

Introduction to Policy Analysis in a Legislative Environment

Instructors: Dr. Don Boyd

Meeting Time: Thursdays 1:00 pm to 2:30 pm

Location: LOB 711

Section overview

This section focuses on policy analysis in a legislative environment. We will use proposals for “billionaire taxes” and “millionaire taxes” as a vehicle for sharpening policy analysis skills, examining with a critical eye:

- Underlying issues intended to be addressed by proposals;
- Specific proposals, how they would address underlying issues, and their legislative history;
- Academic and advocacy research regarding issues and proposals, incentives that may affect researchers and analysts, and what might influence their points of view,
- Key stakeholders, including individuals and organizations directly affected, governmental actors, proponents, opponents, and others. Their perspectives and how they would be affected by the proposals,
- Legal issues, implementation issues, and possible alternative approaches including approaches taken or considered in other jurisdictions, and
- Potential economic and fiscal implications.

Each student will make a 2-minute **non-advocacy** presentation in one of the four classes, on any reasonably controversial legislative proposal of their choice. It can be the topic of their research paper. See the assignment writeup at the end of this document.

This course section also will include heavy elements of in-class group work.

Your 2-minute presentation will count for 1 percentage point of the 5 percentage points specific to this section. Your class preparation and participation will count for the other 4 percentage points of the 5 percentage points specific to this section.

Learning objectives

- Develop and sharpen knowledge and skills for identifying and critically examining: underlying issues and proposed legislative language; research and researchers; impacts on stakeholders; and legal, implementation, and fiscal implications.
- Strengthen policy-oriented verbal communication skills.

These skills will help you in writing your research paper and in your legislative work.

What to do before each class

- Read the required readings (see below). Be prepared to be called on to explain one of the readings.

- Prepare your informal written responses to each of two questions for that class (see the *Responses to questions* section for the class). The response for each question should be no more than a page in length, and both responses should be in a single document (obviously of no more than 2 pages). Put the document in your Google Drive folder -- by the Monday before the first class, you should have received an invitation from my gmail account with a link to your folder. As with all assignments, think about the audience. In this case, make sure you create an unambiguous file name that has (1) your last and first names and (2) the class number. For example, my document for the first class would be "boyd_don_class1.docx". This avoids the situation where multiple students hand in files called "assignment.docx" or even "document1.docx" (trust me, it happens), potentially leading to incorrect grades. Please don't be the student who gets a bad grade that should have gone to another student because you each handed in a document called "assignment.docx".
- **IF** you are doing your 2-minute presentation in the upcoming class, then by the end of Monday before class, send me:
 - Your bill number **and** a link to the bill from the [public Assembly legislation site](#), with boxes checked for Summary, Actions, Floor Votes, Memo, Text, and Chamber Video/Transcript. For example, [this link](#) gives what I want for A995. (See boxes checked below.)
 - One good question you've been trying to get answered about the bill. In the assignment writeup at the end of this document, see the subsection, *Ask one good question related to your bill*. I'll do my best to send a helpful response.

Bill No.:

☒ [Summary](#)
☒ [Actions](#)
☐ Committee Votes
 ☒ [Floor Votes](#)
☒ [Memo](#)
☒ [Text](#)
☐ LFIN
 ☒ [Chamber Video/Transcript](#)

Where to find the readings

Almost all readings below have a url you can go to. In addition, I put this document and available pdfs on Moodle, in the "2004 Classes\Required readings" folder.

However, the best way to get the readings is to get them through Zotero, which is top-notch free bibliographic software:

- Open a free account on [Zotero](#)
- Accept the invitation I sent you to a group library I created, [NY Assembly Intern Program 2024 -- Policy Analysis](#). (If for any reason, you don't find an invitation, shoot me an email.)
- You can see and download documents from the library.
- You also can use their PC-software, which is convenient. To do that, you'll have to download it and install it on your computer.

Zotero is useful for any research project (e.g., your paper), or any large project that involves many documents that you need to organize – for example, you can use it to organize all of the documents you need in your work for an Assemblymember.

Class schedule

Class 1: The bill and the issue

- What is policy analysis? How does policy analysis from an academic perspective relate to analysis of legislation?
- Introduction to wealth and income inequality.
- What are some frequently accepted principles of good tax policy?
- Legislative proposals relating to wealth and income inequality.

Readings:

Policy analysis:

- **Non-advocacy policy analysis:** Alice M. Rivlin. "Memorandum to Executive Staff: Public Policy Issues." U.S. Congressional Budget Office, January 5, 1976.
https://www.cbo.gov/sites/default/files/Public_Policy_Issues_Memo_Rivlin_1976.pdf. – Is there an organization like CBO in New York State?
- **Evaluating sources:** Read the following parts of the *UC Berkeley Guide to Evaluating Resources*:
 - The [home page](#). Pay special attention to questions under *In-Depth Guide*.
 - Read the [Scholarly and Popular Sources](#) subpage.
 - Read the [Finding Historical Primary Sources: Getting Started](#) subpage.
- **Policy analysis framework:** pages 1-31 (bottom) of:

Bardach, Eugene. *A Practical Guide for Policy Analysis: The Eightfold Path to More Effective Problem Solving*. 4th ed. Los Angeles : Thousand Oaks: Sage ; CQ Press, 2012.
<https://justicepolicynetwork.com/wp-content/uploads/2021/03/Bardachs-Eightfold-Path-1.pdf>.

NOT REQUIRED: You may also want to look at the CDC's succinct and accessible web page on policy development and policy analysis, starting at the [main page](#) and working your way through the brief sections [Problem Identification](#), [Policy Analysis](#), [Strategy and Policy Development](#), [Policy Enactment](#), and [Policy Implementation](#).

- **Commonly accepted tax policy principles:** Read **pages 2 through top of p.6** (end of Personal Income Tax section) in:

Fiscal Affairs Program. "Tax Policy Handbook for State Legislators, Third Edition." National Conference of State Legislatures, February 2010. <https://documents.ncsl.org/wwwncsl/Task-Forces/SALT/TaxPolicyHandbook3rdEdition.pdf>.

The issue and rationale:

- Wealth and income inequality. Read the following short pieces. Make sure you know something about the authors or institutions of the pieces.
 - **On your own – if you're not sure of the difference between wealth and income, read what you need to learn what each is and the difference between them.**

- **Read Summary and Introduction (pp.1-3) of:** “Trends in the Distribution of Family Wealth, 1989 to 2019.” Congressional Budget Office, September 2022. <https://www.cbo.gov/system/files/2022-09/57598-family-wealth.pdf>.
- **Read pages 12-22 of:** Horowitz, Juliana Menasce, Ruth Igielnik, and Rakesh Kochhar. “Most Americans Say There Is Too Much Economic Inequality in the U.S., but Fewer Than Half Call It a Top Priority.” Pew Research Center, January 2020. https://www.pewresearch.org/social-trends/wp-content/uploads/sites/3/2020/01/PSDT_01.09.20_economic-inequailty_FULL.pdf.
- **Read:** Austin Clemens. “U.S. Income and Wealth Inequality Are No Longer Increasing, but a Return to the Equitable Levels of the Mid-20th Century Isn’t Likely Anytime Soon.” Equitable Growth (blog), January 17, 2023. <https://equitablegrowth.org/u-s-income-and-wealth-inequality-are-no-longer-increasing-but-a-return-to-the-equitable-levels-of-the-mid-20th-century-isnt-likely-anytime-soon/>.
- **View:** AOC, Jumaane, Ramos, De La Rosa & Niou Call on Cuomo to Tax Billionaires & Fund Excluded Workers, 2020. <https://www.youtube.com/watch?v=clA1ex88faM>.

The legislative proposal:

- **The bill and memo:** Read A.3252 of 2023, *The Billionaire Mark-to-Market Tax Act*, and the accompanying bill memo. Bill memos are not always faithful to the bill so be sure to read the bill carefully. This will be rough going for this bill, but the bill is short. If you have trouble understanding the bill, look for resources (e.g., articles or reports) that will help you understand the bill.

(Assemblymember Kelles. “A.3252, The Billionaire Mark-to-Market Tax Act,” February 2, 2023. https://www.assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A03252&term=0&Summary=Y&Memo=Y&Text=Y.)

Research and writing skills:

- **Researching and writing about legislative history:** Catherine Smith. “Legislative History: Know the Record.” Chapter 5. In *Writing Public Policy*, 3rd ed. Oxford University Press, 2013.

Assignments:

- **2-minute presentations:** approximately 8 students (listed on class web page or provided by email) will make 2-minute presentations in class. See the assignment writeup at the end of this document.
- **Responses to questions:** In relation to A.3252 of 2023, prepare an informal written response of no more than 1 page for each of the following questions, in a single document – a set of bullets is fine. Be prepared to discuss in a group or with the full class:
 - What do you think are the top **underlying issues** this bill proposes to address? For example, is it about reducing wealth inequality? Reducing income inequality? Altering the progressivity of the tax system? Raising revenue to fund state programs? Something else? Back your statements up with evidence such as the bill memo, statements by the sponsor, interviews in the press, articles, etc.

- How does the **bill** propose to address the main issue? Identify **two** issues that might be raised by the bill's approach that policymakers would need to consider. They could be issues related to legality, impact on people, impact on other governments, implementation, unintended consequences, politics, or any other important topic. For each issue find one source that has examined the issue in relation to the bill or its approach. Explain the issue and evaluate the source. The distinction between this question and the prior question is that the prior question was about the underlying issue, and this question is about the bill and its approach.

Class 2: Research and researchers, and stakeholders

- Everyone (almost) wants evidence-based policy. What is it? Can we obtain it?

Readings:

- **Policy analysis framework:** pages 31 (bottom section break)-63 (top section break) of:
Bardach, Eugene. *A Practical Guide for Policy Analysis: The Eightfold Path to More Effective Problem Solving*. 4th ed. Los Angeles : Thousand Oaks: Sage ; CQ Press, 2012.
<https://justicepolicynetwork.com/wp-content/uploads/2021/03/Bardachs-Eightfold-Path-1.pdf>.
- **Evidence:** "Evidence-Based Policymaking Primer." Bipartisan Policy Center, July 24, 2018.
<https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2019/03/Evidence-Based-Policymaking-Primer.pdf>.
- **Caveat emptor:** Stuart Buck. "Important Lessons About Reproducibility in Science." Arnold Ventures, August 27, 2015. <https://www.arnoldventures.org/stories/important-lessons-about-reproducibility-in-science>.
- **High income tax flight:**
 - Cristobal Young and Ithai Lurie. "Taxing the Rich: The Effect of Tax Reform and the COVID-19 Pandemic on Tax Flight among U.S. Millionaires." *Equitable Growth* (blog), July 28, 2022. <https://equitablegrowth.org/taxing-the-rich-the-effect-of-tax-reform-and-the-covid-19-pandemic-on-tax-flight-among-u-s-millionaires/>.
 - Conclusion section (pages 34-37) in: Rauh, Joshua. "Taxes, Revenues, and Net Migration in California." Working Paper. Stanford Institute for Economic Policy Research and NBER, December 22, 2022. <https://web.stanford.edu/~rauh/TRNMCDec2022.pdf>.

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- **Responses to questions:** In relation to A.3252 of 2023, prepare an informal written response of no more than 1 page for each of the following questions, in a single document – a set of bullets is fine. Be prepared to discuss in a group or with the full class:
 - Find at least one analysis related to the bill that appears to support the bill's approach and one that does not, both not listed above. Summarize their points and evaluate and compare the quality of the sources.

- Identify at least 2 key stakeholder organizations that are likely to be in favor of this legislation and at least 2 that are likely to be opposed. Examine their reports or statements on this legislation or, if not available, on similar legislation. Examine the quality of their analysis: Are their statements sourced and backed by credible analysis? What influences might they face – what are their credentials, how are they funded, who have they worked with, and what have they written before?

Class 3: Legal issues, implementation issues, and alternative approaches

- Legal and implementation issues can turn a popular idea into unworkable legislation.

Readings:

- **Policy analysis framework:** pages 63 (top section break) - 78 of:
Bardach, Eugene. *A Practical Guide for Policy Analysis: The Eightfold Path to More Effective Problem Solving*. 4th ed. Los Angeles : Thousand Oaks: Sage ; CQ Press, 2012.
<https://justicepolicynetwork.com/wp-content/uploads/2021/03/Bardachs-Eightfold-Path-1.pdf>.
- E.J. McMahon. "AOC's Favorite State 'Billionaires Tax' Bill Would Run Afoul of NY Constitution." Empire Center for Public Policy, July 16, 2020.
<https://www.empirecenter.org/publications/aocs-favorite-state-billionaires-tax-bill-would-run-afoul-of-ny-state-constitution/>.
- Gamage, David, Emmanuel Saez, and Darien Shanske. "The NY Billionaire Mark-to-Market Tax Act: Revenue, Economic, and Constitutional Analysis." SSRN Scholarly Paper. Rochester, NY, January 15, 2021. <https://doi.org/10.2139/ssrn.3766547>.

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- **Responses to questions:** In relation to A.3252 of 2023, prepare an informal written response of no more than 1 page for each of the following questions, in a single document – a set of bullets is fine. Be prepared to discuss in a group or with the full class:
 - Identify at least one legal or implementation issue that the bill's approach may raise, other than the constitutional issue raised in the McMahon piece. Is it adequately addressed in the bill or the memo? Are there ways to overcome it? Has anyone written about this? Evaluate the issue and evaluate the source.
 - Are there alternative ways of addressing the underlying issue or issues the bill addresses? What other approaches have been considered in New York? Investigate the legislative history of A.3252 of 2023. Were there prior bills that addressed this or similar issues? What approaches have been considered or implemented elsewhere? Cite your sources – for example, for alternatives previously considered (or enacted) in New York or elsewhere, cite sources such as specific bill numbers and memos, or articles or analyses.

Class 4: Economic and fiscal issues. Synthesis.

- Potential implications for state finances. Wrap-up discussion.

Readings:

- Office of the State Comptroller. "Taxpayer Movement During the Pandemic." Office of the State Comptroller, December 2023. <https://www.osc.ny.gov/files/reports/pdf/taxpayer-movement-during-the-pandemic.pdf>.
- Emily Eisner and Andrew Perry. "Who Is Leaving New York State?" Fiscal Policy Institute, December 2023. <https://fiscalpolicy.org/wp-content/uploads/2023/12/FPI-Who-is-Leaving-Full-Report-Dec-2023.pdf>.

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- **2-minute presentations:** approximately 8 students (listed on class web page or provided by email) will make 2-minute presentations in class. See the assignment writeup at the end of this document.
- **Responses to questions:** In relation to A.3252 of 2023, prepare an informal written response of no more than 1 page for each of the following questions, in a single document – a set of bullets is fine. Be prepared to discuss in a group or with the full class:
 - How much revenue does the bill sponsor believe the bill would raise, and when? How did they prepare their fiscal estimate? Are there risks to this? Has this been evaluated by others? Give your sources and evaluate their quality.
 - Put yourself in the shoes of the sponsor. Assume you have the same goals. In light of what you've learned from your research on the issues and the bill, what changes, if any, might you make to the proposed legislation? Support your views with specific facts and arguments, cite your sources, and evaluate your sources.

Assignment: 2-minute presentation

Each student will make a 2-minute oral presentation from the front of the room on a New York State Assembly bill of your choosing addressing any reasonably controversial topic. It can be your expected research paper topic, but it doesn't have to be. In this exercise, you are NOT an advocate for or opponent of the legislation: you are charged with providing a legislator with balanced analysis of the bill, the issue, and stakeholders, proponents, and opponents.

You will not have enough time to say everything that is important, so you will have to prioritize carefully. You will make the presentation **without** Powerpoint or any audiovisual tools, but notes are allowed.

You should cover the most important elements of some of the following topics – you decide. Your goal is to provide the most-useful information you can in 2 minutes, not to say a little bit about everything:

- State the bill and its sponsor and briefly describe the issue the bill would address
- What would the bill do and how? Who will be affected and how? Be specific, and quantify where possible. REMEMBER TO READ THE BILL. Assemblymembers vote on bills, not bill memos, and you need to understand the bill. In many cases, sponsors' memos are incorrect, or out of date, or tell only part of what the bill does.
- What's the bill's history? How has it been amended and why?
- What are the bill's fiscal implications to the state and local governments?
- Would alternative approaches work better? What do other states do and where would New York fit among them
- Will the bill face legal or implementation problems? Would it have unintended consequences?
- Who is in favor and why? Who is opposed and why? Cite specific groups. Make sure you understand the nuances of support and opposition.
- Concluding comments

Provide a fact-based presentation. You will have to go beyond the bill memo and find additional sources to do this. Make sure you can back up assertions or statements of fact with high-quality evidence. Make sure you've read and taken to heart relevant sections of the [UC Berkeley Guide to Evaluating Resources](#) from the class 1 readings. It is not enough to *assert* something you believe – don't just say that Group A pays lower tax rates than other groups, or that Group B is disproportionately affected by current law: Back it up.

Don't BS: If you've identified an important issue but don't have enough information yet, say that it's important, what you've done, and what you'll do to learn more rather than trying to fake your way through it. That's what you should do in the real world.

Your talk will be timed. It is much better to skip over some things than to run out of time and be unable to give a proper conclusion.

The audience will be class members who, for this exercise, are astute legislators who are NOT knowledgeable about the bill and may have to vote on it in the near future. At the end of your presentation, you will take and **answer 2 questions** from legislators. Legislators: hold your applause for a presenter until after the questions are answered – we lose too much time with applause after the presentation and the questions.

IF you are doing your 2-minute presentation in the upcoming class, then by the end of **Monday before class**, send me your bill number **and** a link to the bill from the [public Assembly legislation site](#), with boxes checked for Summary, Actions, Floor Votes, Memo, Text, and Chamber Video/Transcript. For example, [this link](#) gives what I want for A995. (See boxes checked below.)

Bill No.:

Search

☒ [Summary](#) ☒ [Actions](#) ☐ Committee Votes ☒ [Floor Votes](#) ☒ [Memo](#) ☒ [Text](#) ☐ LFIN ☒ [Chamber Video/Transcript](#)

Ask one good question related to your bill

When you send your bill number and link to the bill, also send me one good question related to the bill. I will do my best to give a helpful response that sends you in the right direction.

For example, a good question could be:

- A question about the underlying issue: Perhaps you couldn't find a high-quality source about one aspect of the issue, or you found a source, and you tried to evaluate its quality but you want feedback or help.
- A question about the bill. You read it and tried to understand it, but had trouble making sense of one part of it, or how bill sections interact.
- A question about legislative history. You want to understand how the issue and potential legislative response has evolved over time. You looked for history but couldn't find much on point.
- A question about stakeholders: Perhaps you are having a hard time understanding who would be affected and how, or understanding the incentives that proponents and opponents face.

Never send just a question. To make it a good question, you need to tell me the question, why it's important, what you've done to answer it so far, and what you learned from that effort.