

## SYMPOSIUM: REFINEMENT OR REINVENTION: THE STATE OF REFORM IN NEW YORK

### NEW YORK AT A CROSSROADS: SUSTAINING A GOVERNMENT REFORM AGENDA ON THE FRONTLINES WITH EXECUTIVE, LEGISLATIVE AND JUDICIAL REFORM INITIATIVES

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Perhaps the stars are aligned for meaningful government reform when every key player in New York State Government releases a package of proposed reforms to enhance efficiency and productivity in government and to restore and/or build public trust and confidence in government. In addition to the Governor,<sup>1</sup> the Comptroller,<sup>2</sup> the Attorney General,<sup>3</sup> leading state legislators<sup>4</sup> and

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<sup>1</sup> For example, Governor Pataki in his 2005 State of the State Address announced that, "This session, I will advance a comprehensive agenda that will make this government more effective, more efficient and more accountable to the people of New York." He outlined seven goals including: reforming the lobbying laws; banning gifts from lobbyists; continued public authority reform; consolidation of various commissions, task forces, boards and authorities; support for internal reform by both houses of the Legislature; and budget reform in terms of delivering an on-time budget. See [http://www.ny.gov/governor/keydocs/sos\\_address\\_2005.html](http://www.ny.gov/governor/keydocs/sos_address_2005.html) (last visited April 2006). The Governor's website also lists among his accomplishments in the area of government reform: workforce reduction; regulatory reform; lobbying law reform; changes in the budget process including open public meetings; strengthening of state ethics laws, and public authority reform. See <http://www.ny.gov/governor/patrecord/govreform.html> (last visited April 2006).

<sup>2</sup> In March 2006, State Comptroller Alan G. Hevesi advanced an ambitious reform agenda to address fiscal reform, debt reform, public authority reform, procurement reform and school accountability reform. The report contains, among other things, a roadmap with seventy-five action items for reform. See <http://www.osc.state.ny.us/reform/reform2006.pdf> (last visited

declared candidates,<sup>5</sup> offering their solutions for fixing Albany, an array of non-profit good government organizations,<sup>6</sup> programs based at academic institutions,<sup>7</sup> and the New York State Bar Association<sup>8</sup>

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April 2006).

<sup>3</sup> New York State Attorney General Eliot Spitzer has been supportive of lobbying law reform. See [http://www.oag.state.ny.us/press/2004/nov/nov29a\\_04\\_attach1.pdf](http://www.oag.state.ny.us/press/2004/nov/nov29a_04_attach1.pdf) (last visited April 2006). Attorney General Spitzer has also been supportive of public authority reform. See [http://www.oag.state.ny.us/press/2004/feb/feb24c\\_04.html](http://www.oag.state.ny.us/press/2004/feb/feb24c_04.html) (last visited April 2006). Further, in November 2005, Attorney General Spitzer delivered a speech on government reform that, among other things, called for accountability in government by ending “pay to play” and addressing redistricting reform; improving efficiency in government by focusing on public authority reform, and reforming the judiciary by appointing judges rather than electing them. See <http://www.spitzer2006.com/main.cfm> (last visited June 26, 2006).

<sup>4</sup> For example, in 2005 Assemblyman Richard Brodsky (D-Westchester, and an announced candidate for Attorney General) introduced a comprehensive package of bills to address government and budget reform as well as calling for a state constitutional convention. See [http://assembly.state.ny.us/member\\_files/092/20050109/](http://assembly.state.ny.us/member_files/092/20050109/) (last visited April 2006). He has also called for electoral reforms, executive and legislative branch reforms, direct petition and response, and ethics reforms. See [http://www.nysba.org/MSTemplate.cfm?Section=Brodsky\\_Press\\_Release&Site=Special\\_Committee\\_on\\_State\\_Constitution\\_and\\_Governance&Template=/ContentManagement/ContentDisplay.cfm&ContentID=48457](http://www.nysba.org/MSTemplate.cfm?Section=Brodsky_Press_Release&Site=Special_Committee_on_State_Constitution_and_Governance&Template=/ContentManagement/ContentDisplay.cfm&ContentID=48457) (last visited April 2006). In 2005, the Senate passed legislation that would have created a bi-partisan Senate-Assembly task force to reform the legislative process. This bill, S. 1206, passed the Senate but died in the Assembly. See <http://www.senate.state.ny.us/pressreleases.nsf/2e0e86fa9105ed5a85256ec30061c0be/c778fe0c95f3abcc85256f9b007633ab?OpenDocument> (last visited April 2006). In November 2004, the Senate Task Force on Government Reform released a report addressing, among other things, budget reform, legislative reform, citizen access to government, lobbying reform, Medicaid reform and public authorities reform. See [http://www.senate.state.ny.us/SenateReports.nsf/6DD2F2819E02BB6185256EBD004E2D20/76526CB2AF1CB11C85256F50007A56D0/\\$file/reform\\_report.pdf?OpenElement](http://www.senate.state.ny.us/SenateReports.nsf/6DD2F2819E02BB6185256EBD004E2D20/76526CB2AF1CB11C85256F50007A56D0/$file/reform_report.pdf?OpenElement) (last visited April 2006). Member of Assembly Sandra Galef has also been active in government reform efforts and has introduced more than a dozen proposed reforms. See [http://assembly.state.ny.us/member\\_files/090/20040802/](http://assembly.state.ny.us/member_files/090/20040802/) (last visited April 2006).

<sup>5</sup> For example, Nassau County Executive Thomas Suozzi who has announced his candidacy in the Democratic primary for Governor in 2007, created a political committee to reform state government called “Fix Albany.” See <http://www.fixalbany.com> (last visited April 2006).

<sup>6</sup> For example, the New York Public Interest Research Group, together with the League of Women Voters, Common Cause and Citizens Union released a May 2005 report entitled *Making the Grade: An Interim ‘Report Card on Reform’ for New York State Government*, available at <http://www.nypirg.org/goodgov/MakingTheGradeFinal.pdf> (last visited April 2006). NYPIRG, Common Cause, and the League of Women Voters partnered with The Brennan Center for Justice in calling for major reforms to state ethics laws in 2006. See *Strengthening Ethics in New York: The Ethics Reform Act of 2006*, available at <http://www.brennancenter.org/programs/downloads/Final%20ethics%20report.pdf> (last visited April 2006).

<sup>7</sup> Most notably, The Brennan Center for Justice at New York University School of Law released a July 2004 report entitled, “The New York State Legislative Process: An Evaluation and Blueprint for Reform,” wherein they asserted that the New York State Legislature is the most dysfunctional legislature in the nation. See [http://www.brennancenter.org/programs/dem\\_vr\\_albanyreform.html](http://www.brennancenter.org/programs/dem_vr_albanyreform.html) (last visited April 2006).

<sup>8</sup> In June 2004, the New York State Bar Association created a special committee, Chaired by Albany Law School Professor Michael J. Hutter, “to take a fresh look at the operation of state government, and in particular ways in which the budget and legislative functions could be improved.” See <http://www.nysba.org/template.cfm?template=/PressRelease/PressReleaseDisplay.cfm&PressReleaseID=263> (last visited April 2006).

have similarly called for reforms. Chief Judge Judith Kaye has also embarked on a number of reform initiatives within the Judicial Branch.<sup>9</sup> At times the reform agendas may overlap, but taken together, all of the identified potential subject areas for reform set out a blueprint for significantly changing the way government business is conducted. It was with this goal in mind that the *Albany Law Review*, together with the *Government Law Center of Albany Law School*, set out to develop this symposium on “The State of Reform in New York.”

Focusing on each of the published reform agendas would have forced the *Albany Law Review* to hold not a one-day symposium, but a multi-day program to adequately examine, analyze and debate the significant and critically important options for reform that have been articulated.<sup>10</sup> Furthermore, a separate issue of the *Albany Law Review* could be themed on each individual topic or subject on the various reform agendas. This symposium edition of the *Albany Law Review* furthers the goal of providing information and education on critical reform efforts for government officials and employees, the public and the academy. The articles that follow introduce readers to a number of important considerations in the ongoing reform debates.

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<sup>9</sup> In her 2006 State of the Judiciary address, Chief Judge Kaye reported on, among other things, court restructuring, and a number of initiatives to restore public confidence in the judiciary. See <http://www.nycourts.gov/admin/stateofjudiciary/soj2006.pdf> (site visited April 2006).

<sup>10</sup> Even the Government Law Center’s well attended 2005 symposia on procurement law reform and public authorities reform just began to scratch the surface of needed legislative and/or constitutional reforms in these areas. It was simply not practicable to comprehensively focus on all of the issues in a single program.