Affordable Care Act)

October 6 and 8: The Governor and the Executive Branch

Read and be prepared to discuss the materials in the Blackboard folder on “The Governor and the Executive Branch” including Chapters 1 and 2 of *The Executive Branch of State Government: People, Process and Politics* by Margaret R. Ferguson, “Governors' Powers and Authority,” from the National Governors Association (NGA), "Gubernatorial Elections, Campaigns and Winning Governors" by Thad Beyle from the 2014 edition of the Council of State Governments' *Book of the States*. Also familiarize yourself with the policy initiatives being advanced by the governor of your assigned state through her or his 2015 “state of the state” message and/or other similar documents. Topics to be covered in class:

- Gubernatorial powers and gubernatorial roles (e. g., the Governor as political leader, chief executive, chief legislator, etc.)
- 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
 - The unreformed model: A relatively large number of executive branch departments and agencies with some department and agency heads independently elected or appointed by boards rather than being appointed by the Governor

October 13 and 15: The State Legislatures

Read and be prepared to discuss in class: the materials in the Blackboard folder on "The State Legislature" including the following articles from Council of State Governments' *Book of the States*: "75 Years of Institutional Change in State Legislatures" (2010), “Legislatures' Adaptation to Term Limits” (2007), “The ‘Good’ Legislature” (2005), and “Trends in State Legislatures” (2004). Also familiarize yourself with the tables comparing the 50 state legislatures with each other, from the 2014 edition the Book of the States. Topics to be covered in class:

- Terms and term limits
- Incumbency advantages and re-election rates
- The increasing importance of legislative party campaign committees
- Trends in the party make-up of legislative chambers
- The relative power of legislative leaders
- Committee systems
- Redistricting
- Bicameralism in operation
- Legislative oversight

October 20 and 22: State Judicial Systems

Read and be prepared to discuss (a) Chapter 5 of Zimmerman, *Contemporary American Federalism*; and (b) the materials in the Blackboard folder on "State Judicial Systems" including "How Courts Work" from the American Bar Association, "The State of State Courts: Efforts to Improve Interbranch Relations in the Wake of Perceptions of Crisis" by Professors Roger E. Hartley and Melissa L. English from the 2014 edition of the Council of State Governments' *Book of the States*, the U.S. Congressional Research Service report on the "Role of Home State Senators in the Selection of Lower Federal Court Judges," and the articles comparing the federal and state courts from website of the United States Courts. Also familiarize yourself with the information on New York State and your assigned state from the websites of those state court systems and the "Comparing State Courts" database application on the website of the National Center for State Courts. Topics to be covered in class:

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

October 27: Review for Exam #2

October 29: Exam #2

November 3 and 5: Local Governments

Read and be prepared to discuss the materials in the Blackboard folder on "Local Government;" including the Introduction, Appendix A, Appendix B, the summary for New York State and the summary for your assigned state from the Individual State Descriptions volume the 2012 Census of Governments, and the "Cities 101" articles from the website of the National League of Cities. Also familiarize yourself with the tables on the "Forms of Local Government Structure" from the International City/County Management Association and the tables on local government organization from the 2012 Census of Governments. Also be prepared to explain the types of local governments that have been created in your assigned state and the roles and responsibilities of those different types of local governments. Topics to be covered in class:

- Regional variations in the states' local government systems
 - Importance of counties in the South, Southwest and the West
 - Role of townships (called towns in New England and New York) in the Northeast and Mid-West
- Special cases: City-County Consolidation (NYC, Indianapolis, Louisville); City-County Separation (Virginia, Baltimore, St. Louis)
- Municipalities: cities, towns (as small concentrations of population unlike the entities called towns in New York and New England which are the equivalent of the townships in New Jersey and the Midwest), villages, and boroughs
- Special districts and other special-purpose governments
- Forms of local government (e.g., mayor-council; council-manager; township and county governments without executives, etc.)

November 10 and 12: Governing Public Education

Read and be prepared to discuss (a) Chapter 6 of Frug and Barron, *City Bound: How States Stifle Urban Innovation*; and (b) the materials in the Blackboard folder on "Public Education" including the "State Education Governance Matrix" compiled by the National Association of State Boards of Education, the briefing paper on "State-Level Educational Governance" from the

Early Learning and K-12 Education Committee of the Washington State Senate, the infographic on “State Education Governance Models” the National Association of State Boards of Education, the report on “State Education Governance Models” from the Education Commission of the States, and the essay “School Boards and the Power of the Public” by Michael A. Resnick and Anne L. Bryant from Education and the Making of a Democratic People. Also read and be prepared to discuss the portions of the Individual State Descriptions volume from the 2012 Census of Governments dealing with education (pages x through xii) as well as the "Public School Systems" sections of the individual state descriptions for both New York State and your assigned state.

November 17 and 19: Governing Land Use and Development

Read and be prepared to discuss (a) Chapter 5 of Frug and Barron, *City Bound: How States Stifle Urban Innovation*; (b) the materials in the Blackboard folder on "Land Use and Development." Also be prepared to discuss how land use and development are governed at the state and local levels in your assigned state.

November 24: City Futures

Read and be prepared to discuss Part II and the Conclusion of Frug and Barron, *City Bound: How States Stifle Urban Innovation*.

December 1 and 3: Political Parties and Elections

Read and be prepared to discuss the materials in the Blackboard folder on "Political Parties and Elections." Topics to be covered in class:

- 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
 - Primary elections vs. general elections
 - Direct vs. indirect primaries
 - Closed vs. open primaries
 - Top Two Primaries
 - Fusion and 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
 - Gerrymandering (Packing and Fracturing)

December 8: Review for Final Exam

December 14: Final Exam

Pursuant to the final exam schedule prepared by the Registrar http://www.albany.edu/registrar/registrar_assets/Fall_2015_Final_Examination_Schedule.pdf, the final exam for this course will be held on Monday, December 14, 2015 from 10:30 am to 12:30 pm

XI. Term Papers

This assignment involves the preparation and submission of three deliverables (as discussed in the timeline below) related to the completion of a well-researched, well-organized, well-written, and well-edited term paper dealing with a topic that involves one or more issues or questions related to some aspect of state and/or local government in one or more states. The topics for the term papers must be worked out with me as part of the timeline presented discussed below.

The three deliverables together are worth 20 percent of the grade for the course: 2% for the timely submission and timely finalization of a topic for the paper; 4% for the timely submission of a reasonably detailed outline and a useful preliminary bibliography; and 14% for the quality and timeliness of final paper.

Timeline

1. On or before Friday, October 2, 2015, send me (by e-mail to me at fjmauro@albany.edu) a suggested topic that you would like to research for your term paper. You should also feel free to talk with me about your proposed topic both before and after submitting this e-mail message. Please correspond with me by e-mail as soon as possible if you have questions regarding any particular topic or topics that you are considering for this research project.
2. By or before the end of the day on Tuesday, October 13, 2015, you should finalize the topic for your term paper with me.
3. The second deliverable for this assignment involves the submission, by e-mail to me at fjmauro@albany.edu, by the end of the day on Friday, November 6, 2015, of an outline and a preliminary bibliography for your paper. You can also submit (for my comments and suggestions) revisions of the outline and/or of your preliminary bibliography as you work on the paper during November and December.
4. The third and final deliverable for this assignment involves the submission, by e-mail to me at fjmauro@albany.edu, by the end of the day on Friday, December 18, 2015, of your completed term paper with your final bibliography. This paper (not counting the bibliography) should be in the range of 6 to 12 pages, double-spaced in 12-point Times New Roman font with top, bottom and side margins of one inch.

All of the deliverables submitted for this assignment should be saved as Word documents (or as documents that can be opened in Word) with a .doc suffix (or as Rich Text Format documents with an .rtf suffix). Those documents should each be saved with a name that includes your last name, and should be submitted on or before their respective due dates as attachments to e-mail messages. The pages in your second and fourth deliverables should be numbered. The fourth deliverable (the completed term paper) should have sources cited using an established system of footnotes or endnotes or in-text citations. All material quoted exactly from a source should be in quotation marks with the source cited. Material that is paraphrased from a source or sources and which is not part of your own knowledge should not be in quotation marks but the source or sources that you relied on for the information being presented should be cited.