The Government and Politics of New York State
RPOS 325 (8378) and RPAD 325 (8379)
University at Albany, State University of New York
Spring 2018, Mondays and Wednesdays, 4:15 to 5:35 pm
Humanities Building, Room 133
Instructor: Frank J. Mauro, Public Service Professor and adjunct Lecturer

If you have a question or if you want to schedule a time to meet, please e-mail me at fjmauro@albany.edu. If you do not receive a response in a reasonable amount of time, please call me at 518-346-3122. If I am not in, please leave a message.

I. Course Overview. This course provides an introduction to the institutions and processes through which the people of New York State govern themselves. The major topics to be covered include:
   a. The federal and state constitutional frameworks within which New York’s governmental and political institutions operate
   b. The types of local governments that exist in New York State and the powers and duties that have been assigned to them.
   c. The structure, roles and functions of the executive, legislative and judicial branches of the New York State government and their major component institutions
   d. The workings of New York’s unusual multi-party system.

II. Course Objectives. The instructor’s objectives are for each student
   a. To demonstrate a thorough understanding of the political and governmental institutions and processes through which the people of New York State govern themselves
   b. To be able to access and utilize the major sources of information available regarding those institutions and processes
   c. To be able to explain current developments involving those institutions and processes in theoretical, legal and historical context.

III. Required Readings.
   a. The textbook for this course is the second edition of The Government and Politics of New York State by Professor Joseph F. Zimmerman (SUNY Press, 2008). This book is available for purchase at the on-campus University Bookstore.
   b. The text of the United States Constitution is widely available. An authoritative version that I find easy to use is available on the website of the U.S. Senate at https://www.senate.gov/civics/constitution_item/constitution.htm
   c. The text of the New York State Constitution is most easily available on the website of the New York State Department of State in several formats including: https://www.dos.ny.gov/info/constitution/index.html and https://www.dos.ny.gov/info/pdfs/Constitution%20January%202015%20amd.pdf. These versions did not, as of January 24, 2018, include the changes made by the amendments adopted by the voters of the state in November 2017.
   d. Copies and/or links to copies of all other required readings will be available via the Blackboard site for this course.
IV. **Schedule of Required Readings** Please check the course Blackboard site on a regular basis for any changes, deletions or additions to these required readings.

a. **Read for class on January 29 re New York State in the American Federal System:** Zimmerman pages 1 to 24 and the entire US Constitution with particular attention on Article 5 and the provisions of the US Constitution discussed in Zimmerman pages 11 to 24

b. **Read for class on February 5 re The New York State Constitution and State-Local:** Zimmerman pages 25 to 52 and the entire NYS Constitution with particular attention on Articles 9 and 19

c. **Read for class on February 12 re Political Parties and Party Nominations:** Zimmerman pages 53 to 68 and Sections 1 and 4 of Article 13 and Section 1 of Article 1 of the NYS Constitution

d. **Read for class on February 19 re Voting and Elections; Interest Groups:** Zimmerman pages 69 to 82

e. **Read for class on February 26 re The New York State Legislature:** Zimmerman pages 83 to 105, Eric Lane, “Albany’s Travesty of Democracy,” and Jeffrey Stonecash and Amy Widestrom, “The Legislature, Parties and Resolving Conflict”

f. **Read for class on March 5 re The Legislative Process in New York State:** Zimmerman pages 196 to 128 and Article 3 of the NYS Constitution

g. **Read for class on March 26 re The Governor and the Executive Branch:** Zimmerman pages 129 to 147 and Article 4 and Sections 1 to 7 of Article 7 of the NYS Constitution

h. **Read for class on April 2 re The Governor and the Executive Branch:** Zimmerman pages 148 to 171 and Articles 5 and 13 of the NYS Constitution

i. **Read for class on April 9 re The Governor and the Executive Branch:** Zimmerman pages 172 to 191, the (New York) State Administrative Procedures Act, and the materials on the NYS Department of State website about the state agency rulemaking process

j. **Read for class on April 16 re The Courts:** Zimmerman pages 193 to 217 and Article 6 of the NYS Constitution

k. **Read for class on April 23 re The Courts:** Zimmerman pages 217 to 235 and the NYS Unified Court System’s introductory Guide

l. **Read for class on April 3 re Financing the State:** Zimmerman pages 237 to 251 and Article 7 of the NYS Constitution

m. **Read for class on May 7 re Financing the State:** Zimmerman pages 252 to 270 and Articles 8 and 16 of the NYS Constitution

V. **Quizzes and Examinations.**

a. There will be an “open notes but closed book” quiz during every Monday class meeting except for the March 19th class meeting. Each quiz will cover the assigned readings for that day. Make up quizzes will not be available for missed quizzes but you can, in effect, miss up to two quizzes since your two lowest quiz grades will not be counted in calculating your overall grade for the quizzes component of the course. Your overall grade for the quizzes component of the course will count for 20 percent of your overall course grade.
b. A **“closed notes and closed book” mid-term exam** will be held during the regular class period on Wednesday March 21. This exam will cover the readings on the syllabus for January 24 through March 19; and the class lectures and in-class class discussions from the January 24 through March 19 classes. Your grade on this exam will count for 20 percent of your overall course grade.

c. A **“closed notes and closed book” final exam** will be held from 3:30 pm to 5:30 pm on Tuesday, May 15 in the regular classroom for this course (Humanities Building, Room 133). Note that this is not the regular class meeting day or meeting time. The date and time for this exam is set by the Registrar’s Office ([https://www.albany.edu/registrar/registrar_assets/Spring_2018_Final_Examination_Schedule.pdf](https://www.albany.edu/registrar/registrar_assets/Spring_2018_Final_Examination_Schedule.pdf)). The final exam will be cumulative but with an emphasis on the readings on the syllabus for March 26 through May 9 and the class lectures and in-class class discussions from the March 26 through May 9. Your grade on this exam will count for 20 percent of your overall course grade.

VI. **Written Assignments**

a. By 5:45 pm on Friday, March 2, 2018, prepare and submit a 4 to 5 page paper about the functioning of the New York State Legislature in which you compare and contrast the views of Jeffrey Stonecash & Amy Widestrom with the views of Eric Lane. See Attachment A to this syllabus for additional information regarding this assignment. 10 points

b. By 5:45 pm on Friday, April 26, 2018, prepare and submit a 4 to 5 page paper on the politics of the New York State budget process in the year you were assigned to research and write about, with an emphasis on the interaction of the Governor and the Legislature in that process in that year. See Attachment B to this syllabus for additional information regarding this assignment. 10 points

Each of these writing assignments should
- Be submitted as an MS Word document
- Use 12-point Times New Roman font
- Use one inch margins on the top, bottom and both sides of each page
- Include page numbers
- Consist of 4 to 5 pages of text followed by
  - A page (or pages) with endnotes citing the sources for any material in the text which was quoted exactly or paraphrased from a source, and
  - A page (or pages) with a bibliography listing the sources you used in researching and writing the paper.
- The 4 to 5 pages of text should be **double-spaced** while the endnotes and the bibliography entries should be **single-spaced** with an additional space between entries.
- Material that is directly quoted from a source should be placed in quotation marks and the source of the material should be cited.
- Any material that is paraphrased from a source should not be placed in quotation marks but the source of the paraphrased material should be cited.
VII. **Grading** for this course will be on an A through E grading scale including pluses and minuses with A for Excellent, B for Good, C for Fair, D for Poor, and E for Failure. The grade of E is a failing grade and can not be used to fulfill graduation requirements. The relative weight of the various course requirements is

1. Written Assignments – 10 points each for a total of 20 points
2. Weekly Quizzes – 20 points
3. Mid-Term Exam (March 21) – 20 points
4. Final Exam (Tuesday, May 15) – 20 points
5. Attendance and Participation (including reporting in class on current developments in New York State government and politics – 20 points

VIII. **Academic Integrity.** Every student is responsible for following the University’s standards of academic integrity which are posted at: [http://www.albany.edu/undergraduate_bulletin/regulations.html](http://www.albany.edu/undergraduate_bulletin/regulations.html). Ignorance of the standards, unintentional error, and/or personal or academic pressures are not acceptable reasons for violation of these standards. Please take the time to review the standards.

IX. **Topics for Class Discussion**

**January 24: Important Characteristics of New York Government and Politics**
- New York's "strong executive" form of government
- New York's multi-party electoral system
- New York’s “strong leader” legislative system
- Upstate/Downstate divisions in New York State politics
- New York’s heavy reliance on local governments to deliver and finance public services.

**January 29 and 31: New York in the American Federal System**
- The nature and roles of the federal and state constitutions
- Dual sovereignty with federal supremacy
- The Growth of Federal Power

**February 5 and 7: The New York State Constitution and State-Local Relations**
- The structure and substance of the New York State Constitution
- The processes for amending and revising the New York State constitution, including conventions, commissions and the legislative referral method
- The role of the electorate in the amendment processes.
- New York’s heavy reliance on local governments to deliver and finance public services
- New York’s General Purpose Local Governments (counties, cities, towns, villages) and its Special Purpose Local Governments (school districts, etc.)
- The emergence and evolution of home rule in New York State
- The state aid /state mandates trade-off
February 12 and 14: Political Parties and Party Nominations
• New York's multi-party system
• Securing and maintaining “official” party status in New York State
• Fusion a/k/a cross endorsement
• The nomination process including the circulation of party designating petitions and New York's system of “closed” primary elections
• The Wilson-Pakula law; and the "opportunity to ballot" concept
• New York’s Major Parties
• New York’s (Third or Minor or Smaller) Parties

February 19 and 21: Voting and Elections; Interest Groups
• Suffrage in New York State
• Voter Registration in New York State
• Election Timing and Election Cycles
• Election Administration (State and County Boards of Elections; New York City Board of Elections)
• The Corrupt-Practices Act
• Fair campaign Code
• Interest Groups and Regulation of Lobbying

February 26 and 28: The New York State Legislature
• Formal Powers
• State Constitutional Restrictions
• Structure and Sessions
• Apportionment and Reapportionment (and the Federal Voting Rights Act)
• 2014 Constitutional Amendment
• Sessions
• Political Party Make Up of the Legislature
• Term of Office
• Salary and Allowances
• Turnover of members and Incumbency Advantages
• Organization of the Legislature
• The New York State Legislature’s Strong Leader System
• Committees
• Public Hearings
• Party Organization

March 5 and 6: The Legislative Process in New York State
• Introduction and First Reading of Bills
• Reference of Bills to Committees
• Committee Processing of Bills
• Floor Debate
• Electronic Voting
• Interaction Between the Senate and the Assembly in the processing of Legislation
• The End of Session Rush
• The Governor’s role in the Legislative Process
• The Governor’s Veto Power
• The Presentment Clause and the Recall of Bills
• Financial Disclosure and Code of Ethics
• Freedom of Information and Open Meetings
• Lobbies
• Professional Staff and Member Services
• The Legislative Bill Drafting Commission
• Legislative Staff
• Legislative Reform
• Legislative Oversight of the Executive Branch
• The Administrative Regulations Review Commission
• Appropriation of Federal Funds; Anderson v Regan
• Criticism of the Legislature

March 19: Review and Catch Up

March 21: Mid-Term Exam

March 26 and 28: The Governor and the Executive Branch – Part 1 of 3
• New York State’s "strong executive" form of government
• The Governor as chief executive; chief legislator; leader of his or her political party; ceremonial head of state; intergovernmental representative
• The Governor and the Lieutenant Governor
• The Governor’s Appointment Power
• The Governor’s Removal Power
• The Governor’s Administrative Supervision Powers
• The Governor’s Budget Powers
• The Governor’s Military Powers
• The Governor’s Intergovernmental Roles.

April 2 and 4: The Governor and the Executive Branch – Part 2 of 3
• The Governor’s Legislative Powers; Legislative Roles; and Policy Leadership Roles and Expectations
• The Governor and the Calling of Special Sessions (officially referred to as extraordinary sessions)
• The Veto Power
• Gubernatorial-Legislative Cooperation including the Governor’s Message of Necessity Power
• Executive Orders
• The Governor’s Judicial Powers
• Gubernatorial Leadership vs. Gubernatorial Dominance
• The Administrative Reorganization Movement and the Structure of the Executive Branch
• The Executive Branch, The Executive Department, and the Executive Chamber
• The Attorney General and the Comptroller

April 9 and 11: The Governor and the Executive Branch – Part 3 of 3
• The Departments and Agencies of the Executive Branch
• Line Agencies vs. Staff Agencies
• Staff Support Agencies vs. Staff Control Agencies
• Public Authorities
• Moral Obligation Bonds
• Metropolitan Transportation Authority
• Urban Development Corporation (now doing business as the Empire State Development Corporation)
• Moreland Act Commissions
• The Public Authorities Control Board
• The Public Authorities Accountability Act
• The Civil Service System
• Collective Bargaining and the Taylor Law
• The Retirement System
• The Rulemaking Process and the State Administrative Procedures Act

April 16 and 18: The Courts – Part 1 of 2
• The structure of the state and federal court systems in New York State
• Trial Courts vs. Appellate Courts
• Criminal Courts vs. Civil Courts
• Courts of General Jurisdiction vs. Courts of Special or Specialized Jurisdiction
• New York State’s Minor Courts (Town and Village Justice courts, District Courts on Long Island, Small Claims Courts)
• General Trial Courts (New York State Supreme Court, County Court)
• Intermediate Appellate Courts
• The NYS Court of Appeals - New York State’s top level appellate court’ i.e., New York State’s court of last resort
• Special Courts (Family Court, Surrogate Court, Court of Claims, Indian Law Courts, Court for the Trial of Impeachments)

April 23 and 25: The Courts – Part 2 of 2
• Judicial selection
• Appointment vs. Election of Judges
• The Commission on Judicial Nomination (applies only to the selection of judges of the New York State Court of Appeals
• Fusion (a/k/a Cross Endorsement) in the nomination and election of judges
• Tenure and Removal
• The Commission on Judicial Conduct
• The Jury System (the Grand Jury, the Trial Jury)
• Court Congestion
• Administrative Adjudication
• The Judiciary and Policymaking

April 30 and May 2: Financing the State – Part 1 of 2
• State Expenditures including Constitutional and Statutory Restrictions
• The Structure of the State Budget
• The Spending of Federal Funds
• Budget Balance and Budget Execution
• Taxpayer Challenges
• The State Fund Structure
• Funds Within the treasury
• Funds Outside the treasury
• The Accounting System
• The Pre-Audit and the Post Audit

May 7 and 9: Financing the State – Part 2 of 2
• The Overall State-Local Revenue System including Constitutional and Statutory Restrictions
• State Taxes (the Personal Income Tax, various Business taxes)
• Local Taxes (primarily the Real Property Tax)
• Shared State and Local Taxes (the General Sales and Use Tax, transfer taxes)
• State and Local User Fees
• Gambling Revenue (The State Lottery, Casino Gambling, Racinos)
• State and Local Borrowing including Constitutional and Statutory Restrictions
• State-Local Fiscal Relations
• State and Local Property Tax Relief

Tuesday, May 15, 3:30 am to 5:30 pm – Final Exam (In Regular Class Room But Not At Regular Class Meeting Time)

Attachment A: By 5:45 pm on Friday, March 2, 2018, prepare and submit a 4 to 5 page paper about the functioning of the New York State Legislature in which you compare the views of the New York State Legislature’s “strong leader” system that are presented in:
• Eric Lane, “Albany’s Travesty of Democracy,” City Journal, Spring 1997

Copies of the article by Eric Lane and the book chapter by Jeffrey Stonecash and Amy Widestrom are both posted in “The New York State Legislature and the Legislative Process” folder on the Blackboard site for this course.

Both the article by Eric Lane and the chapter by Jeffrey Stonecash and Amy Widestrom deal with the workings of the New York State Legislature and both devote significant attention to the New York State Legislature’s “strong leader” system. Eric Lane in his article, “Albany’s Travesty of Democracy,” presents a critical or negative view of the New York State Legislature’s “strong leader” system while Jeffrey Stonecash and Amy Widestrom, on the other hand, identify and discuss the benefits of the New York State Legislature’s “strong leader” system.

Your assignment is to prepare an essay that explains and compares these negative and positive views of the New York State Legislature’s “strong leader” system. In your essay you should be sure to (a) identify those aspects of the New York State Legislature's “strong leader” system that the Lane article and Stonecash & Widestrom chapter both recognize but which Stonecash & Widestrom see as benefits or strengths and which Lane sees as disadvantages or weaknesses; and then (b) discuss the
arguments that Stonecash & Widestrom make as to why these aspects of the Legislature's organization and operations should be seen as strengths and the arguments that Lane makes as to why these aspects of the Legislature's organization and operations should be seen as weaknesses.

The essay must be your own work based on your careful reading of the Lane article and the Stonecash & Widestrom chapter and other sources that help to bring the arguments made in the subject article and the subject chapter up to date. Any material that you quote verbatim from the Lane article or from the Stonecash & Widestrom chapter or from anyone else's writings should be placed in quotation marks and the source of the material should be cited. Any material that is paraphrased from the Lane article or the Stonecash & Widestrom chapter or from anyone else's writings should not be placed in quotation marks but the source of the paraphrased information should be cited.

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Attachment B: By 5:45 pm on Friday, April 28, 2018 prepare and submit a 4 to 5 page paper on the politics of the New York State budget process in the year you were assigned to research and write about, with an emphasis on the interaction of the Governor and the Legislature in that process in that year.

To fully appreciate the politics of the policymaking process in the New York State, it is necessary to understand the budget powers of the Governor and the Legislature, particularly as they relate to each other, and the ways in which those powers have been utilized by different Governors and different legislative leaders over the years. This assignment is intended to familiarize students with these interactions by having each student research the process as it played out in a particular year and by then having all the students share the results of their research with their fellow students through in-class presentations. In assigning a particular year to each student, an effort will be made to assign each student one of his or her top five choices of years.

The budget process is an ongoing year-round process with the upcoming fiscal year’s budget being formulated, proposed and negotiated at the same time that the current year’s budget is being implemented (sometimes with choices and mid-year adjustments being made that generate significant tension between the executive and legislative branches) and that the prior year’s budget is being closed out and audited. To make this assignment manageable, these papers should focus primarily on the interactions between the Governor and the Legislature during the period (a) beginning with the Governor’s submission of the State of the State message and the Executive Budget at the beginning of the calendar year and (b) ending with the enactment of the budget bills for the new fiscal year but they should cover relevant events occurring before January 1 and/or after enactment that are particularly relevant to the politics of the budget process. For example, for budgets adopted between 1929 and the late 1970s, the dynamics related to the adoption of a Supplemental Budget at the end of the legislative session was particularly important.

This paper should focus on the interactions between the Governor and the Legislature in the preparation, negotiation, adoption and implementation of a state budget for a
particular state fiscal year. Among the aspects of a particular year’s budget process that should be considered for coverage are:

- The political configuration of the government at the time (e.g., the Governor’s political party and the party divisions in the two houses of the Legislature)
- The length of time that the Governor and each of the Legislative Leaders have held their offices (i.e., the extent of each of these primary actors relative experience)
- Recent state and national electoral results, and the preparation for upcoming state and national election, to the extent that these developments shape the environment for the budget process in the year being studied
- The economic situation in which the state budget is developed, negotiated and enacted
- The substance and timing of the Governor’s proposals (i.e., proposals leaked to the press by the executive prior to the State of the State message and prior to the submission of the Executive Budget)
- The reaction to the substance of the Governor’s proposals by the majority and minority parties in both houses of the legislature
- Budget proposals initiated by the Legislative parties and other actors in the process.
- The Legislature’s analyses, hearings, and town hall meetings on the Governor’s budget
- The issues that emerge as the major points of contention between and among the Governor, the Senate and the Assembly. For example, disagreements over revenue estimates; disagreements over policy decisions such as the distribution of school aid; non-budget issues that one or another of the parties links to an agreement on the budget; arguments about aspects of the budget process
- Law suits over budget-related issues that have recently been decided and/or law suits over budget-related issues in which decisions are imminent
- How the parties come to a negotiated agreement (or fail to come to a negotiated agreement) by the beginning of the new fiscal year
- In years when a budget agreement is not reached by the beginning of the new fiscal year, how do the parties react, how long an impasse prevails, when and how an agreement is finally reached

For 2013 and earlier years, this assignment can be completed on the basis of the New York Times’ coverage of the budget process as retrieved using the ProQuest Historical newspapers database available via the website of the University Library. Other sources can also be used. For 2014 and more recent years, the necessary research will be a little more difficult so before selecting one of these more recent years, you should speak to me individually.