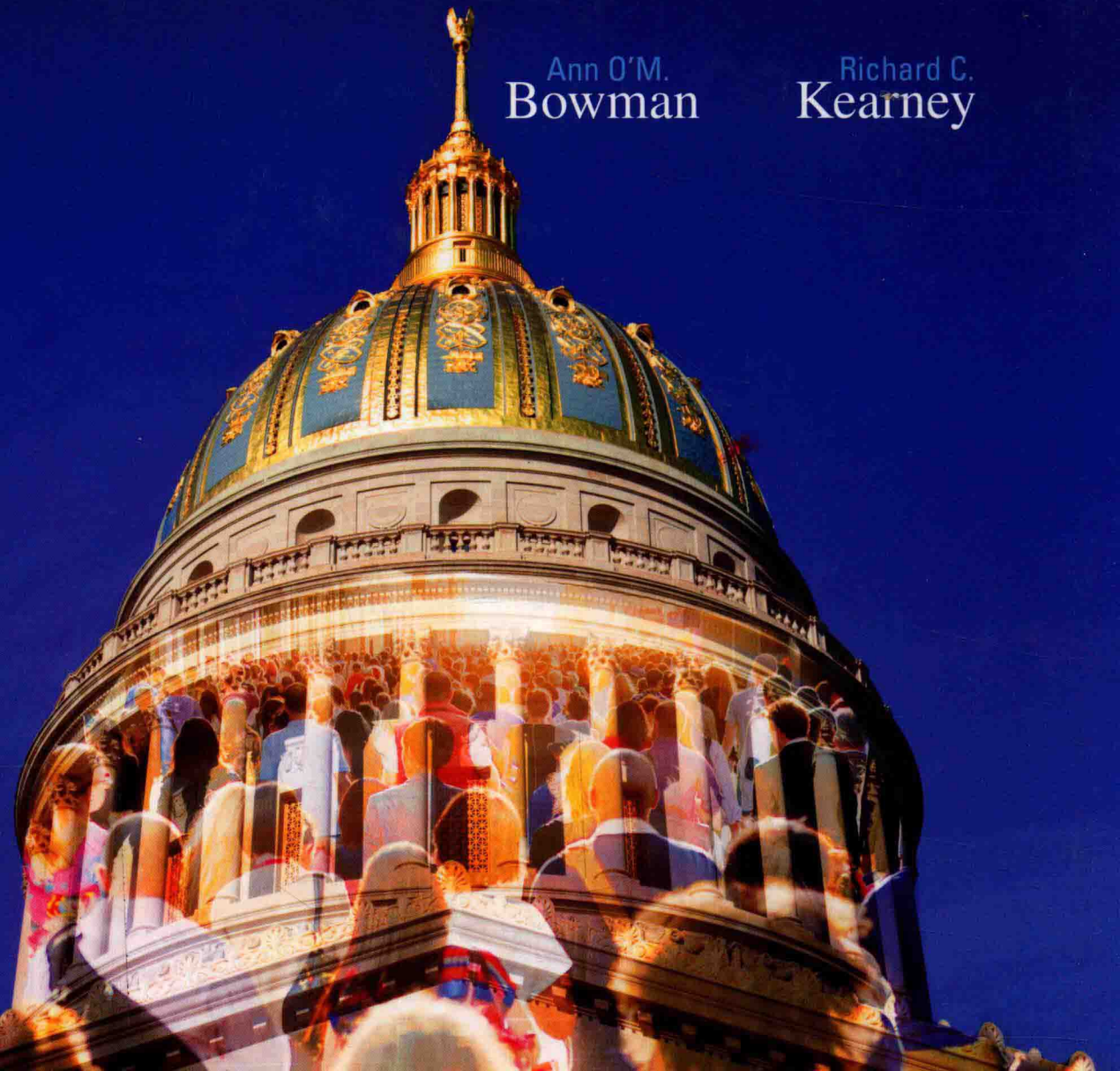


Tenth Edition

State and Local Government

Ann O'M.
Bowman

Richard C.
Kearney

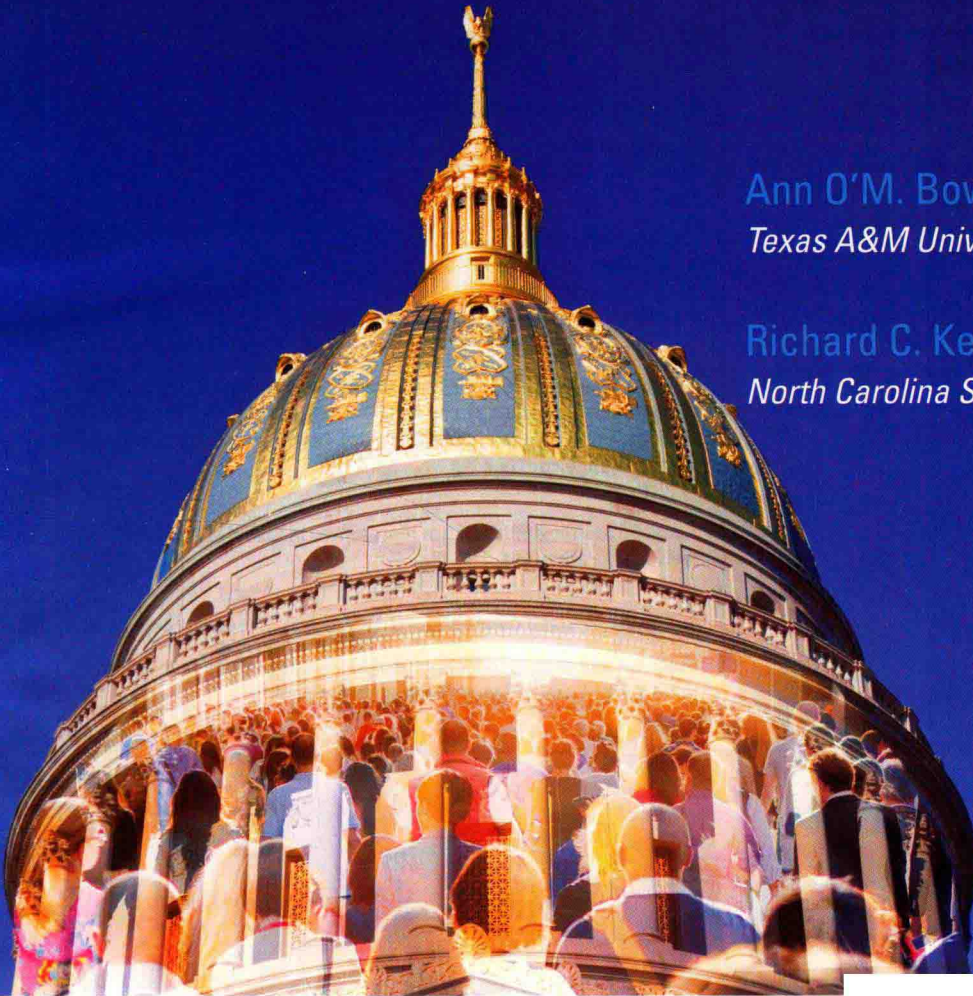


Tenth Edition

State and Local Government

Ann O'M. Bowman
Texas A&M University

Richard C. Kearney
North Carolina State University



Australia • Brazil • Mexico • Singapore • United Kingdom • United States

State and Local Government,**Tenth Edition,****Ann O'M. Bowman, Richard C. Kearney**

Product Director: Paul Banks

Product Team Manager: Carolyn Merrill

Content Developer:

Jessica Wang-Strykowski

Editorial Assistant: Michelle Forbes

Marketing Manager: Valerie Hartman

Manufacturing Planner: Fola Orekoya

IP Analyst: Alexandra Ricciardi

IP Project Manager: Farah Fard

Production Service:

Cenveo® Publisher Services

Cover Image: Danita Delimont/Getty

Images and Biddiboo/Getty Images

© 2017, 2014, 2011 Cengage Learning

ALL RIGHTS RESERVED. No part of this work covered by the copyright herein may be reproduced or distributed in any form or by any means, except as permitted by U.S. copyright law, without the prior written permission of the copyright owner.

For product information and technology assistance, contact us at
Cengage Learning Customer & Sales Support, 1-800-354-9706

For permission to use material from this text or product,
submit all requests online at **www.cengage.com/permissions**.

Further permissions questions can be emailed to
permissionrequest@cengage.com.

Library of Congress Control Number: 2015947663

Student Edition:

ISBN: 978-1-305-38847-5

Cengage Learning

20 Channel Center Street

Boston, MA 02210

USA

Cengage Learning is a leading provider of customized learning solutions with employees residing in nearly 40 different countries and sales in more than 125 countries around the world. Find your local representative at **www.cengage.com**.

Cengage Learning products are represented in Canada by
Nelson Education, Ltd.

To learn more about Cengage Learning Solutions, visit **www.cengage.com**.

Purchase any of our products at your local college store or at our
preferred online store **www.cengagebrain.com**.

Preface

If someone had told us in 1990 that the first edition of *State and Local Government* would become what is now widely recognized as “the market leader” and followed eventually by a tenth edition, we would have been doubtful. That first edition broke the mold of traditional state and local government texts by offering a positive, thematic approach to introducing government at the grass roots. We were gratified and delighted when the book quickly built up adoptions in research universities, four-year colleges, and community colleges across the United States. There are quite a few rival texts today, but we like to think that the competition makes ours better. We heartily thank our colleagues in the State Politics and Policy section and the Urban Politics section of the American Political Science Association for their ideas and comments on various editions of this book. And we thank as well researchers, too numerous to mention individually, for their insightful analyses that are published in scholarly journals and inform our latest edition.

The tenth edition of this book was written as important public policy changes were underway in state legislatures throughout the country. The Great Recession was in the rear view mirror, but it had left behind residues of budget problems and policy issues that continue to call for attention. Painful as the Great Recession was, it did present opportunities to use the crisis to make improvements in the way the business of government is done.

Despite the drumbeat of criticism of government and public officials in the mass media and by anti-government talk-show hosts, we like politics and public service, particularly at the state and local levels. We believe that government can be—and often is—a force for good in society. We do acknowledge some of the concerns voiced by critics of government. Yes, there continue to be inefficiencies; and sure, there are some politicians who, once elected, seem to forget the interests of the people back home, not to mention what their parents taught them. But by and large, state and local governments work well. On a daily basis, they tackle some of the toughest issues imaginable, designing and implementing creative and successful solutions to problems ranging from crime and corrections to education and the environment. And they do so with a remarkable diversity of approaches.

In the tenth edition of our text, we again seek to capture the immediacy and vitality of state and local governments as they address the challenges facing the American people. A major goal is to foster continuing student interest and involvement in state and local politics, policy, and public service. Many of the students who read this text will work in state and local government. Some will run successfully for public office. All will deal with state and local governments throughout their lives. We want our readers to know that state and local governments are places where one person can still “do good,” make a difference, and serve a cause. For students who go on to graduate study in

political science, public administration, public policy, or related fields, states and localities are fertile fields for research. And for students taking this course because they “have to” and who purport to dislike politics and government, we invite them to keep an open mind as they explore the fascinating world of politics at the grass roots.

THE THEME OF STATE AND LOCAL GOVERNMENT

This book revolves around a central theme: the growing capacity and responsiveness of state and local government. Our theme was tested during the Great Recession, but not found to be wanting. Despite their many challenges, state and local governments continue to be proactive, expanding their capacity to address effectively the myriad problems confronting their citizens. From Alabama to Wyoming, they are responsive to their rapidly changing environment and to the demands of the citizens.

Our confidence in these governments does not blind us, however, to the varying capabilities of the fifty states and some 90,000 units of local government. Some are better equipped to operate effectively than others. Many state and local governments benefit from talented leadership, a problem-solving focus, and an engaged citizenry. Others do not fare so well, and their performance disappoints. Rank partisanship divides many states as they become increasingly “Red” or “Blue.” Still, as a group, states and localities are the driving forces—the prime movers—in the U.S. federal system. Even those jurisdictions perennially clustered at the lower end of various ratings scales have made quantum leaps in their capability and responsiveness.

FEATURES OF THE TEXT

The themes of *State and Local Government* are supplemented by boxed features that provide compelling examples of nonnational governments in action. The boxes labeled “Controversies in States and Localities” highlight issues that may cause a jurisdiction to venture out on a limb, trying something new. The It’s Your Turn boxes, which are new to this edition, present students with two sides to an issue and ask them to consider their own position.

The **Controversies in States and Localities** features are intended to generate debate and discussion among students. For example, state government responses to the Ebola crisis are featured in Chapter 2, participatory budgeting in Vallejo, California, is explored in Chapter 4, and the effort to get more third parties on state ballots is covered in Chapter 5. Utah’s innovative website that engaged citizens in redrawing legislative districts is the focus in Chapter 6, governors with primarily private sector experience are examined in Chapter 7, and the proposal to split California into six states is the subject of Chapter 12’s Controversies box. Chapter 16 looks at the issue of prison privatization, and mandatory drug testing for welfare applicants is considered in Chapter 17. Each of the Controversies in States and Localities now concludes with a series of critical thinking questions.

The **It’s Your Turn** boxes engage students more directly, by asking them to take a side in a controversial issue. These issues include whether Washington

D.C., should become the 51st state, whether state legislatures should be more professionalized, and whether a state should bail out its financially-stressed local governments. Other It's Your Turn boxes ask students to consider the arguments for and against state governments providing tax incentives to the film industry for filming in their state, cities enacting plastic bag bans, states enforcing strict voter ID laws, and states legalizing marijuana.

Sincere effort has been invested in making this book accessible to the student. Each chapter opens with a series of **Learning Objectives** and closes with a **Chapter Recap** to help structure student learning. The Learning Objectives are now also called out within each chapter, to help students make the connection between each learning objective and chapter content. We have included updated photographs to provide visual images that bring the world of state and local government to life for the reader. Maps, tables, and figures offer an engaging format to assist in the identification of patterns and trends in the data. Many of these graphics are new to or updated for the tenth edition. As noted, boxes throughout the chapters showcase the innovative, the unusual, and the insightful in state and local politics. Lists of states appear in each chapter and facilitate comparisons across the states. **Key Terms** are bold-faced, defined in the margins, and listed at the end of each chapter. References to websites in the end-of-chapter list of **Internet Resources** encourage student curiosity, engagement, and individual research.

THE CONTENT OF THE TENTH EDITION

As in the first nine editions, this book provides thorough and completely updated coverage of state and local institutions, processes, and policies. The chapters blend the findings from the latest political science and public policy research with issues and events from the real world. It is intended to be a core text.

In Chapter 1, we introduce the functions of nonnational governments and explore the theme of capacity and responsiveness. The growing diversity in the United States and the contemporary controversy dubbed “culture wars” are featured in the chapter. Federalism’s central importance is highlighted in Chapter 2, which traces the twists and turns of the federal system, from the scribbles of the Framers to the Supreme Court’s latest pronouncements on the Tenth and Eleventh amendments. The fundamental legal underpinnings of state governments—their constitutions—are discussed in Chapter 3. Chapter 4 explores citizen participation and elections (including the 2014 elections), focusing on the increased access of citizens and the expectations they have for government. Chapter 5, “Political Parties, Interest Groups, and Campaigns,” gets at subnational politics—the fascinating real world of candidates, lobbyists, organizations, and money.

Coverage of the three branches of government—legislative, executive, and judicial—is updated and reflects the institutional changes each branch has undergone recently. The intent of Chapter 6 is to show how legislatures actually work. In addition, responses of state legislatures to the institutional challenge posed by term limits are explored. Governors are featured in Chapter 7, including those who have misbehaved in various ways, and the issue of gubernatorial power is emphasized. Chapter 8, “Public Administration: Budgeting

and Service Delivery,” offers updated coverage of privatization as a strategy for improving government and the delivery of public services, as well as new material on e-government and budget transparency. In Chapter 9, the policy-making role of judges, judicial federalism, judicial accountability, and judicial selection mechanisms are emphasized.

Local governments are not treated as afterthoughts in this book. Two chapters focus solely on localities: Chapter 10 is devoted to the multiple types and structures of local government and Chapter 11 to leadership and governance, including new leadership approaches of mayors and city councils. Subsequent chapters consider localities within the context of the states: Chapter 12 focuses on the political and practical issues linking the two levels—and the resultant tensions between them—and Chapter 13 emphasizes the growing interdependence of state and local financial systems. Chapter 12 specifically tackles the issue of land use and urban sprawl, including New Urbanism approaches. Chapter 13 offers a comprehensive synthesis of the principles and political economy of taxation and spending and an overview of the strategies used by state and local governments to cope with the aforementioned economic crash.

Five policy chapters illustrate the diverse postures of state and local governments in responding to change and citizen demands. The roles of states and localities are different in each policy area. Chapter 14 examines economic development initiatives in the context of interstate and interregional competition for jobs and business. Chapter 15 focuses on the ever-important topic of public education; it includes examples of many of the most recent education reform efforts, including school choice plans, No Child Left Behind, homeschooling, and charter schools. Criminal justice policy is the subject of Chapter 16. Crime statistics have been updated, as have some of the newest initiatives for community policing, law enforcement technology, and criminal data applications. Social welfare and health care policy are featured in Chapter 17. Welfare traps are identified, state programs aimed at plugging the gaping holes in the national health system are examined, and the effects of the Affordable Care Act (“Obama-care”) are explained. Finally, Chapter 18 covers a wide range of environmental topics such as sustainability, waste management, and hydraulic fracturing. Of special interest are some of the success stories in “greening” states and localities.

RESOURCES FOR INSTRUCTORS

Instructor Companion Web Site for *State and Local Government*, 10e

ISBN: 9781305643642

This Instructor Companion Website is an all-in-one multimedia online resource for class preparation, presentation, and testing. Accessible through Cengage.com/login with your faculty account, you will find available for download: book-specific Microsoft® PowerPoint® presentations; a Test Bank compatible with multiple learning management systems; and an Instructor Manual.

The Test Bank, offered in Blackboard, Moodle, Desire2Learn, Canvas, and Angel formats, contains Learning Objective-specific multiple-choice, true/

false, and essay questions for each chapter. Import the test bank into your learning management system to edit and manage questions and to create tests.

The Instructor's Manual contains chapter-specific learning objectives, an outline, key terms with definitions, and a chapter summary. Additionally, the Instructor's Manual features a critical thinking question, a lecture launching suggestion, and an in-class activity for each learning objective.

The Microsoft PowerPoint presentations are ready-to-use, visual outlines of each chapter. These presentations are easily customized for your lectures. Access the Instructor Companion Website at www.cengage.com/login.

IAC Cognero for *State and Local Government*, 10e

ISBN: 9781305642829

Cengage Learning Testing Powered by Cognero® is a flexible online system that allows you to author, edit, and manage test bank content from multiple Cengage Learning solutions, create multiple test versions in an instant and deliver tests from your LMS, your classroom, or wherever you want. The test bank for *State and Local Government*, 10e contains Learning Objective-specific multiple-choice, true/false, and essay questions for each chapter.

ACKNOWLEDGMENTS

First, we thank the reviewers of the tenth edition, who provided us with many thoughtful observations and examples:

Justin DePlato, University of North Florida
Patricia Freeman, University of Tennessee
Fred R. Hertrich, Middlesex County College
Kevin Parsneau, Minnesota State University

We have incorporated their suggestions into this edition whenever possible.

We also extend our appreciation to our partners at Cengage. Jesse Rodriguez provided indispensable research assistance at Texas A&M University. Finally, Carson, Blease, Kathy, Joel, and Laura contributed in many special ways to the final product, as usual.

A. O'M. B.

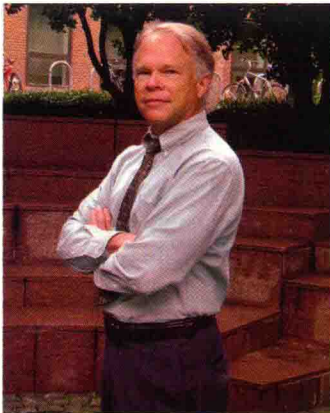
R. C. K.

About the Authors



SOURCE: Photo courtesy of Ann O'M. Bowman

Ann O'M. Bowman (Ph.D., University of Florida) is professor and holder of the Hazel Davis and Robert Kennedy Endowed Chair in the Bush School of Government and Public Service at Texas A&M University. She teaches courses in state and local politics and policy, intergovernmental relations, environmental policy and management, and public policy process. Her research interests revolve around questions of institutional change, policy adoption and implementation, and intergovernmental dynamics. She has published numerous books and articles on these topics over the years.



SOURCE: Photo courtesy of Richard C. Kearney

Richard C. Kearney (Ph.D., University of Oklahoma) is retired as professor of political science and public administration at North Carolina State University. His career also included lengthy teaching, research, and administrative responsibilities at East Carolina University, the University of Connecticut, and the University of South Carolina. His research interests include comparative state politics and policy, labor relations, and human resource management policy. He has published prolifically on these and related topics.

Brief Contents

Preface		xi
1	State and Local Governments: New Directions	1
2	Federalism and the States: Sorting Out Roles and Responsibilities	24
3	State Constitutions: The Fundamental Rules of State Government	55
4	Citizen Participation and Elections: Engaging the Public in Government	79
5	Political Parties, Interest Groups, and Campaigns: Influencing Public Policy	107
6	State Legislatures: The People's Representatives	136
7	Governors: Power, Politics, and Executive Leadership	165
8	Public Administration: Budgeting and Service Delivery	196
9	The Judiciary: Independence vs Accountability	226
10	Local Government: Types and Functions	255
11	Local Leadership and Governance: Continuity and Change	285
12	State-Local Relations: Fifty Different Systems	310

13	Taxing and Spending: Where the Money Comes from and Where It Goes	335
14	Economic Development: Competing for Growth	365
15	Education Policy: Reading, Writing, and Reform	389
16	Criminal Justice: Cops and Corrections	423
17	Social Welfare and Health Care Policy: Addressing Poverty and Sickness	452
18	Environmental Policy: Regulation and Innovation	477
References		503
Index		533

Contents

Preface

xi

1	State and Local Governments: New Directions	1
	Studying State and Local Governments in the Twenty-First Century	2
	The Capacity of States and Localities	5
	The People: Designers and Consumers of Government	16
	Linking Capacity to Results	22
	Chapter Recap	23
	Should Governments have Innovation Offices?	8
	Creating an Image, Re-Branding a Place	15
2	Federalism and the States: Sorting Out Roles and Responsibilities	24
	The Concept of Federalism	26
	The History of U.S. Federalism	27
	Models of Federalism	38
	Intergovernmental Relations	41
	Federal Purse Strings	46
	The Future of Federalism	50
	Chapter Recap	53
	What Level of Government Should Take the Lead for Ebola-Like Threats?	34
	Should the States Legalize Marijuana?	51
3	State Constitutions: The Fundamental Rules of State Government	55
	The History and Development of the Fundamental Documents	56
	The Evolution of State Constitutions	57
	Weaknesses of Constitutions	60
	Constitutional Reform	64
	Methods for Constitutional Change	70
	State Responsiveness and Constitutional Reform	77



AP Images/Thom Bridge,
Independent Record



John Moore/Getty Images



Sacramento Bee/
ZUMAPRESS/Newscom

Chapter Recap	78
New States' Rights?	67
Should Washington, DC, Become the 51st State?	71

4	Citizen Participation and Elections: Engaging the Public in Government	79
	Participation	80
	Elections	87
	Direct Democracy	93
	Citizen Access to Government	98
	The Effects of Citizen Participation	105
	Chapter Recap	106
	Voter ID Laws: Good or Bad Idea?	86
	Participatory Budgeting: Letting the Public Decide How to Spend Public Money	99



David R. Frazier Photolibrary, Inc./Alamy

5	Political Parties, Interest Groups, and Campaigns: Influencing Public Policy	107
	Political Parties	108
	Interest Groups	116
	Political Campaigns	125
	Chapter Recap	134
	Opening up the Ballot to More Parties	113
	Should Political Spending in Campaigns Be Unrestricted by Government?	132



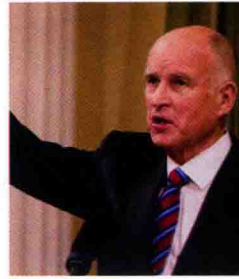
AP Photo/Houston Chronicle/Eric Kayne

6	State Legislatures: The People's Representatives	136
	The Essence of Legislatures	137
	Legislative Dynamics	138
	Legislative Behavior	148
	How a Bill Becomes Law (or Not)	150
	Legislative Reform and Capacity	152
	Relationship with the Executive Branch	158
	Legislatures and Capacity	162
	Chapter Recap	163
	Do-It-Yourself e-Redistricting	143
	Should State Legislatures Be More Professionalized?	154



Matthew Cavanaugh/Getty Images

7	Governors: Power, Politics, and Executive Leadership	165
	The Office of Governor	166
	Being Governor: Duties and Responsibilities	170
	Formal Powers of the Governor	178
	Informal Powers	187
	Leaving Office	190
	Other Executive Branch Officials	191
	The Capability of U.S. Governors	194
	Chapter Recap	194
	Is Private Sector Experience the Best Preparation for the Governorship?	169
	Should Executive Branch Officers Be Elected?	181
8	Public Administration: Budgeting and Service Delivery	196
	Public Employees in State and Local Governments: Who They Are, What They Do	198
	Budgeting in State and Local Governments	201
	Human Resource Policy in State and Local Governments: Patronage vs. Merit	208
	The Politics of Bureaucracy	218
	New Public Management	220
	The Quality of Public Administration	224
	Chapter Recap	225
	Take the Children into Custody or Leave Them with Their Mom?	200
	Social Media: Problematic or Panacea?	224
9	The Judiciary: Independence vs Accountability	226
	The Structure of State Court Systems	228
	How Judges Are Selected	232
	Judicial Decision Making	241
	Judicial Federalism	247
	Administrative and Organizational Improvements in State Courts	249
	Chapter Recap	253
	Judges: Elected, Appointed, or Merit-Selected?	240
	What If the Jury Pool Becomes a Puddle?	243



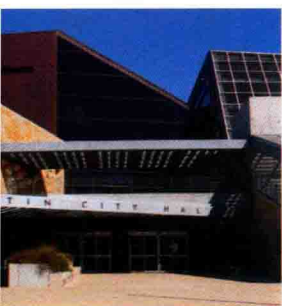
Bloomberg/Getty Images

New York Daily News Archive/
Getty Images

AP Images/Mel Evans



Mark & Audrey Gibson/Stock
Connection Blue/Alamy



Brandon Seidel/Shutterstock.com



AP Images/Doug McSchooler

10	Local Government: Types and Functions	255
	Orientations to Communities	256
	County Government	259
	Municipal Government	264
	Towns and Townships	275
	Special Districts	277
	School Districts	279
	Communities and Governance	281
	Chapter Recap	282
	Should Public Employees Have to Live Where They Work?	263
	Outsourcing City Services	272
11	Local Leadership and Governance: Continuity and Change	285
	Community Power	286
	Property Rights: A Matter of Power	292
	Local Executives	293
	Local Legislatures	301
	Leadership and Capacity	306
	Chapter Recap	308
	Should All Cities Have a Strong Mayor?	295
	The Mayor, the City Council, and Walmart . . . and the Community	307
12	State-Local Relations: Fifty Different Systems	310
	The Distribution of Authority	311
	Metropolitics: A New Challenge for State Government	318
	States and Urban Policy	327
	States and Their Rural Communities	331
	The Interaction of State and Local Governments	332
	Chapter Recap	333
	Should a State Bail Out Its Financially-Stressed Local Governments?	313
	One Big California or Six Regional Californias?	326

13	Taxing and Spending: Where the Money Comes from and Where It Goes	335
	The Principles of Finance	336
	Revenues	340
	The Political Economy of Taxation	352
	Managing Money	358
	Current Issues in State and Local Finance	363
	Chapter Recap	364
	Should Medical Marijuana Be Taxed?	349
	The State's Responsibility in Local Bankruptcy Events	361
14	Economic Development: Competing for Growth	365
	Regional Differences in Economic Prosperity	366
	Approaches to Economic Development	369
	The Politics of Economic Growth	371
	Current Approaches	373
	Persistent Questions	380
	The Implications of Economic Development Policy	385
	Chapter Recap	387
	The Creative Class and Cool Cities	368
	Should a State Government Provide Tax Incentives to the Film Industry to Make Movies There?	383
15	Education Policy: Reading, Writing, and Reform	389
	Is There a Crisis in Education?	390
	Intergovernmental Roles in Education	396
	The Education Policy Actors	404
	Educational Innovation in the States	409
	The Continuing Challenges of Public Education	420
	Chapter Recap	421
	Should States Implement Common Core Standards?	411
	Should Teachers Have Tenure?	416
16	Criminal Justice: Cops and Corrections	423
	How Much Crime Is There?	424
	Fighting Crime	426
	The Ongoing Challenge of Crime Fighting	429
	Intergovernmental Roles in Criminal Justice	429



TennesseePhotographer/
iStockphoto.com



AP Images/Jeffrey Collins



Glyn Jones/Corbis/Jupiter Images



ksimage/iStockphoto.com

Actors in Criminal Justice Policy	430
How Policy Participants Interact: Two Policy Areas	433
Correctional Policy	438
Policy Alternatives for States and Localities	443
The Current Challenge in Crime and Corrections	450
Chapter Recap	451
Should Potentially Invasive Data-Driven Policing Technology be Restricted or Prohibited?	428
Are Private Prisons a Good Idea?	449



Tony Freeman/PhotoEdit

17	Social Welfare and Health Care Policy: Addressing Poverty and Sickness	452
	Thinking About—and Measuring—Poverty	453
	Social Welfare and Ideology	454
	Current Social Welfare Policy	457
	Types of Social Welfare Programs	457
	State Innovations in Social Welfare	463
	Turning Welfare Checks into Paychecks	467
	Health Care	470
	Chapter Recap	475
	Combatting Homelessness	462
	Should Welfare Recipients be Drug Tested?	469



Jimmy Anderson/Getty Images

18	Environmental Policy: Regulation and Innovation	477
	The Political Economy of Environmental Protection	478
	Clean Air, Clean Water, and Politics	481
	The Greening of States and Localities	484
	Dealing with Waste	490
	Two Challenges for Policy Makers	498
	Chapter Recap	501
	The Challenges of Regulating Polluters	486
	Should Cities Enact Plastic Bag Bans?	493

References 503

Index 533