

New York State Government
and Politics in a Nutshell:
A Citizen's Primer

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Preface

When I taught my course on state and local government at St. Lawrence I included New York government in the course matter. It was this experience which motivated me to write a book on New York State and Local Government as a primer for citizens of the state. There is so much that is unique about New York, “The Empire State,” that the general public should know. For a century and a half New York was the nation’s political, economic and social leader. It has a long history of competitiveness, compassion and creativity. A strong commitment to education produced one of the earliest public school systems and an unmatched higher education system of public and private colleges and universities.

New York is “big town” (New York City) and “small town” (Rouses Point); urban, suburban, rural and sprawl. It is the Southern Tier, the Hudson Valley, North Country, the Erie Frontier and metropolitan New York and Long Island. Increasingly it is becoming a multicultural society, representing many of the world’s ethnic and cultural groupings.

Politically, the state is highly partisan in its politics, even at a time when political parties are in decline. Partisanship starts at the State House and travels down to the smallest town and village. The political competition is upstate/downstate, rural and urban and liberal and conservative. Increasingly, New York has become a liberal and Democratic state which was once a Republican stronghold. Registered Democratic voters now outnumber Republicans 5:3.

Today New York’s challenges are re-starting the state economy which has languished since the 1970’s, rebuilding its cities which created New York’s economy,

creating job and expanding educational opportunities improving its social safety net and re-inventing its government which is characterized by gridlock, political stalemate and significant interest group influence. Governor Spitzer has endorsed the goals mentioned above. Changing the political culture of a highly partisan and heterogeneous system is a challenge as he begins his first term in office.

I would like to thank Laurie Olmstead, my loyal and dedicated editor, Michaela Stewart, my student research assistant, the staff at St. Lawrence University Library, and my students in Government who challenged me over the years.

Robert N. Wells Jr.
Munsil Professor of Government Emeritus

Introduction

In our everyday lives the level of government which most touches us is state and local government. We look to state and local governments for services, protection, support, education and representation. To provide for these public entities we pay taxes and user fees to enable them to carry out their responsibilities to the public. With so many levels of government in New York—an average of five—residents pay high taxes, in fact the highest among all the states—5,260 per capita.¹

An explanation of this would be New York has high taxes because of its number of public taxing entities and the levels of service which they provide. Why do we have so many local governments and why does New York provide the level and scope of public services which ranks it first among the states? It was these two issues, taxes and governmental expenditures, which led me to undertake this examination of New York State government and its functioning.

The Principal Institutions and Actors in New York State Government

At the center of New York government is the state constitution. New York's first one dates from 1777 and our fifth and current one from 1894. It is 47 pages long and has 219 amendments.² The 1894 Constitution includes a strong bill of rights, including economic and social rights, and a section establishing free public education in the state. Created by our first constitution, and continued down through the current one, was the office of governor, a bicameral legislature, a court system and a mechanism for change.

Similar to other early state constitutions, New York's initial governor was required to share executive powers with both the legislature and the courts. By 1821, the

governor achieved sole executive power and over the next century through constitutional amendment and legislative action the office of governor was substantially strengthened. In 1886, a constitutional amendment provided the governor a line-item veto of legislative budget items. The growth of executive power is a central issue in the development of New York State government.

For the first century and one-half, the New York State legislature was the principal actor in state government. Amendments originally proposed by the 1915 Constitutional Convention and later action by legislative constitutional amendment and legislative law the executive office of the governor was created and the annual budget submission was moved from the legislature to the governor's office.³

The current power of the state legislature stems from its party discipline, strong leadership and grass roots support. With this mandate legislative leaders of the Senate and Assembly are powerful state leaders and constitute two of the participants of what is known as "Three Men in a Room," the political team which negotiates with the governor regarding budgets and legislation.

Until 1846, the State Supreme Court justices were appointed by the governor and confirmed by the Senate. This change to election was made to "democratize" the courts and make them more responsible. The 1846 Convention, known as the "People's Convention" was influenced by the political ideals of Jacksonian Democracy and distrust of judges who were perceived as siding with property owners and the monied class.

Over the years the New York State courts have been looked to for their jurisprudence and judicial leadership. John Jay, Benjamin Cardozo, Harlan F. Stone, Thurgood Marshall, Governor Charles Evans Hughes and Ruth Bader Ginsburg are

notable New York justices who have served or currently serve on the U.S. Supreme Court. A 1977 constitutional amendment changed the selection of the Court of Appeals, the state's highest court, from election to appointment by the governor and confirmation by the Senate.⁴ This same amendment created a Unified State Office of Court Administration under the leadership of the Chief Judge of the Court of Appeals. The issue of appointing rather than electing State Supreme Court justices has recently emerged as a central issue of court reform.

Political parties are the transmission belt between public officials and the voting public. New York is a highly partisan state and political parties continue to play a central role in New York State politics. With the exception of most school boards, political offices at all levels are filled by partisan election. A lot of money is spent by political parties to support their candidates. Money in politics in New York is an important election issue.

Recently Governor Spitzer appointed a Commission on Local Government Efficiency and Effectiveness. After public hearings around the State, the Commission will submit its findings and recommendations to the governor by April 1, 2008. Earlier attempts to reform local government by Governors Cuomo and Pataki did not succeed. Currently there are 3,322 local governments in New York State. Local loyalties die hard and the Commission will have to consider both efficiency and effectiveness within the context of political practicality. Merger and consolidation does not have a successful history among local governments in New York.

The most pressing issue facing New York State is the economy and how to reinvigorate it. For a century and a half New York was the economic and political leader

among the states. Its economy was both balanced and had breadth. Beginning in the 1960s the wheels began coming off. In 1975, New York City faced a fiscal crisis which required state intervention and funding to forestall bankruptcy. Statewide businesses were closing or moving out of state, jobs were vanishing and workers and their families were migrating to the Sunbelt where jobs were being created. The business environment was impacted by higher taxes to pay for state services and new federal programs of Medicaid and welfare. The new challenge has been to create jobs, train workers, and attract businesses through empire zones and financial support from the Empire State Development Corp., the state's economic development agency.

The political and economic issues facing New York are not unique to this state. How to cope with shrinking tax bases and greater public spending needs is a problem for the Northeast. Governor Spitzer has placed economic development and job creation at the top of his political agenda.

What is remarkable about American Federalism is that the 50 states are "mini republics" with their own way of addressing political, economic and social issues. For a long time New York was a recognized leader in these fields and today it needs to turn to the experiments and initiatives which other states have undertaken to address these issues. If New York wants to regain its prominent place in the country's political and economic system, it can look to other states where initiatives and experimental programs addressed economic and social problems. Politically, New York has to find a way out of its political gridlock and create means whereby citizens have a greater opportunity to influence and open up government beyond voting and petitioning their representatives.

One has only to look at the Annual Edition of the “Book of States”^{*} to see the evidence of creative ways states have undertaken political and economic renewal.

Subsequent chapters will examine the New York State Constitution, the Governor and the Executive Branch, the New York State Legislature, the Court System, Political Parties, Elections and Interest Groups, Local Governments, New York’s Political Economy and Where Do We Go From Here?

Notes

¹ *Public Policy Institute of New York, Inc.*, News Release, June 1, 2006.

² Bowman, Ann and Kearney, Richard. *State and Local Government*, Houghton Mifflin Company, Boston, 2002, p. 62.

³ Galie, Peter J., *Ordered Liberty: A Constitutional History of New York*, Fordham University Press, New York, 1996, pp. 210-211.

⁴ Galie, Peter J., *Ordered Liberty: A Constitutional History of New York*, Fordham University Press, New York, 1996, p. 339.

^{*} *The Book of States*, vol. 38, Council of State Governments, 2006.

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The New York State Constitution

The current New York State Constitution dates from 1894 when voters approved the work of the 1893 Constitutional Convention. Originally the constitution was 20,000 words long, today it contains 51,700 words. It is the seventh longest state constitution and it has been amended over 219 times.¹ In addition to its age and length the document includes hard to understand 19th century language and sections which have been overturned by federal law and judicial rulings.

For its time the new constitution was a forward looking document. It established the structure of the state court system, a system of state operated public schools for all children, a merit system of appointment for public offices and a conservation clause to protect wilderness and wildlife habitat. Bipartisan boards of election were established to prevent voting fraud.

The Constitution provides for an opportunity for the voters to approve the calling of a constitutional convention every twenty years. In the 20th Century the voters approved the calling of a constitutional convention in 1914, 1937 and 1967. The voters disapproved the constitutional convention proposals in 1915 and 1968. In 1937 voters approved amendments on low rent housing, social welfare, and labor rights of public works employees.² Several of the proposed amendments made by the 1915 Convention were later approved individually by the legislature and voters in 1925 and 1927. Voters approved amendments to reorganize the executive branch, limit the number of executive departments to 19 (now 20), the establishment of an executive budget to replace the legislative budget and a short electoral ballot to include only the Governor, Lt. Governor,

Comptroller and Attorney General.³ An additional constitutional amendment to extend the terms of the four above offices to four years was approved by voters in 1937. These above constitutional amendments greatly strengthened the role of the governor and his executive staff in the conduct of New York State government. Today the New York State Chief Executive is considered among the most powerful governors in the nation.⁴

In 1977 and 1997 voters turned down the ballot proposition to call a constitutional convention. Governor Cuomo created a Temporary State Commission on Constitutional Revision in 1993 to prepare for the anticipated constitutional convention. The Commission proposed four “action panels” which would propose restructuring of state fiscal practices; elementary and secondary education, the criminal justice system and the relations between the state and local governments.⁵ The Commission recommended that only if the state government failed to achieve “far reaching reform” on these issues it would favor convening a convention in 1999. Despite the real need for revision the voters turned down the ballot proposition in 1997. Whatever the current constitution’s shortcomings, the status quo prevailed. Uncertainty about constitutional convention outcomes among voters and powerful public and private interest groups defeated the proposition. There was no effective constitutional reform advocacy group to champion the convention. The Temporary State Commission on Constitutional Revision did its work but the risk of moving into uncharted waters was too much for key stakeholders and the public to accept.

New York State Constitutions
1777
1801
1821
1846
1894 (219 amendments)

New York's Four Previous Constitutions

The first New York State Constitution was drafted in 1776 by a 106-member constitutional convention of the representatives of the state of New York and voted into effect on April 29, 1777.⁶ A principal author of this 6,600 word document was John Jay who later became governor of New York and Chief Justice of the U.S. Supreme Court. It was not submitted to the voters for ratification. The principal institutions of the new government were the executive, the legislature and the courts. The governor was directly elected by the voters to a three-year term and could stand for re-election. The legislature was the dominant bench of government and shared in the appointment of public offices with the governor through the Council of Appointment. The governor shared the veto with the judiciary with Council of Revision. The document did not provide a method of revision.

In 1801 the legislature approved the calling of a constitutional convention which provided five amendments to the constitution. The Assembly was increased from 100 to 150 members and the governor's role in the appointment process was clarified. Peter Galie writes that "By placing effective power in the hands of the legislature the way was opened for the creation of a powerful party regime for the control of political patronage... It is fair to say that these decisions enabled the 'spoils system' to reach its state of development in New York...."⁷ Similar to the 1777 Constitution the 1801 one was not submitted to the voters for approval.

The 1821 Constitutional Convention was a clean break from the past. The issue of calling a constitutional convention was placed on the ballot by the legislature and

approved by the voters. For the first time the voters would determine whether a convention would be held and the work of the convention would be approved or disapproved by the voters, not the legislature. The issue of suffrage and political scandals were central to the calling of a convention. A number of issues were proposed and approved by the voters:

1. The Council of Revision and the Council of Appointment were abolished and the governor was given the exclusive authority to veto legislation subject to a legislative override.
2. Appointments by the governor in the executive branch would be subject to confirmation by the Senate.
3. Suffrage was broadened to include virtually all white men. Voting requirements for black men were increased by the creation of new property requirements.
4. Addressing political scandals the convention included a number of limits and prohibitions on the power of the legislature.
5. The inclusion of a number of specific policy provisions which would preview such provisions in later 19th constitutions. Most importantly the 1821 convention established the state's Constitutional Bill of Rights. It paralleled the U.S. Constitution's Bill of Rights and the statutory Bill of Rights enacted by the New York State Legislature in 1787.
6. The term of the governor was reduced to two years from three years, however the power and scope of authority of the governor was increased by the constitutional convention.⁸

The 1846 Convention, often called the “People’s Convention” provided substantial new power to the voters. It made several state offices elective (long ballot) and diverted some state government power to local governments. The document imposed significant new limits on legislative ability to spend, borrow and directly control the creation of corporations. The tradition of active regulation and encouragement of the economy which characterized an earlier period was abandoned.⁹ Two important issues prompted the calling of the 1846 Convention: growing state debt and the granting of state charters as political favors. The debt was incurred in the building of the Erie Canal and other state public works. Galie writes that anti-rent wars were also a factor in the demand for political change and more direct popular control of government.

Important to the newly proposed constitutional document was the amendment to place the question of calling a constitution on the ballot every twenty years. It reads “Shall there be a convention to revise the constitution and amend the same?” (Article XIX, New York State Constitution). If affirmative, three delegates would be elected from each senate district and 15 delegates elected statewide. They would convene in Albany in April subsequent to their election.

Between the 1846 Convention and the 1894 Convention two important constitutional developments emerged. In 1866 the twenty year question of calling a constitutional convention resulted in an affirmative voter response. This time the central concern was the state court system, a problem which had existed for several years. The Court of Appeals was revised to include seven members, including a chief judge, all to be elected to terms of 14 years. These appeals judges were elected at large statewide until 1977 when a constitutional amendment provided for appointment by the governor with

advice of a judicial selection panel and senate confirmation. “In 1872 Governor John T. Hoffman and the Legislature created a constitutional commission to propose amendments that could be acted upon by the Legislature, without the need for a convention.”¹⁰ The commission produced a number of recommendations which were later enacted. Three important changes enhanced the power of the governor’s office—a line-item veto, return to a three-year term for the governor and additional power to appoint department heads.

In 1886 the twenty year opportunity for voters to vote on the question to convene a constitutional convention was strongly in the affirmative. Disagreement between the governor and legislature regarding delegate selection postponed the convention until 1893. It was this convention which proposed amendments which created the 1894 constitution.

Constitutional Reform

Since 1967 when New York voters voted down the constitutional reform package of the Constitutional Convention, 14 states have revised or substantially rewritten their constitutions. In most instances the new or revised constitutions follow the Model State Constitution initially developed in 1921 by the National Municipal League, which is now in its sixth edition (1968). The Model State Constitution advocates brevity and the inclusion of twelve basic articles: a bill of rights, definition of the power of the state, suffrage and elections, the legislative branch, the executive branch, the judicial branch, finance, local government, public education, civil service, intergovernmental relations and constitutional revision.¹¹

The 1967 New York Constitutional Convention draft constitution was very much influenced by the above principles but it failed to gain voter support for a variety of

reasons; it was submitted as a single package with numerous sweeping proposals.

Interest groups who favored the status quo worked harder than advocates, and a proposal to provide public support for sectarian schools was included. Judicial reform advocated by the convention was initiated by the legislature and was approved by the voters in 1977, the same year they defeated the 20-year ballot item to vote on the calling of a constitutional convention.

Looking at the Model State Constitution the New York Constitution evidences both strengths and weaknesses. The current constitution has a bill of rights placed first in the document, which largely replicates the one appended to the U.S. Constitution and goes beyond it by defining economic, social, labor and educational rights. It defines state power and its source—the people. Through a series of constitutional amendments and laws New York has developed wide suffrage. Regarding elections, primaries, campaign spending and voter initiative, the state is behind the curve. People have often referred to New York’s legislature as “dysfunctional” and twenty years of late budgets and legislative “gridlock” attest to that.

As mentioned earlier, the New York governor is among the strongest of state governors. This has only evolved over the last century due to the work of reform leaders and progressive ideas. The governor is provided with a four year term, an executive budget, a line-item veto and the control of the executive departments. The excessive length of the Judicial Article of the Constitution and the antiquarian nature of the New York Court system at large are a real challenge to court reformers. Concerning finance and spending New York State leads the states in public debt, taxes, spending on public services and budgets which exceed cost of living averages by three times.¹²

Local government in New York requires political and economic reform. New York is among a group of states, ranked 35th out of 50, which places mandates and restrictions on municipalities.¹³ There are over 3,322 local governments and public service districts in New York which have either taxing, bonding authority or user fees. The commitment to public education at all levels in New York is extraordinary. Each year state aid to education is a driving force in the budget. Even with substantial state aid local school districts have large tax bills. New York was one of the earliest states to institute a competitive civil service. Other than the top political positions, the New York State workforce—a quarter of a million—are civil service employees.

As a commercial, business and trading state, national and international, New York has many intergovernmental agreements with neighboring states and Canadian provinces. Constitutional revision in New York is both slow and exasperating. No real constitutional revision, as described in the Model State Constitution, has happened in New York for over 100 years. Over that time there have been 219 constitutional amendments approved and two constitutional convention proposals (1915, 1967) which have been defeated by the voters. Some proposals made by these conventions were later approved by constitutional amendments initiated by the legislature and approved by the voters.

What New York lacks is “voter initiative.” Other than the 20-year constitutional proposition there are no provisions in New York for voter initiative, referendum and recall. Given the cited “gridlock” and legislative inability to reconcile important public issues, some form of voter initiative in New York to motivate the political benches of

government is necessary. Fourteen states have adopted new constitutions since New York failed to do so in 1967.

It will be ten years (2117) before the proposition to call a constitutional convention will be presented to the voters on the ballot. Any serious attempt to undertake constitutional reform should begin well before that date. The work of former Governor Cuomo's Temporary Commission to prepare for the 1997 Constitutional Convention is a model to replicate. It has been 40 years since the legislature voted to call a constitutional convention. In the interim there has been minimal constitutional revision initiated by the legislature and voter referendum. The issues are there and cannot be resolved by piecemeal amendments or legislation. Outstanding issues are: campaign financing, lobbying regulation, state finances and debt, tax reform, regulation of public authorities, judicial reform, non-partisan redistricting of legislative and congressional seats, mandate relief for local governments and non-partisan election of delegates to constitutional conventions.

Recent history does not provide evidence supporting constitutional reform. The passive nature of the general public and active involvement of interest groups opposing calling a constitutional convention have hindered recent constitutional reform. Pro convention advocates and public interest groups have been greatly outspent by those who oppose it for a variety of reasons. Those who advocate constitutional reform have a decade to organize and devise an electoral strategy; otherwise piecemeal incremental constitutional reform will be determined by legislative action or inaction.

Notes

¹ *The Book of States*, vol. 38, (2006) Council of State Governments, Lexington, KY, p. 9.

² Galie, *Ordered Liberty*, pp. 220-224, Constitutional Article, XII (Home Rule and the Cities).

³ Galie, *Ordered Liberty*, p. 225.

⁴ Bowman and Kearney, *State and Local Government*, pp. 195-196.

⁵ Galie, *Ordered Liberty*, pp. 352-353.

⁶ Galie, *Ordered Liberty*, pp. 5-6.

⁷ Galie, *Ordered Liberty*, p. 68.

⁸ Galie, *Ordered Liberty*, pp. 90-91.

⁹ Galie, Peter J., *The New York State Constitution: A Reference Guide*, Greenwood Press, New York, 1991, pp. 12-14.

¹⁰ Galie, Peter, *Ordered Liberty*, p. 191

¹¹ Bowman and Kearney, *State and Local Government*, pp. 65-69.

¹² See table 8, p. 72, The Public Policy Institute of New York State, Inc.

¹³ Joseph Zimmerman, *The Government and Politics of New York State*, pp. 36-39.

The Governor

Recently, the New York State Governorship was ranked third among fifty state governors regarding executive authority and power. Key elements in this ranking were a four-year re-electable term, budget authority, executive and administrative powers, legislative leadership, including a veto and an item veto on budget items introduced by the legislature.¹ This powerful position of the governor has evolved over a century and a half through constitutional amendment and legislative delegation. Constitutional change and legislative delegation are not the only reasons for the growth of executive power to the level it exists today.

Complementing the governor's formal powers are those informal and intangible elements of power: party leader, national political leader, governor of the third most populous state and second only to California in economic power and national political influence. Additionally, the governor is the political party's principal fundraiser and distributor of political rewards. Without question, the power and influence of this office has been further enhanced by a long line of outstanding leaders from Governor Al Smith through our most recent three term governor, George Pataki.

The Governor's Formal Powers

Four things have contributed to the formal powers of the governor: a re-electable four-year term, the constitutional amendment which switched the budget power to the governor from the legislature, the creation of an executive controlled administration with 17 of the 20 executive department heads appointed by the governor and a very strong veto. In 1981-82 when the legislature overrode Governor Carey's veto it ended a 107-

year period where no vetoes were overridden.² Complementing this is the line item veto which the governor has to strike out legislative changes to his proposed budget.

Each session of the legislature is opened by the governor's "State of the State" speech in early January. It is here where the governor lays out his legislative program priorities. This is followed by the governor's budget message a month later. Many of the governor's programs and initiatives are contained in his budget. To the extent that the legislature approves the governor's budget, the fiscal base of his legislative program is accepted. In both of these messages the governor exercises his legislative leadership and budget direction. Rarely does the legislature reduce the governor's budget proposal; in fact the annual fiscal struggle is how much the governor can keep the upper limit of his budget to mushroom. For a recent budget in 2007, the increase was over 8%, \$2.9 billion more than the governor's \$121 billion budget.³

Executive-Legislative Relationships

Since 1974 every governor has had to work with a divided legislature. He must recognize the priorities and focus of each house, and if the governor wishes to reach his legislative goals, he will have to navigate the political waters which separate the respective chambers. There are always the central issues: taxes, school aid, Medicaid expenses, statewide health care, welfare, transportation statewide and tort reform.

Elliot Spitzer, our newly elected governor added to the legislative agenda a list of reform measures which directly affects the legislature and the manner which it carries out its business. Court reform and consolidation, campaign finance reform, lobbying and ethics reform, re-districting reform, school aid formula change, consolidation of local governments and districts: all of these are of key interest to legislatures, Republican or

Democrat, as it seeks to change the way in which state government operates in New York State. Many of Governor Spitzer's proposed recommendations parallel the thinking of good government advocates in New York and countrywide, scholars, the Model State Constitution of 1968 and those of his predecessors in the executive branch and elements of the 1968 Constitutional Convention which the voters turned down.

Regarding the above proposals the legislative members of one or both houses appear to be disinclined to undertake the reform measures. Each one of these reforms would change the environment in which the legislature operates. It is difficult to imagine that any of these changes would be undertaken by the legislature without strong gubernatorial initiative and political mobilization. Since New York lacks public "initiative" in proposing and passing legislation it would be up to the proponents of reform to mobilize and lobby to have the legislature to propose constitutional amendments or call a constitutional convention on the above mentioned issues. Since our last successful convention was in 1894, the promise is not good. Beyond legislative disinterest in many of his proposals, there are both public and private interest groups who have strong constituencies in the legislature who would campaign against change as in the last two convention opportunities.

The Executive Branch

A quarter of a million people work in New York State departments, agencies and public authorities.⁴ Excepting the public authorities, most state employees are part of the civil service system which Governor Theodore Roosevelt created while governor. The governor appoints the heads of all state agencies with the exception of the Comptroller, Attorney General and Commissioner of Education. He also appoints the chairperson and

all board members of the vast public authorities system. These appointments and other executive agency ones are subject to senatorial confirmation.

The governor is assisted by his immediate staff on the “second floor” who screen appointments, oversee the executive branch agencies, negotiate with the legislature and carry out administration political objective through the executive agencies. The leadership of the executive branch is partisan and the employees below the appointed director and immediate staff are civil service. The leaders of these departments, agencies and bureaus make up the governor’s cabinet which most recently included 60 department and agency heads. It rarely meets as a group but serves as the communication and policy group which carries out administration.

On the “first floor” of the Capitol the budget director and his staff of 400 prepare the annual budget. All budgets of executive departments and agencies are reviewed prior to their inclusion in the governor’s budget. The position of budget director is very important as he and his staff determine what will be submitted to legislature in early February. The director plays a central role as the governor’s advisor and point person when the legislature holds hearings on the budget. Along with appointments, the executive budget provides strong evidence of the governor’s power in the political process. In New York, the governor’s chief-of-staff is his secretary who is the senior advisor to the governor. He is assisted by counselors and deputy counselors for appointments, legislation, department and agency oversight, public affairs/media and legal advice. These individuals comprise the governor’s immediate staff who advise the governor and carry out his policy directives.

The Public Authorities

Public authorities are public corporations created by legislation to serve a particular public purpose. They are as large as the N.Y.-N.J. Port Authority and the N.Y. Thruway Authority and as small as bridge authorities spanning the Hudson and St. Lawrence Rivers. Their concept is as old as the Erie and Barge Canal Companies and as new as NYSERDA, New York State's energy agency which supports energy saving and alternative energy. The modern public authority emerged after WWII when governors saw a need to create specific public corporations to undertake a range of tasks. Today there are 700 public authorities. Their value to the state government is their ability to issue bonds, "moral obligation bonds," without having to go to the public to approve the bond issue as proscribed in the constitution.

Governor Rockefeller was a principal architect of the modern public authority. When two bond issues failed to pass public approval he undertook a program to create public authorities in a broad range of public needs: highways, harbors, airports, economic development, urban renewal, etc. Their value is they can issue bonds without public approval, hire employees outside the civil service system, charge fees and tolls to support their activities and utilize eminent domain to seek their objectives. One cannot discuss public authorities in New York without mentioning the role played by Robert Moses, a principal architect of the state's transportation, parks, and power system. When the Urban Development Corporation, a public authority, defaulted on debt in 1974 and had to be bailed out by the state legislature, new controls were established to oversee public authority activities and finances—the Public Authorities Control Board.

Without question, public authorities perform essential public functions; the issue is, are they as responsible as other public agencies are to the public under the constitution? Recently, there has been a lot of criticism about public authorities as agents of political spoils. An article in the May 16, 2007 *New York Times* cites evidences of waste fraud and mismanagement uncovered by the comptroller and the legislature recently.⁵ Most of New York State's debt (\$48.5 billion) is lodged in the public authorities as a conduit of state borrowing, among the highest among the states. Currently the governor and the legislature are negotiating on a bill to redress current problems existing now in the authorities.

The Governor as a Political Leader

All New York governors since 1948—with one exception, Governor Harriman—have served more than one term. In fact, in this time period three governors have served three terms and one has served four terms. Incumbency is a strong asset to serving governors. The governor serves over a large state bureaucracy and has the opportunity to make numerous appointments to state agencies and the courts. As recognized party leader, the governor has access to party patronage and campaign funding sources. New York governor races are very expensive and the incumbent has the advantage in seeking election money. Even in a state which is heavily Democratic, Republican governors have served three or more terms in office since 1943. Since 1943, Republicans have served ten 4-year terms and Democrats six, including Governor Spitzer's recent election. Holding the governor's office and leading the ticket for Republicans, Republican governors have played a key role in keeping the senate Republican since 1965.

20th and 21st Century Notable New York Governors

Theodore Roosevelt, 1899-1900

Charles Evans Hughes, 1907-1910

Alfred E. Smith, 1919-1920; 1923-1928

Franklin D. Roosevelt, 1929-1932

Herbert H. Lehman, 1933-1942

Thomas E. Dewey, 1943-1954

W. Averell Harriman, 1955-1958

Nelson A. Rockefeller, 1959-1973

Hugh L. Carey, 1975-1982

Mario M. Cuomo, 1983-1994

George E. Pataki, 1995-2006

Elliot Spitzer, 2007-

These recent governors have left a heavy imprint on New York politics.

Governor Dewey, a distinguished district attorney before becoming governor, created SUNY, built the Thruway and doubled state aid to education. He also ran twice for President and narrowly lost in 1948. Governor Rockefeller, New York's longest serving modern governor, created MEDICAID, expanded SUNY, built the State Plaza and increased state taxes to pay for his program initiatives. Governor Hugh Carey came into office in the most bleak of times. Under his firm leadership he resolved both the New York City and State financial crises, cut taxes, enacted major environmental laws and reformed programs for the mentally disabled. Governor Cuomo expanded the prison system to accommodate the explosion in prison population occasioned by Rockefeller drug laws, initiated a state ethics law and expanded Medicaid. Governor Pataki further expanded Medicaid and other health programs for children and low income families, reformed welfare, reduced taxes and purchased land to preserve the state's forests. Already early in his term, Governor Spitzer has proposed several programs and changes in which the state does its business. Most of these were mentioned earlier in this chapter.

Limits on the Governor's Authority

This chapter has so far focused on the formal and informal powers of the governor. The governor's power is not without restraint and he faces a number of checks within and beyond the political process. Governors have to face the public every four years in an election. Former Governor Cuomo, a very popular governor, lost his bid for a fourth term when the majority of voters rejected him mostly on the issues of taxes, declining business climate and reduced popularity due to a failure to achieve his legislative agenda and resolve budget conflicts with the legislature.

Since 1974 all governors have had to work with a divided legislature, the Assembly Democratic and the Senate Republican. Beyond passing the budget the governor's legislative agenda is a top priority. Partisanship, ideological, regional and economic differences stall legislation and shelve important bills which cannot be reconciled by the governor and the legislature. Reform of the Wicks Law, campaign financing, stronger lobbyist legislation, workman's compensation reform and Taylor Law revision have all been held up by a divided legislature and strong lobby interests. The Workmen's Compensation Law passed in early 2007.

Both Quinnipiac College and Marist College have well established polls which provide in-depth political polling information about New York. Results of these polls are widely circulated by the media throughout the state. These polls are quite accurate gauges of the public's political viewpoints on candidates and issues. The degree of popularity of each governor is registered in the poll data on a regular basis. Governor Pataki's poll figures and those of candidate Attorney General Spitzer were important information which influenced Governor Pataki not to seek a fourth term.

The New York governor has a strong veto on legislation and also on legislative changes to his budget (item veto). In 1976, the first veto override in 107 years was enacted by the legislature.⁶ During Governor Pataki's final term the legislature was able to override several of the governor's line item vetoes. In practice, the veto override, a legislative check on the executive, has not been a major deterrent to the governor's veto power over time.

In practice there is no "pocket veto" in New York State politics. If the governor does not sign legislation within 30 days after legislative adjournment then the legislation dies (pocket veto). To prevent this, the legislature does not formally adjourn, even when the legislators are in recess. A Capitol District legislator in each house calls the body into order at frequent intervals when the Senate and Assembly are in their home districts.

Most of the prominent executive appointments—department and agency directors, public agency and public authority members, and judges of the Court of Appeals and the Court of Claims—require confirmation by the Senate. On rare occasions a governor's nominee is not confirmed. Recently, Governor Spitzer's nominee to head the Adirondack Park Agency was not confirmed because he was not a full time resident of the Adirondack Park.⁷

The last impeachment and conviction of a governor, Governor William Sulzer, took place in 1921. He was removed for campaign violations and use of such funds to invest in the stock market. Governor Al Smith relates that the charges were most probably introduced by "Tammany" which had disagreements with the sitting governor.⁸

All of the above mentioned represent limitations on the governor's power. Upon review, the most effective ones are elections, public opinion, and legislative opposition

on either budgets or legislation. Impeachment, veto overrides, appointment confirmation, court rulings on governors decisions and actions have, over time, had less effect on the executive's power.

Executive Branch Departments

Agriculture and Markets

Serves agricultural producers and the consuming public. Promotes agriculture through various industry and export development programs; enforces food safety laws.

Audit and Control

Maintains the State's accounts; pays the State's payrolls and bills; invests State funds; audits State agencies and local governments; and administers the State employee retirement system.

Banking

Primary regulator for State-licensed and State-chartered financial entities operating in New York, including: domestic banks, foreign agencies, branch and representative offices, savings institutions and trust companies, mortgage bankers and brokers, check cashers and money transmitters. Ensures the safe and sound conduct of these businesses, maintains public confidence in the banking system and protects the public interest as well as the interests of depositors, creditors and shareholders.

Civil Service

The central personnel agency for the Executive branch of State government. Provides the State of New York with a trained workforce; administers health, dental and insurance programs covering State employees and retirees as well as some local government employees; and provides technical services to the State's 102 municipal service agencies, covering approximately 392,000 local government employees.

Correctional Services

Operates facilities for the custody and rehabilitation of inmates.

Economic Development

Creates jobs and encourages economic prosperity by providing technical and financial assistance to businesses.

Education

Supervises all educational institutions in the State, operates certain educational and cultural institutions, certifies teachers and certifies/licenses 44 professions.

Environmental Conservation

Administers programs designed to protect and improve the State's natural resources.

Executive

At the time of the 1920s constitutional reforms, the Executive Department—headed by the Governor—housed only a few core functions such as budgeting, central purchasing, the State police and military and naval affairs. Since that time, numerous agencies have been created within the Executive Department to accommodate governmental functions not anticipated in the 1920s, while conforming with the limits established by the Constitution. These additions include divisions and offices that do not logically fit into the framework of the other departments, such as the Division of Veteran's Affairs (which advises veterans on services, benefits and entitlements, and administers payments of bonuses and annuities to blind veterans) and the Office of General Services (which provides centralized data processing, construction, maintenance and design services as well as printing, transportation and communication systems).

Family Assistance

Promotes greater self-sufficiency by providing support services for needy families and adults that lead to self-reliance.

Health

Protects and promotes the health of New Yorkers through enforcement of public health and related laws, and assurance of quality health care delivery.

Insurance

Supervises and regulates all insurance business in New York State. Issues licenses to agents, brokers and consultants; conducts examinations of insurers; reviews complaints from policyholders; and approves corporate formations, mergers

and consolidations.

Labor

Helps New York work by preparing individuals for jobs; administering unemployment insurance, disability benefits and workers' compensation; and ensuring workplace safety.

Law

Protects the rights of New Yorkers; represents the State in legal matters; and prosecutes violations of State law.

Mental Hygiene

Provides services for individuals suffering from mental illness, developmental disabilities and/or substance abuse.

Motor Vehicles

Registers vehicles, licenses drivers and promotes highway safety.

Public Service

Ensures that all New Yorkers have access to reliable and low-cost utility services by promoting competition and reliability in utility services.

State

Known as the keeper of records, the Department of State issues business licenses, enforces building codes, provides technical assistance to local governments and administers fire prevention and control services.

Taxation and Finance

Collects taxes and administers the State's tax laws.

Transportation

Coordinates and assists in the development and operation of highway, railroad, mass transit, port, waterway and aviation facilities.

Source: NYS DOB: Citizen's Guide | Structure of State Government, <http://www.budget.state.ny.us/citizen/structure/structure.html>.

Notes

¹ Bowman and Kearney, *State and Local Government*, p. 195.

² Ward, Robert B. *New York State Government: What it does; How it works.*, The Rockefeller Institute Press, Albany, NY, 2002, p. 58.

³ *New York Times*, "Dispute Over Governor's Budget," May 11, 2007.

⁴ *The Book of States*, vol. 38, (2006), p. 445.

⁵ *New York Times*, May 16, 2007, "Evidences of Waste, Fraud and Mismanagement Uncovered by the Comptroller and Legislature Recently."

⁶ Ward, Robert B. *New York State Government*, p. 58

⁷ *Newsday*, August 29, 2007; *Watertown Daily Times*, May 3, 2007, p. A1, "Poor Decision: Nominee Opposed as Leader of APA."

⁸ Ward, *Ibid.*, p. 31.

3

The Legislature

The powers of the New York State legislature are defined in Article III of the New York State Constitution. At the 1777 Convention, the framers chose to designate the legislature as the principal organ among the three branches of state government. Like most former colonies, New York was suspicious of executive power and vested their legislators with greater power. Beyond its legislative powers the legislature shared appointment power with the governor on the Council of Appointment which selected executive and judicial officers until 1821. Up until 1929 the New York State budget was a legislative budget until a constitutional amendment created an executive budget. Throughout the 19th and early 20th centuries, the legislature remained the central instrument of New York State government. With the creation of the executive budget, the Executive Office of the Governor and a four year term for the governor, the governor has become the preeminent player in New York State politics in the 20th century.

Legislative Powers

The New York State Constitution shares many similarities with the U.S. Constitution: three branches of government, a single executive, a legislature with several enumerated powers, a body of constitutional provisions supervised by a court system and a Bill of Rights. The legislature was viewed as the voice and house of the people and its powers are broad; budget approval, raising money to support the government, passing laws, overseeing the executive and judicial branches, regulating commerce and trade, providing for elections, establishing public schools and maintaining law and order through laws and a judicial system to mention a few.

The Legislative Structure

Today the legislature is composed of two co-equal branches of government, a senate of 62 members and an assembly of 150 members, each elected to two-year terms by constituents living in Senate and Assembly districts. The rules of each branch are determined by the constitution, state legislative laws, internal rules of each house adopted by resolution, and longstanding precedent and ways of conducting business. Currently there are 108 democratic assemblymen and 42 republican assemblymen. In the senate there are 33 republican senators and 29 democratic senators.

Assembly Standing Committees	Senate Standing Committees
<ul style="list-style-type: none"> • Aging • Agriculture • Alcoholism and Drug Abuse • Banks • Children and Families • Cities • Codes • Consumer Affairs and Protection • Corporations, Authorities and Commissions • Correction • Economic Development, Job Creation, Commerce and Industry • Education • Election Law • Energy • Environmental Conservation • Ethics and Guidance • Governmental Employees • Governmental Operations • Health • Higher Education • House Operations • Housing • Insurance • Judiciary • Labor • Libraries and Education Technology • Local Governments • Majority Program • Mental Health • Oversight, Analysis and Investigation • Racing and Wagering • Real Property Taxation • Rules • Small Business • Social Services 	<ul style="list-style-type: none"> • All Senate Committees • Aging • Agriculture • Banks • Cities • Civil Service and Pensions • Codes • Commerce, Economic Development and Small Business • Consumer Protection • Corporations, Authorities and Commissions • Crime Victims, Crime and Correction • Education • Elections • Energy and Telecommunications • Environmental Conservation • Ethics • Finance • Health • Higher Education • Housing, Construction, and Community Development • Insurance • Investigations and Government Operations • Judiciary • Labor • Local Government • Mental Health and Development Disabilities • Racing, Gaming and Wagering • Rules • Social Services, Children and Families • Tourism, Recreation and Sports Development • Transportation • Veterans, Homeland Security and Military Affairs

<ul style="list-style-type: none"> • State-Federal Relations • Steering <ul style="list-style-type: none"> Tourism, Arts and Sports Development • Transportation • Veterans Affairs • Ways and Means 	
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There are 37 standing committees in the assembly and 33 in the senate. The principal officer in the assembly is the Speaker who is elected by the majority conference. Other important assembly leaders are the Majority Leaders, Deputy Majority Leader (floor manager), Chairperson of the Ways and Means Committee and Chairperson of the Codes Committee.

The leader of the senate is the Majority Leader who is selected by the majority conference of the senate. Other leadership positions are Deputy Majority Leader (floor manager) and the Chairperson of the Finance Committee. The Lt. Governor officially presides over the senate but most of the time it is the Majority Leader or his designee. Both of the parties have minority leadership who are selected by the minority conferences.

The leaders of both legislative houses and their deputies have professional staffs to support them as do the chairpersons of the assembly and senate committees. The expansion of legislative staff personnel in the 1970s has done much to improve the professional nature of the legislature.

Who are the Legislators?

Most legislators are men, 77%, and 23% are women; minorities comprise 20% of the state legislature.¹ The average age of a newly elected legislator is 46. Incumbency (legislative service) has increased over the years. Today the average tenure of assemblymen is 11 years and senators is 15 years. Those seeking re-election are elected over 90% of the time.² Legislators come from all walks of life but most prominently

represented are lawyers, business persons, elected officials at lower levels of state government and former legislative staffers. As a rule, more Republican legislators are business persons and Democrats are recruited from public agencies or public service. In both cases candidates are selected by the party on the basis of their party work and party loyalty. For most legislators, service in the legislature is identified as a full time position. One natural progression in the legislature is assemblymen aspiring to be senators. Former Governor Pataki was a mayor, assemblyman, senator and the governor.

Republican legislators reside in Upstate New York, Long Island, counties and election districts surrounding New York City and rural areas and the suburbs. Democratic legislators are drawn from New York City, the large upstate cities, areas of blue collar families and minority populations. The widening of the number of enrolled democrats, 46% to 27% republicans, represents the gains the democratic party has made outside its traditional base in the last quarter century.³ This political divide in representation reflects the fact that the voting population has become more liberal and identified with the Democratic party. Ideology and geography have much to do with party affiliation in New York. The liberal democratic population is growing statewide and the moderate-conservative republican base is shrinking in most of its dominant regions.

The Balance of Power in the Legislature

The changing party balance in the legislature began in the 1960s. In 1962 the U.S. Supreme Court in the legislative apportionment case, Baker v. Carr, ruled that legislative districts should be as equal in population with minor variances.⁴ Up to that point the Republican party had historically controlled the legislature for a century by virtue of an

apportionment formula in the 1894 Constitution which gave upstate and rural districts an advantage mostly because of geography. One example was that all 62 counties, excepting Fulton and Hamilton, were awarded at least one legislative seat. In both the Assembly and Senate districts, there were wide variances in population across the state. As the Republicans held the advantage politically, but not numerically, they controlled reapportionment every ten years to protect their majority and the New York State delegation to Congress. When democratic numbers increased, the Republicans added additional seats to the Senate to protect their majority.

What emerged from this reapportionment revolution after 1962 was a political stalemate in the New York State Legislature. Democrats gained control of the Assembly in 1974 and continue to be the majority party in 2007 with 108 seats to 42 republican seats. In 33 years, the Democrats have gained over 40 seats, most upstate. The Senate has remained Republican since 1965 despite an overwhelming increase of democratic voters. The Senate has regained its majority by adding two new seats and creating senatorial districts which are up to 10% smaller than the electoral norms, while the smaller districts were Republican and the larger Democratic creating ones 10% greater. The answer is that each legislative house determines what will be their electoral districts after a ten year required reapportionment. The agreed upon plan by both bodies is sent to the Governor for signature. No reapportionment bill has been vetoed. Determination of the New York Congressional Delegation in Congress is negotiated and resolved by the legislature in a way not to jeopardize either party's congressional seats.

Legislative Dynamics

The term “majority rules” is exactly what pertains in the legislature. Democrats control the Assembly and Republicans control the Senate. The opposition party in each house has little or no power. It cannot participate in setting the legislative agenda, introduce bills without majority consent, participate in budget decisions, hold committee hearings without majority consent, or control floor debate and procedures. Under these majoritarian circumstances the minority is heavily dependent on its corresponding majority in the other house.

The divided majoritarian legislature is often referred to as dysfunctional and mired in deadlock. Of the approximately 15,379 bills introduced in the legislature each year, less than 800 (2005) are passed.⁵ The legislature is not only highly partisan but also ideologically divided. The parties clash over budget priorities, crime legislation, school aid, health care expenditures, taxes and social welfare programs. Many of these issues comprise the budget package which is debated and negotiated in February and March. Inability to resolving the funding issues led to 20 late budgets through 2005.

Budgets, bills, programs and governmental initiatives are ultimately resolved by the “Three Men in a Room,” the governor, Assembly speaker and Senate majority leader. On the budget the governor has the clear initiative as it is his budget. Each party and each legislative house have their priorities and these differences shape the budget debate in the two months before April 1, the beginning of the state’s fiscal year. Recently tax relief, school aid and health care financing have emerged as the central issues. Looking over previous agreed upon budgets the final figure is about \$1 billion above the governor’s proposal. In 2007 the final approved budget was 9% larger than the 2006

fiscal budget.⁶ The excess was added to meet the priorities of Senate Republicans and Assembly Democrats. One distinct advantage the governor has in budget negotiations is the line item veto he holds regarding budgetary initiatives exercised by the legislature. Seldom is the governor's veto overturned.

Prior to the budget presentation to the legislature, the governor opens the legislative session with a "State of the State" speech. The administration's legislative priorities are a central part of this address. In January 2007 Governor Spitzer utilized this address to advocate a number of proposals to reform New York State government and the way the legislature goes about its business—lobbying and election spending reform, improved ethics legislation, nonpartisan reapportionment of legislative seats, court reform, prison reform, tax reduction and reform, to name a few.⁷ It is an ambitious agenda and it goes right to the heart of the way legislative governance has operated over many years and the issues which the two parties and their supporters have supported. Reapportionment, court reform, election spending and reordering fiscal priorities are contentious issues.

Making Laws

In both houses a bill must have a sponsor and an endorser. Bills are directed to the relevant committee for hearings and disposition. Money and appropriations bills are referred to the powerful Ways and Means Committee in the Assembly and to the Finance Committee in the Senate. Bills intended to be part of the civil and criminal law in New York State are referred to the Assembly Codes Committee. In either house, bills which are not supported by the leadership do not make it to the floor. The flow of legislation, public and private bills, are strictly regulated by the legislative leadership. Weekly,

during sessions the leadership informs the legislative conference regarding upcoming legislation and its position on a bill. Unless there is strong opposition, which happens rarely, the bill goes forward. A bill cannot be voted on until ten days after its publication.

Why are there only one house bills in the legislature and why do bills on similar issues not make it through the legislative process? Many one house bills are never intended to become legislation as they would not be passed by the other house. They are either member bills or bills which a particular branch wishes to publicly support a position for political intentions. More critical are those bills which are focused on similar issues but vary in language or objectives. Some of these may not be reconciled for political or ideological reasons and die, but neither house is willing to accept the language and intent of the other. It is here where New York falls behind the U.S. Congress. There is no formal mechanism in the New York Legislature similar to a Congressional Conference Committee which attempts to reconcile differences in the two bills and return their work for approval by both houses. Sometimes the Congressional Conference Committee fails to reconcile differences and the legislation dies. However, if the Conference Committee forges an agreement the revised bill is returned to each house for approval, or defeat. Without such a consensus mechanism to resolve legislative differences, bills do not become law. The closest New York comes to Congressional practice is that one of the legislative houses accepts the language of the other or both houses introduce similar bills or jointly modify their respective bills.

The governor signs a large majority of the bills sent to him—86%.⁸ There is no pocket veto in New York (the governor not signing a bill after 30 days subsequent to legislative adjournment) because the legislature **never formally adjourns**. A capitol

area legislator calls the house to order daily when the legislative houses are in recess.

One reason for the limited number of vetoes is that the governor and legislative leaders are in communication with one another and attempt to reconcile differences during and after bill passage.

A Legislator's Life

During any calendar year the legislature is in residence on an average of 140 days, a long session from early January to mid-July and a shorter session in October to finish what was not completed in the spring. Prior to 1965 the average length of a legislative session was 70 days. When not in Albany, legislators are home in their constituency offices to meet with the public and travel around the district to meet with groups and make presentations of “member items” secured by the legislator. Money secured for this purpose comes from the budget and averages around \$200 million, evenly divided between the two branches, and approximately \$30 million to the governor.⁹ The largest member item awards are given to leadership members in the majority parties who in turn determine what individual legislators get. Only a small amount of this fund is directed to the legislature's minority. Beginning with the 2007 legislative session Member Items will be posted on the legislative website.

A constant press is electioneering. Even though safe districts and incumbency are the prevailing political situation for each party, much of a legislator's time is spent running for election, if not in the general election then in primaries. Most legislators establish political action committees (PAC's) which allow corporations and labor unions to financially support them. New York State elections are awash with money; however, it comes mostly from PAC's, lobbyists, and legislative campaign fund committees in

each house. Here the leadership determines the disposition of campaign funding priorities. Individuals may donate up to \$55,900 to a statewide candidate in general elections, the highest level of giving allowed in the 37 states which have campaign finance laws.¹⁰ Campaign donation limits for senators are currently 15,000 and assemblymen are 7,500.

It is easy to understand why incumbents in safe districts get re-elected regularly. They have name recognition, political party and PAC financing, member item money and paid staffs work on their behalf in Albany and in the district. Currently, there is a contest between the governor and the legislator regarding campaign financial limits. The governor has proposed a reduction of individual campaign donations to a statewide candidate to \$15,000, substantially less than the current \$55,900. This may not be reconciled quickly as the Senate Republicans are currently amassing a war chest to protect their majority position in the next legislative election. A change of two seats would jeopardize their majority.

Notes

¹ Germani, M.A., *The New York Red Book*, 2005-06, pp. 88-89; 218-220.

² Ward, Robert B., *New York State Government*, p. 113.

³ Liebschutz, Sarah F., *New York Politics and Government*, University of Nebraska Press, Lincoln 1998, pp. 140-142.

⁴ Bowman and Kearney, *New York State Government*, p. 142; a succeeding U.S. Supreme Court Case, Reynolds v. Sims, 1964, directly applied to the principle of one person, one vote, to state legislatures.

⁵ *The Book of States*, vol. 38, (2006), p. 119, table 3, 19.

⁶ *Rochester Democrat and Chronicle*, April 3, 2007, "Few Signs of Reform in This Budget," (editorial).

⁷ *The 2007 New York State of the State Address*, Governor Eliot Spitzer, January 3, 2007, pp. 5-8.

⁸ *The Book of States*, vol. 38 (2006), p. 111, table 3.

⁹ *New York Times*, January 22, 2007, "To Critics, Its Just Pork, Others See Democracy," p. B1.

¹⁰ *New York Times*, Feb. 1, 2007.

The New York State Court System

Scholars writing about New York State courts use the words reform, depoliticization and unification. Reform of a court structure which dates to the early 19th century, depoliticization of a judicial system which popularly elects most of its judges in a manner which is controlled by party leaders throughout the state's twelve judicial districts and unification and simplification of a system of nine separate types of courts. A 1977 constitutional amendment did create a unified court structure headed up by the Chief Justice of the Court of Appeals but did nothing to consolidate existing courts or change the selection of judges except those seven members of the Court of Appeals, the state's highest court, who are now appointed by the governor as recommended by a judicial commission and confirmed by the New York State Senate.¹

The New York courts are very busy; many judicial experts say overloaded and under funded. In the most recent report, the 28th Report of the Office of Judicial Administration, the filings and disposition of the trial courts, criminal and civil, for 2005 were 4,308,293 for filings and 3,798,735 for dispositions.² This does not include an estimated 600,000 dispositions by the inferior local justice courts. The caseload of the Appeals Court and the four Appellate Divisions of the Supreme Court was 20, 215.³ The caseload of New York courts is ten times that of the federal judiciary at all levels. In fact, nationally 99% of all criminal and civil court actions take place in state courts.⁴

Up until the 1846 Constitutional Convention, judges in the state appellate and trial courts were appointed first by a Council of Appointment and later by the governor and confirmed by the Senate. Unrest by renters, debtors and farmers, and the influence of

Jacksonian Democratic ideals led to the election of trial and appellate judges throughout the state. Since that time there have been numerous efforts to change the courts' structure and selection. In 1977, under the leadership of Governor Carey, the voters approved a constitutional amendment to create a central administration of New York state courts under the leadership of the Chief Judge of the Court of Appeals and an appointed Chief Administrative Judge and a statewide staff and budget. What was not approved was the proposal to appoint judges of the Supreme Court, the workhorses of the state judiciary. Governor Spitzer and Chief Judge Judith Kaye have both gone on record favoring court reform and merit appointment of Supreme Court justices.⁵

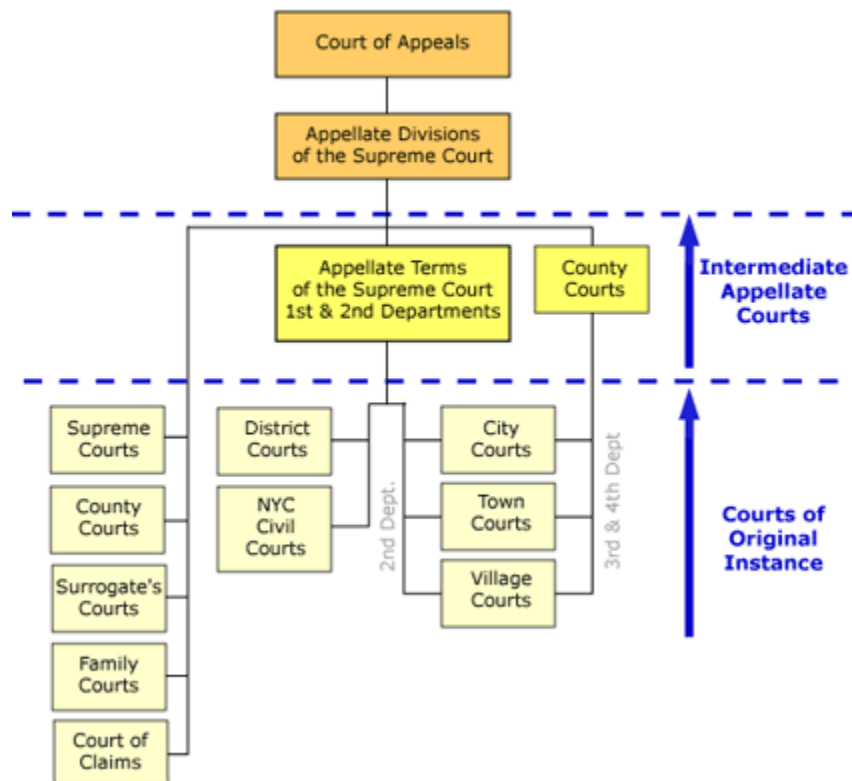
Before discussing the structure and work of the New York courts, it is important to understand that judicial positions are part of the political election process in New York State. Most opposition to judicial reform has been primarily generated by county and regional party leaders who play an active role of judicial selection and election. All judges of the Supreme Court (325), county courts (120), family court (123) with exception of New York City, and Surrogate's Court (74) are elected.⁶ Among this group the prize is the Supreme Court. Party leaders control both nomination and elections and this remains the key political prize in New York politics.

Judge Kay has proposed a two-tiered court system of state supreme courts and district courts to simplify court processes and save an estimated \$500 million per year. A combined Supreme Court would include: the current Supreme Court, Court of Claims, County Courts, Family Courts, and Surrogate's Courts. It would include six divisions: family, commercial, public claims, criminal, probate and general. The second tier District Court would include 61 city courts and a number of downstate civil and criminal

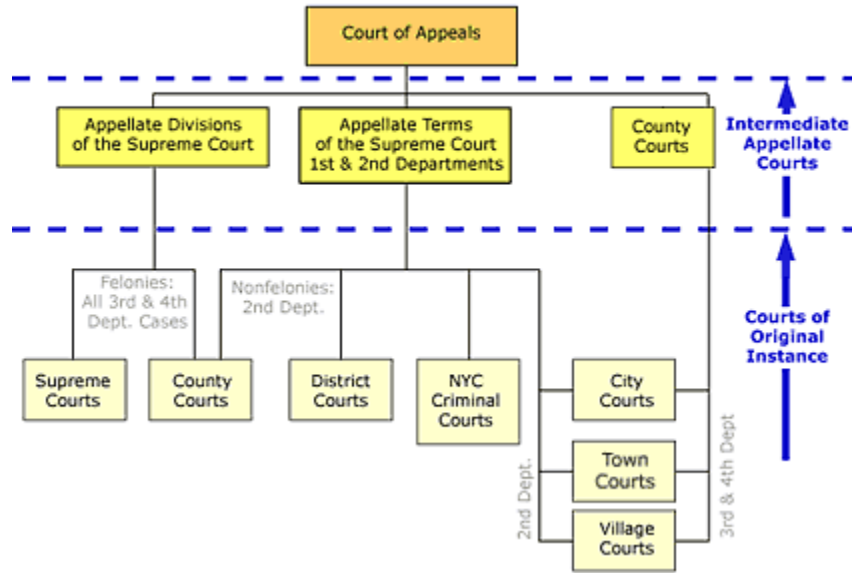
courts. A draft constitutional amendment has been submitted to the legislature to advance these above reform goals. A determination as to what to do with current local town and village courts is awaiting a study of New York's inferior courts.⁷

What do New York state courts do? They try individuals indicted for felony crimes, resolve civil and commercial disputes, hear tort and contract claims made against the state, oversee matters concerning children and family relationships, oversee affairs of decedents, including probate of wills, estates and adoptions. A chart of the current organization of the New York State Court System is listed below. The State Court System is organized into four judicial departments and 12 judicial districts which provide administration, supervision, compliance, and supervision of judicial conduct.

CIVIL COURT STRUCTURE



CRIMINAL COURT STRUCTURE



Source: <http://www.courts.state.ny.us/courts>

A Review of NYS Courts and their Responsibilities

Highest among the state courts is the Court of Appeals. It was created by the 1846 Constitutional Convention and voter approved. There are seven judges serving 14-year terms on the Court of Appeals, one of whom is the Chief Judge, currently Judge Judith Kaye. Unlike the U.S. Supreme Court, the Court of Appeals has no original jurisdiction. It is a court of appeals and in 2005 the court had 2,383 applications. Of those applications the court chose to hear oral arguments on 196 submissions. It affirmed 108 and denied 56 criminal and civil cases and modified 15 other ones. The Court hears more civil cases than criminal ones and its reversal record is 1/3 higher for the former.⁸

Following federal precedent the Court of Appeals has reviewed state laws and governmental actions with regard to their constitutionality. It reviews on appeal cases from lower courts in both civil and criminal cases. The Appellate Court also responds to the federal courts' questions regarding the state law and laws passed by the legislature.

In 1977 on the recommendation of Governor Carey a constitutional amendment was passed to appoint the judges of the Court of Appeals by modified merit selection by a commission and later approval by the governor and confirmation of the Senate. At the same time the voters approved the creation of a Unified Court System under the direction of the Chief Judge of the Court of Appeals and the administration of a Chief Administrative Judge. No system wide court reorganization or reform was approved.

Among state appellate high courts, New York has a well established reputation for its judicial decisions and the individuals who have served on the U.S. Supreme Court, two former U.S. Chief Justices and 14 Associate Justices. Until very recently the Appeals Court was noted for its liberal learnings in its jurisprudence.

The Appellate Division of the Supreme Court is the intermediate appellate court. It determines decisions on the basis of fact and law in both civil and criminal cases. Matters of judicial discipline are held before this court. The 54 justices of the Appellate Division are selected by the governor from elected Supreme Court justices and serve five year terms. It hears appeals from superior and trial courts.

The Supreme Court has unlimited original jurisdiction. The court can hear virtually any type of case. In 2005 the Supreme Court received 172,691 civil cases but only 6,048 were resolved by jury trials. It is the busiest of the state trial courts and often has to call upon retired justices to handle its caseload.⁹

The Court of Claims hears tort and contract claims for monetary damages against New York State government. The 54 members of the Court of Claims are appointed by the governor and serve nine years.

The Family Court, numbering 123 judges are elected on a partisan ballot except in New York City. There, they are appointed by the New York City Mayor. These courts hear matters concerning families and children, such as child protection, custody and visitation, family offences and foster care placements. Their terms are 10 years.

The Surrogate Courts (74) are selected by partisan election. Surrogate judges have ten year terms outside New York City and 14 years in the city. Their jurisdiction is countywide (57) and fourteen serve in New York City. The Surrogate Courts, one to each county outside of New York City, deal with the affairs of deceased persons, administration of estates, the probate of wills, and, in conjunction with Family Courts, jurisdiction in adoptions.

Beyond the four trial courts which operate statewide, other courts operate in specific communities. Outside New York City each county has a county court. County courts prosecute felonies and misdemeanors and hear civil cases up to the limit of \$25,000.

Courts with limited jurisdiction hear trials for misdemeanors and minor offenses. They also handle arraignments and preliminary proceedings for felonies. This group of courts comprises the 61 city courts, town and village courts and district courts in Nassau County and parts of Suffolk County.

The New York State Judges

Members of the statewide judiciary are required to be New York State Bar members for 10 years prior to service on the courts. Other trial court judges are required to be five year bar members before taking office. Only town and village justices are not required to be a lawyer and bar member. Approximately three quarters of this group are

not lawyers. The state has mandated attendance at training sessions for new justices and follow up training sessions for continuing justices. In February 2007 *The New York Times* ran a series on the Town and Village Justice System. It discovered evidences of corruption, incompetence, conflicts of interest and legal failings.¹⁰ The Office of Court Administration has established a commission to investigate the town and village courts and make recommendations for improvement.

One glaring omission among the New York Courts is the under representation of women and minorities. Over 90% of the state's judicial officers are men. Much of this under representation is due to the manner by which judges are nominated and elected.¹¹ Political parties hold tight control of judicial nominations, mostly by conventions or caucuses which the party controls. Merit selection of justices is one way in which this significant imbalance can be curbed.

Judicial Conduct

The judiciary article of the New York State Constitution provides for a Commission on Judicial Conduct. This commission investigates complaints about the "conduct, qualifications, fitness to perform or performance of official duties" in the unified court system.¹² The commission may admonish, censure, or remove from office any judge for causes including misconduct, persistent failure to perform duties, "habitual intemperance" and "conduct on or off the bench, prejudicial to the administration of justice." Appeals to judicial conduct rulings may be made to the Court of Appeals which may increase or decrease the sanction or impose none. The Legislature may remove judges of the Court of Appeals and Supreme Court Justices through concurrent resolution

as approved by 2/3 of each house. The Senate may remove judges of the lower courts on recommendation of the governor.

Court Reform

Both Chief Judge Judith Kaye of the Court of Appeals who heads the Department of Court Administration and Governor Spitzer have endorsed court reform as proposed by a Commission on Court Reform in New York State. Judge Kaye characterized the state of the current state court systems this way, “New York’s current structure is the most archaic and bizarrely convoluted court structure in the nation.” The principal recommendations they have proposed are: merit selection of trial court judges, reduction of the number of trial courts from nine to two, a Supreme Court and District Courts, and a unified court system under the direction of the Department of Court Administration.¹³ The courts would take over the state probation system and a position of statewide commissioner of jurors to oversee the jury system reform and education

Judge Kaye is supported by the governor in advocating a salary increase for Supreme Court judges who currently make \$135,000 per year. Their last increase was in 1999. The increase would be to \$165,000 comparable with federal district judges.¹⁴ In many areas of the state, sitting judges are earning less than the lawyers who face them in court. Unfortunately, the judicial pay raise issue is tied up by the two issues of legislative salary increases and campaign finance regulations.

Advocates of merit selection contend that nomination by non-partisan commissions and selection by the governor and senate confirmation will take politics out of judicial appointment. Most of the current state trial judges are elected on a partisan ballot. Critics contend politics determine selection and the choice of judges is controlled

by party leadership throughout the 62 counties of the state. Recent accounts of selling judgeships and political corruption and conflicts of interest have highlighted these issues.¹⁵ Study of New York City judges revealed that there was less corruption and ethics violators with appointed judges. Unfortunately, until recently, both sitting judges and legislative leaders have opposed changes in judicial selection.

Attempts have been made to reform New York State Courts as early as 1961 and 1977. The only two positive results were the change in selection of members of the Court of Appeals and the creation of a unified state court administration. Remaining to be solved are judge selection, court reform of the current string of nine separate state courts, judicial financial remuneration for services, staffing additions to relieve heavy case loads and the future of the 3,075 town and village justices.

Notes

¹ Galie, Peter, *New York State Constitution*, p. 30.

² *2005 Annual Report of the New York State Court Structure and Statistics*, p. 7, table 6, filings and dispositions in the trial courts.

³ *2005 Annual Report of the New York State Court Structure and Statistics*, p. 5, tables 3 & 4.

⁴ Bowman and Kearney, *State and Local Government*, p. 244.

⁵ "A New Order in the Courts," *Albany Times Union*, Feb. 27, 2007, p. 1.

⁶ Ward, Robert B., *New York State Government*, p. 136.

⁷ *Special Commission on the Future of New York State Courts*, Letter on May 14, 2007 from Carry Dunne, Chair of the Commission.

⁸ *2005 Annual Report of the New York State Structure and Statistics*, p. 4, table 2.

⁹ *Ibid.*, p. 9, table 7.

¹⁰ "Deeply Concerned: Special Panel will Extend Study to Small Town Courts," *New York Times*, February 24, 2007, p. B1.

¹¹ *New York Times*, "Judge Selection to be Viewed by U.S. Justices," February 21, 2007, B1.

¹² Ward, Robert B., *New York State Government*, p. 123.

¹³ “A New Order in the Courts,” *Albany Times Union*, February 27, 2007, p 1.

¹⁴ “Pay Raises Due,” editorial, *Watertown Times*, April 26, 2007; “Judges Pay,” editorial, *Syracuse Post Standard*, February 14, 2007; “Raise for State Judges Gets Caught In Crossfire Between Spitzer and Bruno,” *New York Times*, May 1, 2007.

¹⁵ “Party’s Ex-Boss in Brooklyn is Convicted, 3rd Corruption Verdict for Democratic Leader,” *New York Times*, Feb. 24, 2007, p. B1; “Key Verdict Does Not End Corruption Inquiry,” *New York Times*, April 21, 2007.

Political Parties, Elections and Interest Groups

Political parties play a prominent role in the politics of New York State. They run political campaigns, mobilize voters, nominate candidates for office, develop party platforms, and raise money. If elected, the winning party organizes the government and formulates public policy. In New York political parties have a long, well established history dating back to the earliest days of the American Republic.

Over the past fifty years political parties have experienced substantial change in the political arena in which they compete. Registered independent voters now make up 26% of the registered voters and the historic bases of party power have changed. As a group independent voters are predominately young. Not only are there more independent voters, but the practice of ticket splitting in elections has challenged the practice of one party voting. It is rare to see on election posters and advertisements a reference to party affiliation. Registered Democratic voters outnumber Republican voters by a ratio of 5:3. Registered voters constitute 74% of eligible voters; Democrats 47%; Republican 27%; Independent 26%.

2006 NYS Population by Origin	
White	11,760,981
Hispanic	2,867,583
African American	2,812,623
Asian	1,035,926
Two Races	386,116

Historic areas of Republican power are rural communities and Upstate New York have been losing population. New York City, with a population of 8.1 million represents 41% of eligible voters in a state of 19,300,000 inhabitants, a decrease in the percentage of

eligible voters. Upstate cities have lost substantial populations to the suburbs. Long Island has become a major base of Republican power and the Democratic Party has built a broader base upstate in the suburbs and among minority voters.

The cost of elections has skyrocketed, particularly statewide elections. The Clinton-Lazio senatorial election in 2000 broke all records for campaign spending in New York.¹ The primary financial sources for party candidates today are Political Action Committees (PAC's), legislative campaign committees (LCC's) (Limited Liability Corporations), and state party funding. Most legislative candidates establish their own PAC's and compete for state party funding or support for LCC's. District and county funding sources, once a base for campaign support do not today play a prominent role in campaign financing.

The 108-42 advantage which the Democrats currently hold in the New York State Assembly is visible evidence of an ascendancy of the Democratic Party in New York State. The Republicans controlled one or both of the legislative benches for most of the 20th Century up through the 1960's. As a result of the 1970 census and the Supreme Court Decision in 1962, Baker v. Carr (one man-one vote) the Democratic Party gained control of the Assembly in 1974 and has retained it to the present. The Senate has been under Republican control since 1965 but its dwindling statewide voter enrollment and Democratic gains has decreased its majority from 39 seats to 33 currently in a senate of 62. Since each legislature controls its own realignment every ten years the majority is in a position to put forward a realignment plan favorable to its political interest.

Although New York is a strong two-party state there have been important third parties in the past and today. Protest parties were a common feature of party politics in

the 19th Century. Beginning with the Anti-Mason Party and culminating with Progressive Reformers in the 1890's third parties were important participants in electoral politics. Women's Suffrage, Prohibition, Anti-Slavery, Political Reform and Progressivism were political movements which entered the political arena. Key third parties in the 19th century were: Free Soil, Liberty, Working Man's, Progressive and Socialist Parties.

A second era of third parties began with the establishment of the Liberal Party in 1944 which opposed Democratic Party corruption and the American Labor Party which had communist leanings. Current third parties are the Working Families Party, Green Party, the Right-to-Life Party, the Independence Party and the Conservative Party. The New York State Election Law makes it possible for third parties to get on the ballot. Petitions of 15,000 enrolled party members or 5% of enrolled party members places the party on the ballot, however it must receive 50,000 votes to remain on the ballot.² For that reason, the Liberal Party and Green Party no longer qualify.

The Working Families Party is a liberal party which supports workers' rights, comprehensive social services, the minimum wage and progressive taxation. The Conservative Party emerged in 1962 as a reaction to the Republican Party's movement to the center under Governor Rockefeller. The Right-to-Life Party was formed in 1978 in response to the 1974 U.S. Supreme Court decision in Roe v. Wade. The Independence Party is a centerest party supporting reform and fiscal restraint. A major figure in the party has been former gubernatorial candidate Thomas Golisano.

Although third parties do not draw more than 3% of the votes in elections, they do play a prominent and unique role in New York politics. This role is enhanced by the process of "cross filing" on the ballot in elections. Under this provision candidates could

conceivably be listed on two or more party lines. For many years, statewide candidates have sought third party endorsements. The Liberal and Conservative Parties were eagerly sought out by both Republican and Democratic candidates as they might tip the balance in a close election. Governor Pataki defeated incumbent Governor Mario Cuomo in 1994 with Conservative and Right-to-Life Party support.

Incumbency is a key advantage for political office holders in New York State. Ninety percent of the state legislators who run for election are re-elected. The average tenure for New York State legislators is 11 years (Assembly) and 15 years (Senate). The way in which the Democrats in the Assembly and the Republicans in the Senate have fashioned the electoral districts by legislative reapportionment strongly favor party incumbents. It is not uncommon to see victory margins of 50% or more or uncontested races. The Legislative Campaign Committees of each party direct funding to those candidates who are in close races and are most vulnerable. What this means is that there is little turnover in the legislature and legislative tenure has increased thereby.

Some have referred to the party system in New York as a “closed system.” Only registered party members can participate in party primaries and conventions. Party leaders in the several constituencies can steer money and support to preferred candidates in the primaries. As there are no runoff elections, a candidate can win a primary or general election with just a plurality of the votes. Further, party leadership leverage is gained by party loyalists being the principal voters in primaries. Most judges in New York are nominated by party conventions or caucuses which are for the most part controlled by the party leadership. Judges are one of the remaining vestiges of party

patronage. Their nomination procedure has been challenged in court and the parties have been directed to democratize the nomination process by instituting primaries.³

Party membership is very much influenced by employment, education, religion, location, income, race and age. Prominent in the Republican and Conservative Parties are upper income groups, Protestants, rural and upstate voters, business persons, Caucasians, and white collar workers. Democratic, Green and Working Family Party members are primarily city dwellers, labor union members, minorities, Catholics and Jews, college educated, and professional and younger voters, lower income individuals and educators. Women have gravitated to the Democratic Party as a result of Democratic support of women's and social issues. The discrepancy between Democratic and Republican Party enrollment is the result of minorities, women, younger people, hourly workers and public union employees gravitating to the Democratic Party.

There is an important link between New York parties and public policy determined by the legislature and governor. The governor is without question the leader of his political party. His visibility, fundraising ability, budget determination, appointment power, legislative power (i.e., veto and line-item veto of budget bills), and legislative leadership all contribute to the governor's party leadership. The legislative leaders in the New York Legislature preside over the most disciplined and hierarchal legislature in the nation.

The Assembly Speaker and Senate Majority Leader are party leaders and nothing significant can happen in the Assembly or Senate without their approval. Legislative appointments to leadership posts and committee chairs are made by the leaders. What legislation will come forward and be passed is determined by them. Members who will

receive Legislative Campaign Committee funds for election expenses are determined by the Speaker of the Assembly and Majority Leader in the Senate. This level of power held by both the governor and legislative leaders makes it possible for the leadership to pass budgets and legislation and link party discipline to public policy enactment. In a divided legislature governed by strict party discipline, only bills which the leadership resolves differences on will pass or otherwise will die.

It is majoritarian government as the minority party in each house has virtually no political power. In today's New York State Legislature, Republicans in the Assembly and Democrats in the Senate have little power to pass legislation or effect public policy.

Albany is awash with political campaign contributions. Michael Cooper writes in *The New York Times* "The State's campaign finance laws are so riddled with loopholes and so laxly enforced that civic groups warn that determined people can make virtually unlimited contributions."⁴ Currently New York State permits people to contribute \$55,900 to each statewide candidate and \$94,000 to a political party. This is the highest limit among the 37 states which limit political campaign contributions.⁵ The three public interest groups in Albany—Common Cause, New York Public Interest Group (NYPIRG) and the League of Women Voters—have all called for campaign finance reforms, proposing strict limits on campaign contributions, public financing of elections and prohibiting campaign contributions and gifts by lobbyists. Governor Spitzer has called for an upper limit of \$15,000 donations to statewide offices.

Contributions to state party campaign committees are labeled "housekeeping" or "soft" money. The intended purpose of these funds were to be used for political party functions, however they are used to fund candidate campaigns, media ads and party

fundraising activities. The Republican State Committee raised \$13.9 million last year (2006), of which \$4.7 million went to the housekeeping fund.⁶ High limits on campaigns for individuals, corporations and Political Action Committees, virtually no regulation of “housekeeping” donations to party committees and huge contributions from interest groups PAC’s to party committees are the three areas in need of campaign contribution funding.

Lobby and Ethics Reform

There is light at the end of the tunnel regarding ethics and lobbying reform. A new law was passed and signed by the governor in April, 2007. The new legislation creates a new State Commission of Public Integrity with broad authority to enforce ethics and lobbying laws.⁷ The purpose of this new law limits the influence of money and lobbyists on the political process.

To complement the new State Ethics Commission a new Legislative Ethics Commission will replace the current Legislative Ethics Committee, currently staffed by eight current members of the legislature. The Legislative Ethics Commission will have nine members, a majority of whom must be members “independent of the legislature.” These members cannot be current or former members of the legislature, legislative employees, legislative candidates, political party chairs, or a lobbyist within five years preceding their appointment.

Each commission will make public disclosures requiring each commission to make public all settlements of ethical violations, issue annual reports describing all complaints received, the status of open complaints and the date and nature of any dispositions. The creation of these two commissions is long overdue. Establishment of

these two new bodies to enforce ethics and lobbying is a step forward in a state where lobbyists play a key role in policy making and legislators garner much of their campaign funding from interest groups. Observers of the legislative process believe that the two laws and their commissions do not go far enough to control lobbying and ethics violations.

Notes

¹ *New York Times*, November 9, 2000, p. B20. Together, Representative Lazio and Mrs. Clinton raised \$85 million; Representative Lazio and the candidate he replaced, Mayor Giuliani, raised \$55 million and Mrs. Clinton \$30 million. The money raised broke a national record for a senate race where there was no incumbent.

² New York Code: §6-136 (1), Designating petitions, number of signatures.

³ “Judge Selection to be Reviewed by U.S. Supreme Court Justices,” *New York Times*, February 21, 2007, B1.

⁴ “Albany Raises State Limit on Donations to Candidates,” *New York Times*, February 1, 2007, p. 4.

⁵ “Brennen Center Ranks N.Y. State Highest in Political Party Donations among the 37 States Which Regulate Campaign Contributions,” *New York Times*, Feb. 1, 2007.

⁶ “Loophole Allows Parties More Dollars,” *Syracuse Post Standard*, January 29, 2007, p. 1.

⁷ Public Employees Ethics Reform Act of 2007, S2876, A3736-A.

6

Local Governments

The term “local governments” is an inclusive one, including counties (57), towns (932), cities (62), villages (556), school districts (712), and 998 other special districts such as: water, sewer, fire, agriculture and power. They serve 19.3 million people throughout New York with numerous services: utilities, transportation, education, libraries, protection and recreation. On a day-to-day basis, local governments provide residents a wide range of daily needs and support systems. Increasingly, counties have undertaken responsibilities in the areas of public health, welfare, Medicaid, unemployment and job training on behalf of the state government.

Local governments are provided for in both the constitution and public law. There are specific laws pertaining to each level of local government. Historically there has been political struggle between those in Albany who want to retain tight control on local governments (Dillon’s Rule, ultra vires) and those who wish to devolve greater power to local (Imperium in Imperio) governments. One example is the degree to which New York seeks to retain authority over local governments through state mandates and restraints. Scholars have indicated that New York leads the nation in political mandates and constraints on its local governments. Additionally the tax burden on local governments, excluding state level taxes, is among the highest in the country.¹ Taxes, mandates, restraints and control from Albany are serious issues for local governments as they attempt to provide a wide range of services to their inhabitants. Beginning with the Constitutional Convention of 1967 and calls by former Governors Cuomo (1991) and Pataki (1995) to address local government issues, there has been little progress. On April

23, 2007, Governor Spitzer announced the establishment of a Commission to Enhance Local Government Efficiency and Reduce Local Tax Burdens' Executive Order No. 11.

The Commission is to report to the Governor and legislature no later April 15, 2008. The scope of this commission's charge is broad and addresses the control issues which confront New York's local governments.

It is no surprise that in a very partisan state that most New York local governments are partisan. While much of the country has gravitated to non-partisan government at the local level, New York has retained the political party system down to the lowest level of government. Exceptions are most school districts and special districts. Political parties are organized down to the town and village level. Partisan election within local governments provides one of the elements of party patronage throughout the several levels of local government. It also provides a grass roots base for political parties statewide.

Levels of Local Government

In New York there are 57 counties which have home rule and five which comprise the current city of New York. Historically the counties received their charters from the state legislature and formed county governments around a board of supervisors which constituted both the county executive and legislature. Early county responsibilities were road maintenance, jails, health and safety inspections, welfare for the poor and tax collection. Today counties have undertaken a much broader role in local government: economic planning and development, land use provisions, waste removal, health and safety provisions, employment assistance, criminal justice and corrections facilities to name but a few. Counties differ greatly. There are the ten counties of North Country

which are primarily rural with small populations which are dependent on farming, natural resources and tourism. There are suburban counties which have larger populations which surround metropolitan areas and the primary economy is manufacturing, technology and services. In and around New York City there are urban counties with both large urban and suburban populations; Nassau and Westchester County are examples. Transportation to and from the central city are key concerns of these counties.

Counties differ in their forms of government. Several (39) continue their supervisor directed government and may hire a county administrator or county manager. There are two types of Charter Counties, one which retains the power with the county elected legislature with a county chairman and the other an elected legislature and an elected county executive, separate from the legislature. Most county employees come under the civil service employment system so patronage extends only to elected county officials and department heads. As mentioned earlier in this chapter, county government statewide has undertaken new and broader responsibilities and today are major political actors in state government. Counties secure their financial support from county property taxes, sales taxes and fees. New York City, which includes five counties, has a personal income tax.

Towns were the earliest form of government in New York. The 932 towns range from sparsely populated rural towns to towns which have populations greater than the city of Buffalo. Most towns have retained their original political organization, a town supervisor, 2-4 councilmen, town clerk, town road superintendent, assessor, code officer, and town justice. Larger towns have engaged administrators or managers. There are two levels of town in state law—level one under 10,000 persons and level two over 10,000 or

a town adjoining a larger city. Towns today are municipal corporations but were not always so. Urban towns and larger suburban towns carry out a broad range of activities—transportation, police and fire protection, health facilities, solid waste disposal and economic development and planning. Smaller towns confine themselves to road maintenance, assessing, code inspection, licensing, tax collection and fire protection, normally in conjunction with others. Towns which include cities or villages often enter into intermunicipal agreements to provide services.

New York's 556 villages emerged as groups of people congregated in early towns. Normally a village was the center of town or county activity: cottage industry, lumber and grain mills, machine shops, blacksmiths, tanneries etc. Villages today are the center of rural life and centers of both rural and suburban economy. Some villages today are larger than our smaller cities. Village government is predominately partisan government. The government consists of a mayor who is chief executive and four trustees. Principal officers of the village are village superintendent, village clerk, code officer and village justice. Larger villages normally have a village administrator or manager who is appointed by the village board. Larger villages also have fulltime police and fire service. Similar to towns, villages utilize property taxes to provide for services, however, some counties share their sales tax revenue with towns and villages on a per capita and assessed property bases. Villages and towns receive minimal state aid. For instance, the Village of Canton receives approximately \$123,000 annually in state aid and \$60,000 in CHIPS aid (highway assistance). The entire budget of the Village of Canton is over \$5

million. By comparison, it receives approximately \$700,000 in sales tax aid from St. Lawrence County.*

There are 62 cities in New York State, ranging from those just under 20,000 and New York City with a population of 8.1 million, the largest city by far in the country. Other than New York City, whose population has swelled by immigrants and citizens from U.S. possessions (Puerto Rico), the other six largest cities have experienced drastic reductions in their populations and economic vitality. Buffalo, once one of America's largest cities is just over 280,000 persons. At one time Buffalo was 500,000 people. Many city dwellers have migrated to the suburbs or rural areas ringing the cities. They take with them their tax base, their skills, their businesses and employees. Rebuilding New York's cities remains a political and economic challenge to the state. Since some of these cities also control and run the school systems, there has been a serious crisis for urban schools due to the economic downturn.

The government of 62 cities is spelled out in the City Law, chartered by the state legislature. There are three prevailing forms of city government. Mayor-council is the oldest form of city government. The mayor is the chief executive. Depending upon the mayor's legal authority a city has either a weak or strong mayor government. Strong mayors have broad executive and appointment power and veto and budget power. There are 41 mayor-council city governments. Eighteen cities have opted for a council-manager government. The council appoints a professional manager and staff to run the government and the council acts as policy maker and budget determiner. In practice most

* Canton Village Budget, 2006-2007.

city managers are key policy and program leaders and play prominent place in local governance.

Three cities, Beacon, Mechanicville and Saratoga Springs, have a commission form of government which was first established in Galveston, Texas in the early 1900s as a result of a tragic hurricane and flood which destroyed the city. Each commissioner is the head of one or more city departments. With this provision there is not separation between executive and legislative functions in the commission form of government. The mayor, chair of the commission, is elected separately, at-large.

The largest group of local government, special districts, have emerged as political entities as the county industrialized, urbanized and sprawled out. The largest special districts are school districts, which number 712. Prior to an extensive school reorganization in 1957 the small school districts of New York, numbering in the thousands, were reduced in number and combined into 714 school districts covering territory where one or more local school entities once existed. What the law did was take the power and control away from local village, town and city authorities by creating independent school districts directed by an elected board and responsible to the Commissioner of Education and the Board of Regents. Public schools come under the authority of New York State Education Law. School districts prepare their own budgets, elect their own board of trustees and select their superintendent and staff. The largest amount of state aid to local governments in New York is provided to school districts. The school districts are authorized to tax property owners in the district and issue revenue bonds.

The population growth of suburbia and rural areas has contributed to the expansion of special districts. People who live outside cities and villages are generally not provided the utilities given to urban dwellers, e.g. water, sewer, fire and police protection, street lighting, transportation, etc. State law provides for creating these districts through referenda of the potential users. Such districts can tax, bond and initiate user fees. These districts fill gaps which town or county governments do not.

State Constraints on Local Governments

A major problem for local governments is state mandates and restraints. As mentioned earlier, New York State leads the nation in mandates placed on local governments, many without any financial provision to comply for such mandates. The most recent has been the new 2007 State Fire Inspection Code which requires local governments to inspect rental properties, businesses, and public buildings. No provision has been made to fund this law. Recently St. Lawrence County was directed to build a new jail to replace the old one which failed to meet Department of Corrections standards. The cost of the jail will amount to \$33 million to be paid solely by the St. Lawrence County tax payers. State mandates add millions of dollars to local governments each year. It is one of the key costs of local government. Unfortunately, most state mandates are established by interest groups who go to the legislature to seek out their objectives which local governments have rejected. Whatever their value they are an imposed on local governments without their concurrence.

As mandates cost local governments money, state restraints cost them opportunities. State restraints include strict limits on borrowings, bonding, bidding and negotiating with public employees. Again, interest group lobbying and a long-

established tradition of top down managements of local governments are the culprits. The Wicks Law, which requires state entities to seek bids from several contractors for various aspects of a construction project above \$50,000 drives up the cost of the projects and costs local governments millions of dollars per year. Governor Spitzer is currently seeking its reform. Local governments are strictly regulated as to where they can invest their funds, whereas the state funds may be invested in a broad range of securities.

Local Governments: Over Taxed, Under Funded

New York has the highest per capita tax rate among all the states.² Much of this is the several layers of taxes that are placed on the local governments, districts and individuals. New York has a plethora of taxes and taxing jurisdictions: state sales tax, state income taxes, state corporation and business taxes, county property taxes and county sales taxes, city, town and village property taxes and city sales taxes, public school taxes and other special district taxes. In addition local governments face hefty increases in retirement payments and health care benefits. Paying taxes for at least four levels of government is a serious drain on local governments and their citizens.

From the earliest times the property tax has been the most common and reliable form of taxation. Rising retail sales of homes and state programs of property revaluation have pushed up taxes for home owners and businesses. The state relies upon the property tax for 50% of school funding which has increased beyond Consumer Price Index (CPI) in recent times. Medicaid costs more than double many county taxes. Sales taxes, state and local, have now risen to 9% in some areas of the state. State income tax tables have not been properly readjusted to reflect inflation and cost of living. With a high percentage of tax receipts going to the state government for spending determination, the

local taxing jurisdictions are being squeezed by state policy and strong resistance of the voters. Without question, high taxes, mandates, restraints and state spending priorities have constituted the current fiscal state of local governments.

Reforming Local Government

On April 23, 2007, Governor Spitzer issues Executive Order No. 11 establishing the Commission on Local Government Efficiency and Competitiveness. It is to report no later than April 15, 2008. The commission is asked to investigate a wide range of issues: provision of services, consolidation, partnerships, mergers, regionalization and partnering. The commission was additionally charged to look into barriers which inhibit effective local government, and how state law and regulations impact on local government effectiveness and operation. Finally, the commission was charged with ways to encourage local government cooperation, combination, efficiency and financial savings.³

Towns, villages, counties and cities are among the oldest and most established political institutions in New York State. All were created on the basis of a need at the time of their inception. Early New York was rural, sparse, remote and local in its thinking and practice. Local governments are where people live and mostly work. There is a sense of identity with Glens Falls as opposed to Albany or the larger metropolises. E.J. McMahon, Director of the Empire Center for New York State Policy, referring to the consolidation of public services, “People do want a level of government as close as possible to them. That’s why there needs (the commission study) to be approached very carefully...they need to sell this.”⁴

To be honest we have too many kinds and level of government which duplicate services and thereby build up taxes. Previous efforts to accomplish the goals of the

current commission have gone nowhere in the past 40 years. Many of the local entities defined by the study have lost population and tax bases. Because of jurisdictional lines a hodgepodge of special districts has been created to provide services to individuals and communities who cannot acquire such from local governments. As we examine the varying kinds of local governments a single solution such as consolidation or dissolution will not serve all. Reformers need to remember that New York is a highly partisan state and local politics is very much preserving local control and local direction.

A first order of business is the lessening of restraints on local governments and the reduction of mandates levied on local governments which are required to fund them. If mandates are voted by the legislature then sufficient money should be allocated to permit the local governments to carry them out. Together, mandates and high taxes are the two greatest burdens placed on local governments. Five levels of taxes from the state to the local government level are a crippling burden for New Yorkers to bear.

Consolidation of school districts in 1957 was the last major consolidation of a local government entity. In order to gain local support for school merging the state government had to provide incentives to local communities—new school buildings, support for bussing and transportation costs and greater school aid based on enrollment and district wealth and average wage levels. Without question this merger was both cost effective and over time it produced better schools. Given population shifts, 50 years later, it is time to look again at consolidation of public schools.

The first step in any local government reform is to encourage the sharing of services and programs. This can be done either informally which is done now or by formal intermunicipal agreements. Combined with sharing would be incentives to do so,

such as grants to enable a cooperative program to get underway. The loyalty and identification of local government citizens with their local institutions inhibits devolution, mergers, consolidation and regionalization at the local level. Partisan politics, involving many elected and appointed officials is another factor to recognize when advocating reform. That is why sharing, partnering and cross district cooperation should be a preliminary step to local government reform and revitalization. Today there are numerous examples of cooperation and sharing of services. These efforts should be encouraged and identified as examples for others to follow. Incentives are but one way to encourage reform. In the time it has, the Commission to Enhance Local Government Efficiency and Reduce Local Tax Burdens needs to travel to the hinterland and tap the public's pulse. Their message must be convincing and their responses to public commentary receptive. One size shoe does not fit all feet when it comes to reform and revitalization.

Notes

¹ *Public Policy Institute of N.Y. State, Inc.*, "Just the Facts," May 31, 2006, p. 1.

² *Public Policy Institute of N.Y. State, Inc.*, News Release, May 31, 2006, p. 1.

³ Announcement, *N.Y. State Commission on Local Government and Competitiveness*, What is the Role of the Commission?, www.nyslocalgov.org.

⁴ "Plan Will Permit Mergers," *Watertown Times*, April 24, 2007, p. A1.

The Political Economy of New York State

“Political economy is the study of the interrelationship of politics and economics.”* The American Revolution was as much a revolt against the abridgement of economic and social rights as it was against political tyranny and the suppression of civil liberties. The early state constitutions affirmed the people’s rights to popular government and an economy of free enterprise. Abolished were all the economic constraints placed on the colonies to control their trade and commerce.

From the very beginning New York State provided a very favorable environment for trade and commerce. The tradition of economic entrepreneurship and competition began under the Dutch in the 17th Century and continued under British rule after 1664. Of the northern colonies, New York was the prime example of economic activity and competition. The influence of the Hamiltonian Federalists in New York contributed to a positive climate for business and state supported economic development. Official government support for building the Erie Canal under Governor Dewitt Clinton’s leadership in 1822 began an era of close government and business partnership which contributed to New York’s economic and political leadership in the new nation.

The canal and its tributaries opened up the western lands to migrating populations, trade and commerce and created new wealth and economic growth for New York. The canal was not only the gateway to the west and new markets there, but the connection to New York City and foreign markets in Europe and the Western Hemisphere (New York City was among the three best ports in the United States). Cities were created along the

* American Heritage Dictionary, 4th ed.

canal's tow paths and their populations and businesses would become the center of New York's upstate economy. In two decades the canal would be superseded by the railroad which began in New York City and stretched all the way to Buffalo. Larger cargos, settlement of foreign immigrants in these communities and the development of manufacturing centers were made possible by the newer technology supplied by trains.

This economic ascendancy, population growth, financial leadership and growing wealth would characterize New York's role as a leader in the United States economy and political system for more than a century thereby earning it the title "The Empire State." However, the depression hit New York very hard and only New York's role in W.W. II allowed it to regain much of its economic vigor and leadership. Difficult times would soon be around the corner as the nature of the American economy was changing, populations were shifting, businesses moving to more hospitable environments and new technologies challenging the older smoke stack economics like New York. The presence of union and higher taxes accelerated the departure of firms, factories, workers and capital.

In 1975, New York City faced financial collapse and bankruptcy. Moreover the New York City fiscal crisis endangered the fiscal solvency of the state. When the federal government initially refused to come to the city's assistance the state under the leadership of Governor Hugh Carey secured legislation and support to alleviate New York's fiscal crisis by asking the legislature to create the Metropolitan Assistance Corporation (MAC) which oversaw the cities finances and recovery and negotiated with labor, business and the banks to secure loans to restore the city's solvency and the state's fiscal creditability.¹ Given what New York had been to the United States economy the humiliation of New

York City was a severe blow to the state's economic standing and the city's stature among the world's leading metropolitan centers.

New York's Economic Report Card Today

The evaluation of a state's economy and political performance is based on a range of measures: tax levels, public spending (budget), the business climate, job creation and maintenance, debt, welfare and health care spending. An overall look at state spending and state tax collection places New York right at the top of the 50 states.² The impact of high taxes to support state spending has contributed to the move or closure of business, the loss of jobs, slow economic growth and low population increase.

The presence of strong unions in the public and private sector, effective interest groups and a compassionate political environment, all contribute to large budgets and a high tax bill for New York's citizens. Our most recent budget in New York, 2007-2008, is \$123.6 billion, an increase of four times the cost of living.³ In fact, the comptroller, Thomas DiNapoli's report indicated that the state budget was \$2.9 billion larger than previously thought. The difference between the two figures involved \$2.9 billion in capital spending which normally had not been included in previous budget totals. Either way, New York State's spending is the second highest in the nation per capita.⁴

New York's standing relative to the other 49 states in the national economy

1. Per Capita Tax Burden, 5260, 1st, 53% over national average
2. State and Local Property Taxes Per Capita, 1667, 4th, 54% over national average
3. State and Local Income Taxes Per Capita, 1595, 1st, 117% over national average
4. State and Local Corporate Taxes Per Capita, 278, 3rd, 142% over national average
5. Local Taxes Per Capita, 2404, 1st, 83% over national average
6. State Taxes Per Capita, 2280, 8th, 20% over national average
7. Business Tax Climate Index, New York 50th. US average 5.0; NY 3.91
8. Cost of Doing Business Index, New York, 2# 130.1; US average 92.8
9. Economic Freedom Index, NY 50th, 39.50 highest score 18.18
10. State and Local Government Spending Per Capita, NY 11,370, 2nd 47% over national average
11. State and Local Debt Per Capita, 11,377, 3rd, 71% above national average
12. State and Local Welfare Per Capita, 2101, 1st, 84% above national average
13. State and Local Medicaid Spending Per Capita, 2165, 1st, 121% above national average
14. Average Cost of Workman's Compensation Costs, 16,114, 2nd, twice national average
15. Proportion of Worker's represented by unions, 1st, NY 27.5%, US average 13.7%

Source: The Public Policy Institute of New York State Inc., <http://www.benys.org>

High taxes in New York derive from a wide range of taxing jurisdictions, heavy public spending, interest group lobbying, duplication of services and a political culture which supports activist and compassionate behavior by government. There are at least five levels of taxing jurisdiction in New York: state, county, city, town, village, school districts and other special districts. New York has property taxes, income taxes, sales taxes, business and corporation taxes, estate taxes and utility taxes. One approach to avoid rising current taxes has been used by the state is to increase “user fees”; hunting, fishing, recreation, vehicle registration and a state lottery and casino gambling. New York State ranks first in the nation in taxes per capita, 53% above the median tax level per capita among the states.⁵

New York State leads the nation in per capital spending 47% above the median state spending level. The principal recipients of state and local support are school districts, Medicaid, health care, welfare, housing and transportation. The first three categories of spending constitute the lion’s share of the state budget. Until the legislature and governor resolves these spending allocations the budget determination is not resolved. The legislature normally increases the executive budget to meet its priorities, principle public schools and health care. New York’s state and local spending per capita on education, Medicaid, health care and welfare rank number 1 among the 50 states.⁶

An economic history of New York would establish that this state was an economic powerhouse throughout U.S. history. This edge began to disappear after World War II. The causes were several: challenges to the state’s manufacturing sector, movement of business and labor to other states, high taxes and the cost of doing business

here, labor costs and failure of the state to mobilize its resources to stem this economic drain. New York has a very good public school system, outstanding colleges and universities, research and development institutions and capital markets to support the economy. Its failure was lack of economic leadership.

Recent surveys of the state's role in economic activity rank New York below the national average. New York ranks 50th in state business and tax climate.⁷ New York ranks second in the cost of doing business which includes in its index—cost of wages, taxes, electricity and real estate.⁸ New York ranks 40th in the state competitive index which measures nine factors relating to the business climate and state fiscal policy⁹ and New York is 50th in the U.S. Freedom Index which includes regulatory and fiscal obstacles and fiscal burdens.¹⁰

In June 2006 New York had 8,687,100 employed in public and private occupations.¹¹ The total private sector was 7,178,200. The increase in jobs in all occupations in one year was 78,300 or .09%. New York State job creation is behind the national average by .05% but unemployment has stabilized at around the 4.5% unemployed just .03% above the U.S. unemployment rate. During the recent recession, March '01 to January '04 New York lost 265,000 jobs.¹² Included in that job loss was the impact of 9/11 which provided a crippling blow to the New York economy.

The current New York State debt is \$48.5 billion, \$9 billion of which is “full faith and credit bonds” issued by the legislature after approval by the voters in a referendum.¹³ The remainder of the debt belongs to the 700 public authorities which issue “moral obligation bonds” which are secured on the basis of their financial activities. In 1975 the Carey Administration had to bail out the Urban Development Corporation which

defaulted on its bonds. The New York State public debt is third largest per capita among the 50 states, \$11,377, one dollar less than Massachusetts. The average per capita debt among the states is \$6,659. New York is 71% above the U.S. average.¹⁴

The three largest state budget expenses are public education, Medicaid and welfare/social services (TANF).¹⁵ In all three of these public services New York leads all states in per capita expenditures. In 2007-2008, these three budget items constitute approximately 84% of the total state budget. State spending on education increased because of the Appellate Court decision regarding the funding of the New York City Schools, the governor's commitment to increase state school spending by \$1.5 billion and the pressure of the Republican State Senate to achieve higher increases for Long Island school districts. Total state spending on elementary and secondary public education in the 2007-2008 budget is close to \$20 billion. Medicare is the most costly item in the budget, \$46.5 billion. The governor proposed a reduction of \$1.3 billion in Medicare spending but reduced that to \$1 billion in response to legislative and health care providers' opposition. Welfare in the 2007-2008 budget amounts to \$40.6 billion. Health care, Medicaid and welfare receive substantial federal subsidies; however the education budget is primarily state and local taxes.

A major objective of the Spitzer Administration is to get the economic engine of New York accelerating again. The governor has proposed tax reductions, support for economic development and a better business climate for firms in New York. A new co-director of the State's Empire State Development Corporation has been appointed and will work primarily in Northern New York to revitalize the economies there, create jobs and reduce the out migration of educated young people. At recent confirmation hearings

in the Senate, Co-Commissioner Gunderson was criticized for not getting the Spitzer economic development initiative underway in Northern New York.¹⁶ Along with this initiative the Tech Valley project which is proposed to create tech centers from Albany to Plattsburgh is receiving state financial support. The Empire Zone program which was created in the '90s is undergoing a thorough reexamination based upon how effective this business incentive has been in promoting economic development, business activity and job creation.

Our concern in this chapter has been the high cost of living and doing business in New York State. The table below ranks New York in the World Economy. If we begin to grapple with the issues of high taxes and large public expenditures, New York will be able to sustain its competitive role in both the United States and World Economy.

Lacking fiscal and tax reform the state's competitive position will continue to erode.

New York State's Ranking Among Countries and States By Gross Domestic Product (billions of Current U.S. Dollars)							
Rank	Area	2000	2001	2002	2003	2004	2005
1	United States	9,764.8	10,075.9	10,434.8	10,951.3	11,711.8	12,455.1
2	Japan	4,746.1	4,162.4	3,970.8	4,291.1	4,622.8	4,505.9
3	Germany	1,900.2	1,891.3	2,022.2	2,443.4	2,740.6	2,781.9
4	China	1,198.5	1,324.8	1,453.8	1,641.0	1,931.7	2,228.9
5	United Kingdom	1,438.3	1,431.3	1,565.0	1,797.8	2,124.4	2,192.6
6	France	1,328.0	1,339.8	1,457.3	1,789.1	2,046.6	2,110.2
7	Italy	1,074.8	1,090.4	1,186.3	1,468.3	1,677.8	1,723.0
8	California	1,287.1	1,301.0	1,340.4	1,410.5	1,519.2	1,622.1
9	Spain	580.7	608.4	686.1	881.0	1,039.9	1,123.7
10	Canada	714.5	705.1	726.7	856.5	978.0	1,115.2
11	Texas	727.2	762.2	783.5	828.5	903.2	989.4
12	New York	777.2	808.5	821.6	847.1	906.8	957.9
13	Brazil	601.7	508.4	460.8	505.7	604.0	794.1
14	Korea, Rep.	511.7	481.9	546.9	608.1	679.7	787.6
15	India	461.3	478.3	506.1	600.7	694.7	785.5

Sources:
The World Bank, World Development Indicators Database. Retrieved December 6, 2006.
U.S. Bureau of Economic Analysis, Estimates of Gross Domestic Product by State. Released October 26, 2006.

Notes

¹ Ward, Robert B., *New York State Government*, p. 64.

² *The Public Policy Institute*, “Just the Facts,” Aug. 9, 2006.

³ “Comptroller DeNapoli Issued a Report Yesterday that the State Budget is 2.9 Billion Larger than Previously Thought,” *New York Times*, May 11, 2007.

⁴ *The Public Policy Institute*, “Just the Facts,” 2004, p. 1.

⁵ *The Public Policy Institute*, News Release, May 31, 2006, p. 1.

⁶ *The Public Policy Institute*, “Just the Facts,” 2004, p. 1.

⁷ *The Public Policy Institute*, “Just the Facts,” 2006, p. 1.

⁸ *The Public Policy Institute*, “Just the Facts,” 2004, p. 1 (Milikin Institute).

⁹ *The Public Policy Institute*, “Just the Facts,” 2005, p. 1.

¹⁰ *The Public Policy Institute*, “Just the Facts,” 2004, p. 1.

¹¹ *Public Policy Institute, Inc.*, “Facts and Figures About New York’s Economy,” July 21, 2006.

¹² *Ibid.*, “Facts and Figures About New York’s Economy,” 2006.

¹³ *The Public Policy Institute*, “Just the Facts,” Census Bureau Data, 2004.

¹⁴ *The Public Policy Institute*, “Just the Facts,” Census Bureau Data, 2004, p. 1.

¹⁵ *The Book of the States*, 2006, vol. 38, pp. 355, 357, 398, 505 (tables).

¹⁶ “Upstate Economy Still Bad: Attention Diverted, Politicians in Albany Not Making Headway,” *Watertown Daily Times*, September 2, 2007, p. A1.

Conclusion: Where Do We Go From Here?

After reviewing the principal institutions of New York state government, it might be appropriate to summarize where and how changes could be made to improve the workings of our system of government. I have chosen to propose eleven to the reader as the most important changes and reforms to be undertaken. Others might choose different ones based upon their research or political experiences. I believe the changes I have chosen would lead to more effective, efficient, responsive, accountable and fiscally prudent government in the state.

Campaign Finance

Campaign finance reform has to be among the most important changes to be addressed. Of the 37 states which regulate campaign finances, New York has the highest level of campaign spending limits for statewide offices. Individuals can donate up to \$55,900 to statewide candidates in a campaign; corporations, businesses and political action committees may contribute to a candidate \$5,000 but no limitation on an upper level of individual donations.¹ The governor has proposed that individuals would be allowed up to \$15,000 per state election and an upper limit of \$350,000 per year contributions by Political Action Committees.² Governor Spitzer has also proposed banning campaign contributions by LLCs (Limited Liability Companies) which currently now can give as much as an individual and additionally, \$50,000 to a candidate for governor.³ The Senate Republicans have rejected this and other lower campaign contribution limits as they have led in securing campaign funding.

In 2006, the Senate Republican Campaign Committee raised nearly \$580,000 from LLCs.⁴ Only 1% of the population makes campaign contributions so the campaign

fundraising is dominated by wealthy individuals, PAC's and now LLCs.⁵ In politics, money buys influence and in New York that influence is vested in powerful lobbies which represent their monied constituencies. The movement of the campaign finance issue in the 2007 legislative session has been bottled up other important legislation by the inability to resolve it primarily due to a party split on the issue.

Judicial Reform

Chief Judge Judith Kaye has proposed far-reaching revisions in the New York State court structure. The issues which are being looked at by a commission (Special Commission on the Future of the New York State Courts) established to “assess the need for structural and other operational reforms of the judiciary.”⁶ A key proposal is to combine all the state wide courts into two divisions, the Supreme Court and the District Courts divisions. The former would combine the Supreme Courts, Family Courts, Surrogate Courts and the Court of Claims. The District Courts would include county courts, city courts, town and village courts.⁷ The special commission is currently looking into whether the justice courts should be strengthened or replaced by full time local courts. A recent series of articles in the *New York Times* pointed out some serious problems with the court administration and procedures in the justice courts.⁸ Since the status of the courts is determined by the state constitution any changes would require legislative and constitutional action. Other reform proposals being put forward would be the appointment of Supreme Court Judges or nomination by primary elections in the districts.

Currently, the 325 Supreme Court Justices are nominated by district or county party conventions. This selection process has been overturned by two federal courts and

is awaiting U.S. Supreme Court action.⁹ Election of Supreme Court Justices in New York is a long holdover of the party patronage system and their selection has been criticized as undemocratic. Recent corruption charges on justice selection and judicial ethics violations of sitting justices have brought these problems of the judiciary to the forefront.¹⁰ It is time to move, court reform efforts date way back to 1967.

Public Authorities

The New York Public Authorities are not new to politics. They date back to the early 20th century. The most prominent are the New York-New Jersey Port Authority, New York Power Authority, New York Thruway Authority and the Empire State Development Corporation. All together there are 700 state authorities and 40 municipal authorities.¹¹ Much of the state business is carried out by these public corporations. They are state licensed businesses which provide a wide range of services to government and businesses in New York. They secure capital by issuing bonds which do not require voter approval as state legislative bonds do. Their sources of revenue are fees, sales and legislative funding. Recently they have come under criticism for reasons of poor performance, lack of accountability, debt beyond resources, political influences and lack of financial transparency. About 200 of the 700 public authorities are either defunct or are under performing their mission.¹² In 2006 former Governor Pataki and the legislature agreed to move to reform the authorities by having their budgets submitted to the governor's budget office and the establishment of an inspector general to investigate irregularities and poor performance by the authorities. Oversight of this far flung and numerous number of state authorities is a much needed reform. Culling out those nonperforming units should be a first step.

Voter Initiatives

One-third of our states have voter initiatives.¹³ Voter initiatives are referendum, initiative and recall which were initiated late in the 19th century by the Progressive Movement. Most of the voter initiative states are in the mid-west and far west where the drive for “direct democracy” was organized. New York has only one voter involved act beyond voting in elections and that is voting on constitutional and bond referenda. Many of our New York state local governments have voter initiated referenda on local laws by petition.

When we talk about political gridlock in New York State, we mean “three men in a room,” strict party discipline in the legislature and the inability of the formal governmental apparatus to respond to strongly felt issues by the public. The opportunity for voter initiative is an alternative to inaction or gridlock. All of the above voter initiatives (recall, initiative and referendum) require a minimum 3-5% of the votes in the previous election and signed petitions to place any of the three options on a ballot at election time.¹⁴ Voter initiatives are about as far as we can get to direct citizen democracy. They can recall a public official, they can override a law or executive action by referendum and they can place a draft law or constitutional question on the ballot.

There are serious pros and cons regarding “direct democracy” in this day and age. Critics argue that voter initiatives undermine legitimate governmental institutions and representative government, they may sway votes to the mobilized and organized minority, they can be bought by interest groups, and their place on the ballot fatigues the voter (recently California has had as many initiatives on the ballot at one time). Big money and what it provides for can pass a voter initiative without organized opposition.

Supporters of representative-institutional government claim that voter initiative lacks the professional examination and debate that prospective laws require by legislators, executives and courts.

If voter initiatives are to be the cure to non-responsive, gridlock and lobby infested government, then the procedures providing for them need to be fleshed out: volunteer canvassing of initiative petitions, campaign financing regulation, full information provided to the voters pro and con, equal media time for debate, full transparency regarding the proposers and opponents. Frankly we need some direct democracy in New York and one early step is the “indirect initiative” whereby the voters petition to place a bill or proposed constitutional amendment on the legislative agenda. Some provisions provide for voter initiative when the legislature fails to take action on the petition proposal. Governor Spitzer has come out in favor of voter initiative.

Budget Discipline

Among the 50 states New York is the county’s biggest spender per capita. The New York State budget normally increases every year twice the cost of living. The 2007-2008 budget is four times the cost of living. It is an “add on budget” where the legislature adds a billion or more to the governor’s budget proposal. The core elements of the budget are public education, Medicaid, health care and welfare payments. These four amount to approximately 84% of the budget. Additional items of significance are capital projects, highways, city aid and member items. Each of the key stakeholders in the budget process has strong interest group support to advocate their case to the legislature. Also, schools, health care providers, Medicaid and public welfare are

important issues locally to legislators and derive strong support from the rank-in-file legislators.

Prior to the two latest budgets the budget was not approved by the legislature on time for twenty years. The reasons for recent late budgets were the inability of the governor and legislative leaders to resolve their differences, primarily regarding the major budget items. Unlike the U.S. government, New York State does not shut down when the budget deadline is not met. Large and late budgets in New York are a result of big and compassionate state government, strong party and interest group involvement, state issues are mostly local issues and garner strong support of legislators, and a decisional process which generally pits the governor against the legislative leaders who want to satisfy their colleagues and stakeholders. Legislative party discipline and top down leadership characterizes the budget struggle with the governor which provides their leaders with solid support in budget negotiations.

Large budgets require high taxes and some states have put “circuit breakers” into their appropriations and expenditure procedures by requiring more than a majority vote on taxes and budget items, 60-66 2/3 percent of those voting. Until New York adopts some formal or informal discipline in budget procedures and approval measures we will remain the country’s leading state in taxing and spending.

Term Limits

Twenty years ago legislative term limits were being proposed to improve government operations and achieve turnover in state legislatures where long term incumbency was a real issue. Among the largest states, California was a leader in term limits for the legislature and governor. New York does not have term limits on the

governor and his elective cabinet members, legislators and elected state judges. New York City does have term limits for the mayor (8 years) and city council (8 years). Currently, 19 states have term limits on either elected executive branch members or on legislators.¹⁵ Of recent, term limits has fallen out of vogue as a way to reform state legislators. Surprisingly, Senator Joseph Bruno, the Majority Leader of the New York State Senate, has suggested term limits for senators, 8 years.¹⁶ Advocates of term limits argue that public service was never meant to be a full-time, lifetime occupation and the history of the New York legislature up through World War II most legislators were part-time legislators and their tenure in the legislature was under eight years. Not so today. The norm is long term service and incumbency principally by voter recognition. Constituent service to the district (member items) and gerrymandered districts which protect incumbents and the party in power. Term limits on legislative service could be achieved by legislative action and would not require constitutional amendment. Many of the political problems identified as gridlock, log rolling and strong party line voting, are associated with legislators who are insulated and guaranteed of re-election. These circumstances might be alleviated by frequent change in office and greater responsiveness to their constituents. Incumbency and majority party strict rule in the New York State legislature guarantee virtually no role for the minority party in the law making process. In reality, Republicans in the Assembly and Democrats in the Senate have no political power or influence in their houses. Perhaps, Senator Bruno's surprise announcement about term limits for legislators may awaken the dead in New York.

Non-Partisan Redistricting

For the past 32 years the New York State legislature has been divided politically, the Senate Republican and the Assembly Democratic. The initial change was the Supreme Court Case Baker v. Carr 1962 which ruled that election districts should be equal in their populations. The historic way that the legislature was re-apportioned in New York every ten years was based upon which party was in majority. When the Democrats gained control of the Assembly in 1971 they were provided the opportunity to re-district Assembly districts on the basis of the 1970 census and the Supreme Court ruling. The Republicans held the Senate since 1965 so it was the Republicans who re-districted the Senate on the basis of the 1970 census. Since that time the Democrats have significantly increased their majority in the Assembly to a 108-42 in 2007. The Republicans who had majorities in both houses during most of the 20th century up to 1970 had to work out a re-apportionment plan whereby they could maintain their majority in the Senate despite being outnumbered 5-3 by the Democrats in enrolled voters. They increased the size of the Senate by two to 62 and re-apportioned seats in a way that Senate seats downstate and in the city would be up to 10% greater than the district population size while re-districting the Senate seats upstate and on Long Island to be 10% less than the district population size. Court rulings allowed for a 10% variation in population sizes of districts.

Not only did the Republicans in the Senate gain an advantage in having smaller populations in their Senate districts, they also created two new seats which were added to the Senate to protect their majority. At one point the Senate had 39 Republican senators; today it has 33 senators, only a two seat majority. Much of the Democratic increase in

the Assembly over 1974 was created by a larger Democratic voter base and their drawing of the district lines for the Assembly in a similar manner as the Republicans did in the Senate. The Republican losses were due to re-districting and population losses upstate.

It would seem the Democratic advantage in the Assembly is very safe as it includes New York City which is 41% of the state population. The prospect of the Republican control of the Senate depends upon their ability to win the next two legislative elections of the Senate and re-district the Senate on the basis of the 2010 census. Their 42 year control of the Senate (1965-2007) will be severely challenged by the next two elections, demographic change and senatorial defections. Achieving a senate Democratic majority is high on the list of objectives of Governor Spitzer.

Currently each party in the majority re-districts their house every ten years. They determine the population size based on the census within the allowable variations determined by the court, the geography of the district and the layout of the district in a way that it capitalizes its political strengths. This is known as “gerrymandering” the time worn way to draw districts to your advantage and to the opponent’s disadvantage. Obvious cases of gerrymandering, especially districts with minority voters, face the prospect of court investigation and action.

Governor Spitzer favors non-partisan redistricting of legislative districts by a commission of experts, population, geographic, racial, legal, historian and retired justices.¹⁷ These experts would draw up a re-apportionment proposal to submit to the legislature and governor. In most cases these re-apportionments are either voted up or down. Similar to current practice, the courts would be involved by action of one of the petitioners. The best model of impartial legislative re-apportionment is the Nebraska one

which provide for non-partisan re-apportionment of the unicameral Nebraska legislature which in itself is non-partisan in membership.

A Legislative Conference Committee

Currently when bills are drafted in each house of the legislature they need to be reconciled in order to send an identical bill to the governor. This reconciliation can be accomplished by one house adopting the other's bill or amending its own bill to agree with the one from the other legislative chamber. Many bills fail to move ahead even though each house has drafted legislation on the same issue. Consequently New York has many "two chamber" or "one house bills" which never go forward.

The U.S. Congress has utilized the mechanism of a "conference committee" to resolve differences in the two bills and return to each house a conference committee report and a revised bill for each house to vote on. There is no sure outcome of a conference committee report as the committee may not be able to reconcile the differences or the two houses may not accept the revised bill. Just about all legislation of any significance in Congress goes through the conference committee process which is the principal way Congress harmonizes legislation to forward to their respective chambers and then to the President for signing. Without conference committees to reconcile differing legislation on similar topics much legislation dies for want of a resolution of differences.

New York has had limited experience with conference committees beyond a recently created joint budget conference committees and conference committees to set up joint legislative commissions. Since the legislature has been split politically for 33 years there is a greater need for conference committees to reconcile differences. In Congress,

conference committees, co-chaired by committee chairpersons of the relevant subject committees in each house, have significant influence on the determination of a conference report and bill. For this reason, the New York legislature may have refrained from using this process as it tends to give these committees power over legislation which is primarily held by the leadership.

The legislature may create the “conference committee” system without constitutional amendment but it has used it sparingly. Many “one house bills” will face defeat as no counterpart emerges in the other chamber. However, there are numerous “two house bills” which are never reconciled because the legislature leadership chooses not to do so. There is reluctance to yield that power to committee chairs and their committees. Reform of the “Rockefeller Drug Laws” is one of the victims of non-reconciled legislative differences.

Electoral Reform

New York is a highly partisan state. Almost any political position of prominence is subject to partisan election. Most school districts, special districts and a few local governments are non-partisan. Parties determine the political map of this state. They organize primaries, elections, nominating caucuses and conventions. Primaries in New York are open to only registered party members. Election Commissioners and inspectors are chosen by political parties. Most of the State Supreme Court justices are elected in partisan elections and chosen in party conventions which are strongly influenced in their selections by county party chairmen. Independent voters, who comprise 26% of the enrolled voters, play no role in nominating candidates in primaries as they are closed,

open to only registered party members. There are several minor parties. However, none of them have positions at the state level or in the legislature.

As primaries are an integral part of the electoral process they should be open to all independent voters and enrolled party members. Parties prefer to keep primaries closed so they can play a central role in selecting candidates with the assistance of party regulars. Opening up a party primary to registered members of other parties invites primary “raiding” with the possibility of having a weaker candidate selected for the official election.

As people move around a lot, a maximum residency requirement of 30 days should be the norm. The federal Motor-Voter Enrollment Law has been a significant improvement in enrolling individuals. Many states have gone to mail and internet balloting which has encouraged higher voting numbers. New York only provides for absentee voting on application. The two major parties, Republican and Democrat, have continued to encourage the existence and formation of third parties. Third parties have played an important role in New York elections in recent years. They tend to be “issue parties” and support major party candidates who espouse their political goals. What pleases the major parties is that their candidates can be cross listed on the ballot with minor parties which allow them to pick up additional votes in the election. A rethinking of political party cross filing in New York State elections should be on the political agenda. New York is unique in allowing third parties to cross file candidates with other parties. Governor Pataki received strong support from the Conservative Party and the Right-to-Life Party when he defeated Governor Cuomo in 1994.

Local Government Reform

In April 2007, Governor Spitzer appointed a Commission on Local Government to Efficiency and Competitiveness to make recommendations with regard to local government reform, consolidation, merger and sharing.¹⁸ He asked the Commission to report its findings and recommendations by April 15, 2008. Attempts at reform by Governor Cuomo in 1991 and Governor Pataki in 1995 were not successful. In fact, the last major overhaul of any local government entity was 1957 when the state's school districts were centralized, creating 714 districts (now 712) out of over 2,000 existing ones. The governor did not include school districts in his charge to the Commission, but they decided to include them in their reform efforts. In all, there are currently 3,322 local governments, 57 counties, 62 cities, 935 towns, 556 villages, 712 school districts and 998 special districts.

With the exception of special districts the institutions of local government are early 19th century creations when New York was a very different place. Over time only the number of school districts has been reduced. As mentioned earlier in this study most New Yorkers have to pay taxes to five political jurisdictions. New York has the highest number of state and local government workers per capita in the nation and the highest average salary per worker.¹⁹ To address these matters the Commission has to face up to political realities and local home rule. There are some real savings to be achieved by merging, sharing and consolidation. However, earlier attempts at reform stalled because of legislative opposition generated by local government rejection of reform proposals. Despite taxes, people like their local governments. We do need fewer government jurisdictions and tax bills. Much can be accomplished through a range of strategies.

However, the local governments need assurances that they won't lose services and local control over their affairs. Currently the big issues among local governments are unfunded mandates, restrictions on their powers and increased costs of health care and retirement, and limited state aid.

Some states have eliminated various levels of local governments and brought the administration of essential services under regional bodies responsible to the state government. At this point of time, this approach would not be a viable option in New York. To give up local control, home rule, providing services and determination of local ordinances, would not be something that most local governments would select. At the outset the Commission should strongly encourage cooperation through sharing services. There is much to be gained by cities and villages merging with surrounding towns to expand their tax base and development opportunities. Cities and villages could provide services to the adjacent towns which they currently do not serve. The commission should produce inducements to creating such joint ventures and mergers. At the heart of local government reform is the school systems. Along with Medicaid, public schools are the two largest financial costs to state and local government. The savings to be gained through merger-consolidation-shared services in public education reform would dwarf all other local government reform.

Constitution/Constitutional Amendments

New York's current Constitution dates from 1894 and currently has 219 amendments. Also included in the 1894 Constitution is language of previous 19th century constitutions. The state's last try to create and adopt a constitution was in 1967. The work of the 1967 convention was much in line with the modern state constitutions and

the Model State Constitution which was created by Association of State Governments. The proposed 1967 constitution was presented to the voters as a single document and they turned it down. Every 20 years the voters are asked to vote on calling a constitutional convention as proscribed in our current constitution. In 1977 and again in 1997, the voters voted no on calling a constitutional convention. In preparation for the 1997 constitution vote, Governor Cuomo created a Temporary State Commission to prepare for the 1997 Constitutional Convention.²⁰ The work of this commission would be essential to any future convention planning, particularly in local government, budget and finance, and the courts.

Our dilemma is that there are well organized and funded interest groups who have opposed the two previous convention votes and an apathetic public which does not turn out to support the document. Ironically, many of the opponents are not necessarily strong advocates of the current one but they are concerned what might transpire with a new document. Despite the work of common cause, NYPIRG, the League of Women Voters and other public interest and civil rights/civil liberties advocates the voters turned down the propositions to call a convention.

Many of the issues discussed earlier in this chapter, i.e. legislative redistricting, would be matters to come before a constitutional convention. Convention updating and refinement by amendment is not sufficient to remedy the shortcomings of our current document. It is very much out of date despite the efforts to reform it. Beyond being long and involved, the constitution goes beyond what the U.S. Constitution does in nine articles, and ten amendments in 16 pages. The U.S. Constitution states principles, defines

powers, establishes constitutional laws and defines the relationships between the three co-equal branches and the states.

We need a constitution along the lines of the U.S. Constitution and the 1968 Model State Constitution. Many articles of our current constitution are no longer operative by virtue of U.S. Supreme Court rulings, federal law and U.S. Constitutional amendments. Our next opportunity to vote on a constitutional convention is 2017, ten years down the road. One can be called by the legislative by two separate legislature sessions earlier but this has not been done since 1967. Given the voter apathy and interest group opposition to a convention it would require a concerted effort to pass the voter referendum on this subject. In hindsight it is remarkable what Governor Al Smith and the liberal reformers did early in the 20th century to reform our current constitution to meet the needs of that time.

Notes

¹ *New York Times*, May 2, 2007, p. B3.

² *New York Times*, April 24, 2007, p. B1; Editorial, "Overhaul in Albany," *New York Times*, July 21, 2007.

³ *Watertown Daily Times*, April 25, 2007, A4.

⁴ *Watertown Daily Times*, June 13, 2007, A4.

⁵ *Watertown Daily Times*, April 25, 2007, A4.

⁶ *Special Commission on the Future of the New York State Courts*, Letter from Carey Dunne, May 14, 2007; *Albany Times Union*, February 27, 2007, p. 1.

⁷ *Ibid.*, *Albany Times Union*, May 14, 2007.

⁸ "Special Panel Will Extend Study to Small Town Courts," *New York Times*, Feb. 24, 2007, p. B1.

⁹ "Judges Selection to be Reversed by Supreme Court Justices," *New York Times*, Feb. 21, 2007.

¹⁰ *Ibid.*, "Party Ex-Boss in Brooklyn is Convicted," Feb. 24, 2007.

¹¹ "Citing Waste, Albany Seeks to Rein in Public Authorities," *New York Times*, May 16, 2007.

¹² *Ibid.*, May 16, 2007, p. B1.

¹³ Bowman and Kearney, *State and Local Government*, pp. 96-97, table 4.2.

¹⁴ *The Book of the States*, vol. 38, (2006), pp. 310-311, table 6.12; Bowman and Kearney, p. 97.

¹⁵ Bowman and Kearney, p. 161, Table 6.3.

¹⁶ "Senator Advocates Term Limits for Legislative and Executive Leaders," *New York Times*, April 18, 2007, p. B7.

¹⁷ *2007 New York State of the State Address*, January 3, 2007, p. 6.

¹⁸ *New York State Commission on Local Government Efficiency and Competitiveness*, Executive Order 11, localgov@empire.state.ny.us.

¹⁹ *Public Policy Institute*, "Just the Facts," (U.S. Census 2003).

²⁰ Galie, Peter, *Ordered Liberty, Temporary State Commission on Constitutional Revision*, 1993, p. 350-351.

Addendum: “Troopergate”

According to the July 23, 2007 report of the Attorney General’s Office aides to Governor Spitzer planned to gather damaging information on the Republican Senate Majority Leader.¹ The report indicates that in early May, 2007 the governor’s office began planning to provide to the media information indicating the senator used state aircraft for political purposes. Preston Felton, the acting superintendent of the state police and the governor’s deputy secretary for homeland security William Howard met at Howard’s request and he indicated to Felton that the governor’s office received a FOIL, a freedom of information request, regarding Senator Bruno’s travel on state aircraft. In fact, no such request was ever made. Acting superintendent Felton began providing information to the governor’s office on previous and planned travel of the senator.

On May 23rd, Daren Dopp, the governor’s communication director informed Richard Beam, the governor’s secretary, indicating “the records exist” about Senator Bruno’s travels going way back.² He further informed Mr. Baum that he thought there was a new and different way to proceed re: the media. On May 31, 2007 acting superintendent Felton calls state police personnel to request the flight records of Senator Bruno and Governor Spitzer. Since the handling of a FOIL request by a police superintendent is extremely unusual, one of his subordinates asked him “What are we doing?” The acting superintendent forwards the records to Mr. Howard and indicates to his subordinate “he wasn’t able to discuss this.”³

As a follow up to his discussions with Mr. Howard, acting superintendent Felton directs the state police to create documents containing information on Senator Bruno’s travel in New York City.⁴ Documents such as this are not maintained on any other state

official. These records were made to appear as official police records. They were forwarded to Mr. Howard.

On June 27th, the *Albany Times Union* requests a FOIL to Mr. Dopp requesting records of the use of state aircraft of seven state government leaders, including Senator Bruno. Governor Spitzer's office provides the *Times Union* the transportation record on June 28th/29th for the governor, lieutenant governor and Senator Bruno for the period from January to May. Also included were detailed records of Senator Bruno's travel record, including the three trips he made to Manhattan in May when political events took place.

On July 1, 2007, the *Albany Times-Union* reported that on three occasions "this year Senator Bruno has used taxpayer funded state aircraft to fly to political fundraisers in Manhattan while certifying he was on official state business."⁵ The newspaper indicated it received documents on Mr. Bruno's travels through a FOIL (previously the State Ethics Commission had ruled that the use of state aircraft for political purposes was legal as long as it was associated with official state business).

Responding to the *Albany Times-Union* article of July 1, 2007, the Attorney General's office begins an investigation into Senator Bruno's use of state aircraft. At the same time the Senator asks the Attorney General to investigate the governor's alleged misuse "of the state police to investigate him."⁶ Mr. Dopp stated publicly that the governor's office did nothing other than respond to a FOIL request from the *Times-Union*, something the Attorney General's office report says "is not consistent with the facts." Mr. Dopp responded that the records kept about Senator Bruno's travels were routine.⁷

However, the Attorney General's report states otherwise. The report states "Governor Spitzer's aides improperly used the State Police to try to tarnish a political foe, documented a series of damning e-mail messages, conflicting accounts and abuses of power among the governor's top staff members."

The *New York Times* states "the report has emboldened Mr. Spitzer's enemies and threatens to derail his entire legislative agenda, starting with one of his major objectives: overhauling Albany's notoriously lax ethics."⁸ As someone who has targeted ethics abuses, the governor was placed in a very vulnerable position by this affair. The report of the Attorney General deplored the administration's assault on Senator Bruno and only stops short of labeling it criminal. The Inspector General concurred with the Attorney General's report which strongly criticized the use of the state police to politically attack Senator Bruno.

As of this writing, the full fallout of this political enterprise is still yet to come. Beyond the Report of the Attorney General and the Inspector General there will be Senate Investigation Committee hearings, a review by the State Ethics Commission, the State Commission of Investigations and an examination by the office of the Albany County District Attorney. The governor has denied any involvement in this matter and has said he would be willing to testify to the Ethics Commission. The political fallout of this incident is currently incalculable and places the governor's legislative agenda and his political standing in jeopardy. Those who know the governor, pro and con, question how could this have happened without his knowledge or blessing? That is something to be determined by the several inquiries.

¹ *New York Times*, July 24, 2007, "His Aura Faded, Spitzer Faces Border Enemies and a Threat to his Agenda," p. B1, 6.

² *Ibid.*

³ *Ibid.*

⁴ *New York Times*, July 25, 2007, "Albany Parses the Purposes of State Trips."

⁵ *Albany Times-Union*, July 1, 2007, "Bruno utilizes taxpayer funded state aircraft to fly to political fundraisers in Manhattan," p. 1.

⁶ *New York Times*, July 31, 2007, "Four inquiries face Spitzer in Bruno Case."

⁷ *New York Times*, July 24, 2007, p. B1, 6.

⁸ *Ibid.*, p. B1.

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www.stateline.org – *Pew Center on States*, wealth of information on states; many links to multistate organizations.

www.census.gov – data about states and localities

www.law.cornell.edu/statues – information on Constitutions

www.lwv.org – League of Women Voters. Good information on prospective/suggestive political reform in government.

www.commoncause.org/states/states.htm – good for reform and good government issues

www.ncsl.org – National Conference of State Legislatures website. What is going on in state legislatures.

www.nccusl.org – website which provides examples of model state laws

www.50statesonline.org – Center for Public Integrity, watchdog organization that scrutinizes and criticizes states legislatures

www.nga.org – National Governor's Association website. A review and index on a variety of state and local issues.

www.lawforum.net – links to all local and state courts

www.ajs.org/select11.html – State Attorneys General organization

www.window.statetax.us – source on individual states on sales tax and budget information (Treasury of Texas publishes this site)

www.rockinst.org – what's doing in state finances and reviews/expenditures. This is the Rockefeller Institute Center for the Study of States).

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