



# Politics in the American States

A COMPARATIVE ANALYSIS

SEVENTH EDITION

**Editors** 

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### Preface

In 1965 the first edition of this book appeared, edited by Herbert Jacob and Kenneth Vines; in 1999 the seventh edition is being published, sadly without Herbert Jacob at the helm. Herb died on August 29, 1996, of cancer. Herb was a pioneer in the field of state politics, where in the 1960s he and Vines introduced the systematic empirical and comparative study of the fifty states. Herb was as well a pioneer in the field of judicial process, where he did the bulk of his research over the years and was one of the founders of the Law and Society Association. His fine chapters on state courts in this book exemplified his unique combination of scholarly interests. Herb furnished new conceptual approaches to the study of state courts as well as careful empirical analysis of their operation.

As an editor, Herb brought a sharp eye and a willingness to take the heat for tough decisions. Although he worked on this book for more than thirty years, for each edition he had new ideas about how to organize it, who the authors should be, and what new pedagogical features should be added. He was never satisfied that the book was perfect, and he never rested on his considerable laurels. It was his wish that the book continue into a seventh edition and that his name be associated with it one last time. I hope and trust that this edition brings honor to his memory.

Herb had wide-ranging scholarly and personal interests. He might call to get you involved in his latest political action project or to talk about the latest teaching technique he was trying in Introduction to American Government. For someone trained before computers were in widespread use, he was amazingly computer literate, usually the first to try a new machine or a new program. He loved to proselytize about computer technology and what it could do for you. You always learned something by talking to Herb Jacob.

Colleagues associated with this book and those throughout the profession greatly admired Herb Jacob and valued their association with him. We shall miss his fair-mindedness, his energy, his high standards, and his wisdom about many, many things. However, this book will continue as one of his most important legacies.

I was fortunate to have secured Russell Hanson as a new co-editor. A long-time author of the intergovernmental relations chapter, Russ has written on many topics with-

in state politics, including political culture, welfare policy, health policy, economic development, and state-local relations. Russ also has published widely in political theory and brings a broad vision to this enterprise.

As has been true with each new edition, the seventh includes substantial changes. Two chapters have been passed on to a new generation of scholars. Keith Hamm and Gary Moncrief bring new scholarship and insights to the state legislatures chapter, as Samuel Patterson had so ably done before them. Each author has published widely on the legislature as a state institution and on campaign finance. Henry Glick takes over the courts chapter, bringing his expertise on judicial elections and on policy innovations in the judicial arena. As a former student of Vines, Glick provides fitting continuity with early editions of the book. The criminal justice chapter has been dropped from this edition so that more space could be devoted to other developments. The remaining chapters have been extensively revised to represent new scholarship and changed events, such as the 1996 elections, new court rulings, and new policy developments.

The goal of *Politics in the American States* continues to be both the instruction of students and the advancement of knowledge about state politics. As residents of many different states, the contributors to this volume provide nuanced understandings of individual states along with rigorous analysis of the fifty states as a whole. Thus readers can make systematic comparisons between states and also become sensitive to the many subtleties of political life at the state level. As the careful reader will notice, however, many gaps remain in our understanding. We hope that this edition, like previous ones, will stimulate future scholars to fill them.

Finally, we thank the staff at CQ: Brenda Carter and Gwenda Larsen, our sponsoring editors; Debbie Hardin, our copyeditor; and Nadine Steffan, our production editor. As always, it was a pleasure to work with such dedicated professionals.

Virginia Gray

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## Contents

Preface

Tables, Figures, and Boxes

xiii

	Contributors xv
1	The Socioeconomic and Political Context of States 1 Virginia Gray
2	Intergovernmental Relations 32 Russell L. Hanson
3	Parties and Elections 66  John F. Bibby and Thomas M. Holbrook
4	Interest Groups in the States 113 Clive S. Thomas and Ronald J. Hrebenar
5	Legislative Politics in the States 144 Keith E. Hamm and Gary F. Moncrief
6	The Governors 191 Thad Beyle
7	Courts: Politics and the Judicial Process 232  Henry R. Glick
8	Administering State Programs: Performance and Politics 267 Richard C. Elling
9	The Politics of Taxing and Spending 304 Richard F. Winters

ix

### viii CONTENTS

- 10 Transforming State Health and Welfare Programs 349

  Mark Carl Rom
- 11 The Politics of Education 393

  Dan A. Lewis and Shadd Maruna
- 12 Economic Regulation and Environmental Protection 434

  Bruce A. Williams
- 13 Economic Development and Infrastructure Policy 474

  Martin Saiz and Susan E. Clarke
- 14 The Politics of Family Policy 506
  Susan Welch, Sue Thomas, and Margery M. Ambrosius

Epilogue 540

Name Index 545

Subject Index 553

# Tables, Figures, and Boxes

(Asterisks indicate tables and figures that have entries for all states.)

### TABLES

1-1*	State Rankings on Selected Policy Indicators 4
1-2*	State Population Contrasted with Similar Country Population Rank, 1996 6
1-3*	Value of Gross State Product and Size of Dominant Economic Sector, 1994 18
1-4*	Per Capita Personal Income by State, 1996 21
3-1*	Types of Direct Primaries 88
3-2*	States Classified According to Degree of Interparty Competition for Control of
	Government, 1995–1998 95
3-3	Changes in the Ranney Index of Interparty Competition, 1948–1998 96
3-4*	Average Rates of Voter Turnout in the States by Office, 1994–1997 100
3-5	Mean Percentage of Voter Turnout in the States by Year and Office,
	1989–1997 101
3-6	Incumbent Success Rates of Those Who Sought Reelection in State Elections,
	1968–1996 105
4-1	Ranking of the Forty Most Influential Interests in the Fifty States
	in the Late 1990s 134
4-2*	Classification of the Fifty States According to the Overall Impact of Interest Groups
	in the Late 1990s 137
5-1*	Classifying State Legislatures 145
5-2*	Level of Two-Party Contestation and Two-Party Competition in State
	Legislative Houses, 1968–1995 157
5-3	State Legislative Turnover, 1987–1997 166
5-4	Term Limits of State Legislators 168
6-1	Entry-Level or First Office of a Governor's Career 193

### X TABLES, FIGURES, AND BOXES

6-2	Penultimate or Stepping Stone Office of a Governor's Career 195
6-3	Number of New Governors: Selected Decades, 1800–1997 200
6-4*	Personal Powers of the Governors, 1998 204
6-5*	Governor's Institutional Powers 210
6-6*	Summary of Personal and Institutional Powers of Governors by State,
	Summer 1998 218
7-1*	Judicial Selection in the Fifty States 242
7-2	The Top Innovating State Supreme Courts 258
8-1*	State Government Employment, 1995 271
8-2*	Average Monthly Earnings, Full-time Noneducation State Employees,
	October 1995 281
8-3	Representativeness and Stratification Ratios for the State Government
	Workforce, 1995 284
8-4*	Representation of Women and African Americans in Top-Level Positions in State
	Government Appointed by Current Governors in 1997 286
8-5	Impact of Selected Actors on Decisions Affecting, or Actions of,
	State Bureaucracies in Ten States 292
9-1*	Per Capita Burden of Taxation in the American States, Selected Years 310
9-2	Major Revenue Sources by Level of Government 312
9-3*	States' Tax Distribution, Tax Regressivity, and Bond Ratings 316
10-1	Cash and Noncash Benefits for Persons with Low Incomes, 1994 351
10-2*	Mean Annual Welfare Benefit or Expenditure per Recipient,
	Fiscal Year 1995 367
10-3*	Welfare Recipients as a Percentage of the Population, 1997 370
10-4*	Medicaid Managed Care Programs, 1997 373
10-5	State TANF Plans 379
11-1	Order of Importance of Policy Actors in Selected States 402
11-2	States with the Highest Percentages of Local and State School Funding,
	1994–1995 408
11-3	Range of Annual School Funding per Pupil, 1990 409
11-4	Timing of Finance Reforms 411
11-5	Highest and Lowest Average Annual Salaries of Teachers in
	Public Elementary and Secondary Schools, 1969–1970 to 1995–1996 419
12-1	Developmental and Redistributive Public Policies 436
12-2	Categories of Regulatory Policy 446
12-3*	Selected State Environmental Characteristics 452
13-1*	Infrastructure Economic Development Policy Indexes 486

13-2*	Locational Economic Development Policy Indexes 490
13-3*	Entrepreneurial Economic Development Policy Indexes 493
FIGUR	E S
1-1*	State Population Growth, 1980–1997 8
1-2*	Percentage of the Population in Poverty, 1995 11
1-3*	Dominant Political Culture by State 24
1-4*	State Breakdown of White Ethnic Diversity and Minority Diversity,
	1990 26
2-1	The Distribution of Constitutional Authority in the United States 39
2-2	Velocity of Federal, State, and Local Governments, 1927–1995 41
2-3	Intergovernmental Revenue Flows, 1955–1995 47
2-4*	Ratio of Federal Grant Tax Burden to Grants, 1996 49
2-5*	Centralization of State and Local Finances, 1995 59
3-1	State Party Receipts Reported to the Federal Election Commission, 1995–1996
	74
5-1*	Women in State Legislatures, 1998 163
6-1	Cost of Gubernatorial Elections, 1977–1997 197
7-1	Florida Court System 237
7-2	Indiana Court System 238
7-3	Rates of Tort Litigation Filings in Eight States, 1975–1995 253
9-1	State Revenues, 1942–1995 313
9-2	Changing State Expenditure Shares 323
9-3	Adoptions of State Sales Tax Programs and State Income Tax Programs 324
10-1	Annual Welfare Expenditures per Recipient 362
10-2	Welfare Recipients, 1975–1997 363
10-3	Welfare Spending, 1975–1995 365
11-1	Sources of Revenue for Public Elementary and Secondary Schools 407
12-1	Percentage of Nonwhite Population in Communities with
	EDC/VC Facilities 460
12-2	Toxic Releases per Job in the Chemical Industry 461
13-1	Average State Expenditures for Economic Development Operations 495
BOXES	s
4-1	Five Major Categories of Factors Affecting the Development, Makeup,
	Operating Techniques, and Influence of Interest Group Systems in the
	American States 123
5-1	The Legislative Process 181

### CHAPTER 1



# The Socioeconomic and Political Context of States

VIRGINIA GRAY

State governments deal with many pressing issues: the costs of tobacco use, low test scores in public schools, early childhood development, affirmative action, and crime. They operate large public enterprises, such as prisons, hospitals, and universities; they build new highways and bridges; they respond to sports owners who want new stadiums. They regulate health maintenance organizations (HMOs), the Internet, animal waste, and campaign finance, even as they are deregulating electricity. They are important partners in the federal system, implementing many federal programs and inventing new programs that are later adopted by Congress. State government is the place where many national politicians get their start; thus the caliber of people attracted to state service has an impact on the quality of national leadership.

This is a particularly exciting time to learn about state politics and government. Nearly all states experienced boom times in the late 1990s, leaving their governments flush with cash by 1998. State policy makers were able to address a backlog of spending needs accumulated since 1980, the last boom in state finances; many states were able to cut taxes or build up hefty surpluses. In part this renaissance was a result of balancing the federal budget and reducing the scope of the national government. The reduction of the national government began with President Ronald Reagan, accelerated with the Republican takeover of Congress in 1995, and was aided and abetted by President Bill Clinton's keen desire to balance the federal budget and "end welfare as we know it." When the federal government cut back on its spending, state governments were forced either to bear the financial burden of some of the threatened programs or else drop them. This shift created new stresses on states, but it also generated new programs and

problem-solving activity. The combination of devolution of federal authority and robust state revenue growth means that states have a lot of room to maneuver. As West Virginia governor Cecil Underwood said in his 1998 legislative address, "I can't remember a time brimming so completely with optimism and opportunity" (quoted in Ryen 1998, xvii).

The 1980s modernization of state governmental institutions is another reason for the states' resurgence. A "new breed" of governors promoted significant reforms in education and championed economic development. State legislatures were better equipped to deal with the challenges of rising health care costs and increasing welfare populations. State-run experiments in getting welfare recipients back to work led the federal government to abandon a sixty-year-old welfare program, Aid to Families with Dependent Children (AFDC) and replace it with a new block grant program (see Chapter 2). State governments have a greater capacity to deal with their problems today than ever before.

The authors of this volume compare the fifty states in terms of their policy differences and explain these differences using the methods of political science. We find these political differences both fascinating and intriguing to analyze. The social and economic differences among states are also significant. This chapter will make you aware of some of the differences among states in population, natural resources, and wealth, differences that affect what policy makers can do, and the sort of problems they face.

Political and economic differences, in turn, relate to another way in which states differ. States offer different levels of services and benefits to their citizens and allocate costs for those benefits differently. In this book we explore these policy differences and some of the political reasons for them. Expect to learn how state government operates in general—that is, the similarities among the fifty states—and expect to learn how the politics of various states differ. As the authors develop these points, you will also see that state governments and their politics are different from the national government and its politics. States, for example, are subject to many competitive pressures from other states. These pressures constrain state actions on taxation and rachet up spending on economic development.

#### DIFFERENCES AMONG THE STATES

Differences among the states abound. If you pay attention to the news, you will begin to notice some of these differences. For instance, during the week of January 18, 1998, the news media presented several interesting stories about the operations of state governments. It was reported that Montana is seeking to emulate the success of Switzerland and the Caymans in attracting wealthy investors who want privacy. Montana has become the first state to be an "offshore" banking haven, allowing rich foreigners to park their money in secret accounts protected by its state constitution. A small tax on each account is projected to raise a lot of money for the state, perhaps enough to eliminate state taxes.

Also that week two important court trials began, the first being the legal show-down between talk-show personality Oprah Winfrey and Texas cattlemen. Texas and twelve other agricultural states have "veggie libel" laws that protect cattlemen and food producers from lies that might stop consumers from buying their products. Because food is perishable, the food industry argues that it needs special protection from lies. In 1996 Winfrey moderated on her show a discussion of beef safety in which it was suggested that U.S. livestock might be prone to "mad cow" disease, as happened in Great Britain. The prices of cattle futures plummeted, causing Texas beef ranchers to lose millions—so they sued Winfrey. The federal district court decided that Winfrey was not liable, but did not rule directly on the Texas law's constitutionality. Rather, the judge said that ordinary disparagement standards applied in this instance.

Meanwhile, in a Minnesota state court an important tobacco case went to a jury trial. In recent years the attorneys general of forty-one states have sued the tobacco industry, seeking to recover the costs of state-paid medical bills for treating smokers. Many of the states entered into a joint settlement agreement of all claims against the tobacco companies, an agreement that is awaiting congressional approval; Florida, Mississippi, and Texas reached their own financial settlements with the industry. But Minnesota's attorney general, over the objection of its governor, chose to go to trial, saying that the potential national settlement was not good enough. The state was joined in the lawsuit by Blue Cross/Blue Shield, the state's largest medical insurer. They hoped the trial would make heretofore secret industry documents public, force an end to advertising aimed at youth, and recover billions in damages for the state. An out-of-court settlement on the eve of the jury's verdict achieved all of these goals, including a \$7 billion payment to the claimants.

These examples illustrate that states do things differently. In Montana and Texas the state legislatures chose to pass unusual laws—in Montana a novel tax source, in Texas a relatively unusual regulation. In the tobacco example no legislative action was required; an important change in behavior is being forced by the concerted effort of attorneys general in Minnesota and many other states. Public policies can come about in multiple ways.

A more systematic way to see the differences among states is to look at rankings of the states on various quantitative indicators. Table 1-1 presents state rankings on five indicators. The first is the average expenditure on each pupil in public school; per pupil spending ranges per year from more than \$9,500 in Alaska, New Jersey, and New York to around \$4,000 in Utah and Mississippi. More than twice as many financial resources are available to educate children in the top-ranked states as in the lowest ranked states. Education expenditures are an important dimension of total expenditures, which are ranked in column two on a per capita basis. Alaska and Hawaii lead the way, partly because of the high cost of living, whereas Texas and Missouri lag far behind. Expenditure rankings are usually influenced heavily by the wealth of the state: Wealthier states can afford to spend more on their citizenry.