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STATE AND LOCAL POLITICS

Steven A. Peterson
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State and Local Politics

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Preface

This volume examines the institutions, processes, and policy making of state and local governments. It provides the background necessary for understanding how subnational governments work and how they influence the political life of the nation. In most chapters, state and local governments are discussed together. Linking them in this way allows a more powerful analysis of their similarities and differences and permits topics to be discussed together as they relate to both states and cities. It also makes possible a more telling discussion of the challenges facing local political leadership that are posed by the decisions of their states.

Although clarity and conciseness are qualities that guided the preparation of this compact, low-cost volume, the book covers the material sufficiently, we believe, for it to serve as a primary text in a number of courses. The volume includes contemporary examples throughout, and what we hope are timely insights into the issues and challenges confronting state and local governments today. We have sought to extend the book's timeliness by incorporating the results of some recent research on variations in the political behavior of citizens, on policy outcomes, and on the basic capabilities of the states to act efficiently.

The book focuses on several important trends in state and local government in the 1990s, when state and local governments are becoming more prominent players in the American political system. Over the last 15 years, the federal government has signalled that states and localities must bear greater responsibility for identifying problems, proposing solutions and raising revenues. Washington, D.C. has reduced the flow of funds to state and local government and

the federal government attaches fewer strings to the funds it continues to provide. That state and local governments must rely more heavily upon their own resources as they deal with ever more complex problems is one important trend.

A second trend is that state and local governments are developing greater capacity to deal with perceived problems. Most notably, both legislatures and executives are becoming more professionalized, which means that elected and appointed officials have more experience, work full time at their jobs, and rely heavily upon growing staffs of technically trained experts.

A third trend is that many state governments and large cities are becoming policy laboratories, experimenting with new approaches to solve problems. We do not understand very well how to create jobs, or how to contain health care costs, or how to improve the quality of education. Therefore, it is appropriate that state and local governments be free to experiment. Successful innovations today will be noticed and implemented in other jurisdictions tomorrow.

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Special thanks go to our spouses, Margaret Byrd Rasmussen and Bettina Franzese. They have very busy lives of their own as parents and working professionals, yet they still provide us with constant encouragement, support and sense of perspective. We gratefully acknowledge their contributions during the two years in which we were often preoccupied with state and local politics.

We are indebted to our colleague William Hall, an expert on police and corrections, for writing chapter 13 on the criminal justice system. Several professional readers read the manuscript, and we appreciate their generous comments as well as their care in pointing out our factual errors and inadequate explanations. The book is stronger to the extent that we have responded to their suggestions and criticisms. The stylistic and substantive good sense of Jeanne Flagg, our editor at McGraw Hill, on successive drafts has also improved the book. Her encouragement and cooperative spirit made our work easier, and we are indebted to her.

Finally, we thank our students at Alfred University for their continuing stimulation and their insight into American politics. Their penetrating questions and revealing observations challenge us daily to understand our subject better. We hope that they as participating citizens and as future employees of state and local governments will deal effectively with economic, environmental and social problems in the years ahead. This book will have succeeded if readers are better able to discuss knowledgeably how state and local governments might address the important policy issues of the day.

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Part I

The Framework of Analysis

CHAPTER 1

State and Local Politics: Themes and Variations

The last two decades represent one of the most dynamic periods in state and local politics since the early days of the republic. Structural changes in the economy, budget tightening at the national level, transference of responsibility to the state and local level without sufficient federal funding, the fierce competition among governments in the economic development game, the movement toward privatization of government services—all testify to a period of dramatic change in the intergovernmental system.

State and local governments have become more professional and are better able to deal with uncertainty than they were even fifteen or twenty years ago. Thus, especially at the state level, subnational governments are more capable of controlling their destinies as they steer through the shoals of change during the 1990s. State and local governments must make difficult decisions, among them the choice between equity (fairness) and efficiency (spending revenues in a cost-effective fashion). For instance, should states tax the middle class in order to provide basic medical care and better education for the poor, and risk an exodus of the middle class to other states where fewer of their tax dollars will go to those at the poverty level?

This introductory chapter examines in broad strokes some of the basic issues in state and local politics today. It begins with background material on federalism and intergovernmental relations, a survey of the kinds of subnational governments, and a brief discussion of state constitutions, which lay out the structure and rules governing state politics. The last part of the chapter introduces and briefly summarizes the material covered throughout this volume.

Federalism and Intergovernmental Relations

Federalism is a system of government in which power is divided between a central government and lower-level governments. The central government is sovereign and has effective decision-making power, but the subunits, especially the states, have considerable power and autonomy. In the United States, the division of power is between the national and state governments. Local governments derive their power from the states.

Although the terms “federalism” and “intergovernmental relations” are often used interchangeably, they have different implications. *Intergovernmental relations* denotes the complex interactions among the more than 80,000 governments in the United States. While the division of authority between state and national governments is an important part of intergovernmental relations, it is only one aspect of an often confusing mosaic. Among other intergovernmental relations that will be considered in Chapter 2 are state-state, state-local, local-local, and national-local relations.

Federalism is not unique to the United States; Germany and Canada have federal governments, too. Nor is federalism the only means of distributing power within a democratic government. Many other countries’ governments can be classified as *unitary*, that is, the national government is the dominant center of power and lower-level units are granted rather little authority. France’s national government is an example of a government with a unitary structure. At the other extreme is *confederacy*, in which the dynamism and real power lie with the smaller units and the national government’s power is restricted. The American people have had two distinct experiences with confederacy: under the first constitution, called the Articles of Confederation (1781–1789), and when the southern states formed the Confederate States of America (1861–1865). Perhaps among recent or current governments there are no true confederacies, but Canada

verges on being a confederacy, because of the tradition of strong and often independent-minded provinces, notably Quebec.

Kinds of Subnational Governments

The more than 80,000 subnational governments that currently operate in the United States include the fifty state governments, over 3,000 county governments, somewhat more than 19,000 municipal governments (cities and villages), almost 17,000 towns or townships, nearly 15,000 independent school districts, and, finally, some 29,000 special districts. Although the focus of this book is state and municipal governments, it is important to realize that other subnational units are at work, too.

State Governments

The impact of a state's *policy*—the decisions that government makes—on its citizens is substantial. State governments develop legal codes that govern their citizens' behavior. Laws against murder, rape, and burglary are state laws, enforceable by state and local police. Around 40 percent of the funding for elementary and secondary education comes from state governments. Since "who pays the piper calls the tune," the states therefore have much control over education policy. The states are the primary enforcement agents for protection of the environment under laws such as the Clean Air Act. A state can, through aggressive economic development policies, increase the odds of new jobs being created within its boundaries as by wooing new industry to come into the state; in this manner, the state's economy can be strengthened.

After policies are made, they have to be implemented, that is, put into operation. States must engage in *service delivery*. Obvious examples of service delivery are law enforcement and traffic control through the state police, higher education through state colleges and universities, and efficient transportation through well-maintained roads and the support of mass transit systems. State politics pervades people's everyday lives—from birth (regulation of hospitals) to death (regulation of morticians).

States serve as *policy laboratories*. When confronted with serious problems, such as unemployment or high crime rates or a proliferation of AIDS cases, certain states may try out a variety of solutions.

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Other states (or even the national or local governments) can then see which policies work best and adopt those that seem most applicable. States as actors within the federal system become part of a great social experiment in deciding how best to attack the myriad problems confronting society.¹ We see, for example, the national government studying the value of state health care policy innovations in Hawaii (as discussed in Chapter 15).

Municipal Governments

Like their state counterparts, municipal governments make policy. Ordinances banning people from walking along sidewalks with open containers containing alcohol are one example of municipal policy. Local governments also deliver services, such as fire protection and garbage pickup. Many of these services, such as fresh drinking water and sewer systems that remove waste materials from the home, are taken for granted by residents, even though such services can represent significant investments and efforts by a municipality.

Municipalities may also play an important role in state politics. Increasingly, cities lobby their state governments for assistance. Municipalities may band together to amplify their voices in the halls of state government. Some large cities, like Chicago, are listened to because of the number of votes—hence, political clout—within their boundaries.

County Governments

County government is an important political venue throughout the United States. Functions of county government include keeping records (such as deeds, mortgages, births, and tax rolls), maintaining a road system, providing law enforcement through the sheriff's department, maintaining a court system and jails, and administering welfare programs. In urban counties, additional responsibilities may include planning new subdivisions that developers wish to build, administering public health programs, and maintaining recreational facilities.

Some counties are key political actors within their states. For instance, Cook County (containing Chicago) bears considerable political heft in Illinois.

Town Governments

Towns are normally among the least significant of local governments. For one thing, towns (or townships, as they are called in states

like Illinois) exist as local subdivisions in only twenty northeastern and midwest states. For another, in rural townships of states like Illinois, Indiana, Kansas, and Ohio, township governments may be responsible for little more than maintaining local highways outside municipal boundaries, although other functions can be assigned to them by their respective counties. Some states, such as the New England states and New York, have much stronger town governments. These entities may have powers similar to those of municipal governments and provide like services, such as water treatment, repository of vital statistics, issuance of marriage licenses, land use regulation (zoning), building inspection, and care of local highways.

School Districts

Many school districts have been taken over by municipal governments. Nonetheless, thousands of independent school districts throughout the country have the power to raise money through taxation and the authority to decide how the revenues are to be allocated. The primary function of school districts is elementary and secondary education. Much more detail on school politics appears in Chapter 14.

Special Districts

The special district is probably the least known and least visible of the local governments. However, it performs crucial functions at the local level and can wield considerable power. Those who fly into John F. Kennedy Airport in New York City, or who pay their tolls to cross the Throgs Neck Bridge between Queens and the Bronx in New York City, or who drive into New York from New Jersey through the Holland Tunnel are in the domain of the Port Authority, one of the many special districts that exist throughout the United States. Port Authority can raise its own revenues by increasing tolls and fees (much as the state government can increase revenues by raising taxes) or by selling bonds. It decides where to construct new facilities, just as a state government decides where to place a new state highway. Most special districts are not so mammoth; they specialize commonly in such areas as mass transit, libraries, parks, water and irrigation, and sewage disposal.

State Constitutions

State constitutions specify the structure of the state government and provide many of the rules under which state politics is carried

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out. Briefly considered here are the structure and content of state constitutions, some problems with state constitutions, and the politics of state constitutions.

Structure and Content of State Constitutions

State constitutions are structured in a way similar to the United States Constitution, although they tend to be much longer and more specific. All define a process by which they can be amended.

Separation of Powers

Separation of powers is a central characteristic of state government as it is of the national Constitution. Thus, the odds are that no single branch of the state government—legislative, executive, or judicial—will develop overweening power and threaten the freedom of its citizens.

Bill of Rights

State constitutions include a bill of rights. Most of the freedoms mentioned are along the lines of the national Bill of Rights; however, some states have additional freedoms. For instance, Florida's fundamental law calls for the "right to work," which bars the union shop (in which, to stay on the payroll of a business that has a union, one must join the union).

Taxation and Financing

Taxation and financing powers of state government are central aspects of state constitutions. Provisions often limit the taxing power of state and local government (sometimes putting a cap on how high property taxes can go, for example). State constitutions may protect certain classes of property from being taxed, such as churches. *Earmarking* is also often a part of state constitutions. This term refers to provisions that tell where certain revenue sources must be allocated. The most common example is state gasoline taxes being dedicated to highway construction and maintenance; the revenue cannot be used for any other purpose. Ten to twenty years ago, many state constitutions earmarked over half of states' revenues. Budget experts believe that this is harmful, since it reduces the flexibility of state government to use its financial resources in the manner that it deems best for the good of the state.

Balanced Budgets

Related provisions demand that a state must balance its budget. Almost all of the states, in one way or another, limit debt; a majority

of the states ban deficits outright. In addition, state constitutions commonly limit the extent to which their local governments can accumulate debt.

Limitations on Power of Local Government

State constitutions commonly comment in great detail about the power and limitations on the power of local government. Local governments are not really independent entities. To the extent that they are granted flexibility in their decision making, it is through the beneficence of the state government. State constitutions often lay out in minute terms what local governments can or cannot do. State constitutions now have relaxed somewhat their hold over their local governments by allowing *home rule*. In this instance, the states allow at least some of their cities to draw up a charter (essentially, a local constitution). Home rule can be defined as

the power vested in a local unit of government, usually a city, to draft or change its own charter and to manage its affairs. Home rule limits [state] legislative interference in local affairs. Most states permit some degree of freedom for cities and an increasing number are granting it to counties.²

Problems with State Constitutions

First, state constitutions tend to be wordy, long, convoluted, and tedious in their detail, and many are outdated. As of 1990, the average length of a state constitution was 28,000 words—as compared with the spare but elegantly written 8,700 words of the U.S. Constitution. The longest state constitution is Alabama's, with 174,000 words—longer than most novels! Some states have constitutions that are cluttered with amendments. Alabama's is also the most amended, with 513 amendments to a document approved in 1901. California has made 471 amendments (to a constitution written in 1879); South Carolina, 463 (to its 1895 document); and Texas, 326 (to its 1876 document). In general, the more urban states, such as California, New York, and Texas, have the longest constitutions.

Some state constitutions date back to the Revolutionary War era. The Massachusetts fundamental law goes back to 1780; New Hampshire's constitution dates back to 1784; and Vermont's reaches back to 1793.³

A second problem with state constitutions is that they are the end