

SAFFELL

STATE AND LOCAL GOVERNMENT

POLITICS AND PUBLIC POLICIES



FIFTH EDITION

STATE AND LOCAL GOVERNMENT

Politics and Public Policies

Fifth Edition

David C. Saffell

Ohio Northern University

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STATE AND LOCAL GOVERNMENT: Politics and Public Policies

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STATE AND LOCAL GOVERNMENT

Politics and Public Policies

ABOUT THE AUTHOR

David C. Saffell is professor of political science at Ohio Northern University. He is the author of *Essentials of American Government: Change and Continuity* (1989), *The Politics of American Government*, fifth edition (1983), and *State Politics* (1984); editor of *Readings in American Government: The State of the Union* (1991), *Watergate: Its Effects on the American Political System* (1974), and *American Government: Reform in the Post-Watergate Era* (1976); and coeditor of *Readings in State and Local Government: Problems and Prospects* (1994) and *Subnational Politics: Readings in State and Local Government* (1982). Professor Saffell has been teaching state and local government to undergraduate students for the past twenty-seven years.

PREFACE

As in previous editions, *State and Local Government*, fifth edition, examines the structure and operation of state and local government in a concise but thorough way. My hope is that by its reduced cost and size, this book will offer an alternative to the larger texts available, allowing instructors increased flexibility to assign other readings. While the main focus is on political parties, interest groups, legislatures, courts, and executive officials at the state level, their counterparts in cities also are discussed and evaluated. The book concludes with an examination of a variety of policy areas—education, welfare, housing, environmental protection. In each chapter the reader is reminded of the impact of political culture, tradition, levels of economic development, and the effects of political forces on government structure and policymaking.

The preface to the fourth edition of this book noted the resurgence of state government in the 1980s and the lead in political activism taken by states and cities in the face of cutbacks in federal domestic policy initiatives. States and localities have entered the 1990s in severe financial distress. The combination of reduced federal aid, an economic recession, and continued federal and state mandates has caused many states and cities to cut programs, lay off employees, and raise taxes. Unlike the U.S. government, all states (except Vermont) and all cities must balance their budgets each year. So long as the economy was going well, states were able to adjust to federal cuts in the 1980s, adding new programs and even cutting taxes. More recently, gloom and caution have overtaken most states and resurgence has turned to distress. Still, procedural and structural reforms of the 1970s and 1980s in state legislative, executive, and judicial branches remain in effect; and with cuts in federal aid and a very limited domestic agenda by the Bush administration, innovation in most domestic policy areas will continue to come from states and localities. Problems such as AIDS, homelessness, crime, and racial conflict must be faced daily by cities, and their governments are devising new approaches even as they face cuts in money and personnel.

Material has been added in this edition on the following subjects: the 1990 census, the financial crunch of the early 1990s, Bush's federalism proposals, city-state relations and mandates, politics in Chicago, the 1992 riots in Los Angeles, power of interest groups, voter registration, 1990 election campaigns, 1992 legislative redistricting, changing role of legislative leaders, women governors, veto power, role

of city managers, privatization, Supreme Court decisions in civil rights and civil liberties cases, crime and prison statistics, criminal sentencing policy, state financial problems in the 1990s, Medicaid costs, Bush's education proposals, 1991 transportation legislation, annexation of land by cities in the 1980s, and the 1990 Clean Air Act.

A short reading is included in each chapter. These readings are current case studies in state and local government that seek to make the reader more aware of connections between academic interpretation and the "real world" of grassroots government. Each is new to this edition. Key words in the text appear in **boldface type** and are defined at the end of each chapter. Other important terms are given in *italic type* in the text.

The revision of this book was greatly helped by the insights of those who critiqued the fourth edition and those who reviewed this manuscript. In that regard I want to thank Bernard D. Kolasa, University of Nebraska; John McGlennon, College of William and Mary; Lou Morton, Mesa State College; Richard K. Scher, The University of Florida; and Randy Watkins, Lansing Community College. While their suggestions were incorporated throughout the book, I, of course, am responsible for any errors of fact or interpretation or omissions of material that should be included in an introductory textbook. Once again I want to thank Barbara Roberts for her help in preparing the manuscript.

David C. Saffell

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CHAPTER 1

THE SETTING OF STATE AND LOCAL GOVERNMENT

STATE VITALITY

During this century, the role of the federal government in public policymaking has expanded to a degree unimagined in earlier times. In fact, today the federal government can act on virtually any policy issue affecting our lives.¹ In those areas where Washington has refrained from action—for example, domestic relations, property, and contracts—the absence of legislation has been a matter of federal restraint rather than lack of constitutional authority.

The states dominated American government in the nineteenth century and the first decade of this century. However, several events in the first half of this century relegated the states to a position of secondary importance. Ratification of the Sixteenth Amendment (relating to income tax) in 1913 gave the federal government much greater ability to raise money and to centralize policymaking. The Depression showed the weaknesses of the states in responding to the nation's economic problems and led to greater focus on the president as the center of government. World War II further strengthened the authority of the president and the centralization of power in Washington.

State reform has been taking place since the early twentieth century, but the negative image of corrupt and incompetent state government persisted (and with good reason) into the early 1960s.² Since the mid-1960s, about forty states have ratified new constitutions or made significant changes in existing ones. Governors' terms have been lengthened and their powers increased. Legislatures have become more professional and more representative of urban interests, their rate of membership turnover has been lower, and nearly all meet in annual sessions. Court systems have been unified, and intermediate appellate courts have been added in many states. State bureaucrats are more professional, and the number of state employees under some form of merit system has increased from 50 percent in 1960 to nearly 80 percent. An increase in party competition in the states, coupled with legislative- and executive-branch changes, has led to more innovative policy. In addition, federal cuts in aid have caused local governments to look more to the states for financial help. Since 1980, states have shown a new creativity in several policy areas, including education, corrections, and hazardous waste disposal.

This resurgence of the states was well under way when Ronald Reagan was elected president in 1980. Reagan believed that the federal government had done too much and that more responsibility for policymaking should be turned over to the states. In addition, federal categorical grants-in-aid (see Chapter 2) were criticized by congressional conservatives and by state and local officials for their red tape and insensitivity to local problems. The timing of Reagan's changes in policy and philosophy thus caught the states at a point at which they were the most capable of assuming new policymaking responsibilities. Unfortunately, the states also found themselves without some of the financial assistance they had come to expect from the national government. As noted in the Preface, by 1990 states and localities faced severe financial pressures brought on by the recession and cuts in federal funds. A majority of states raised taxes in 1991, spending was cut, and employees were furloughed or fired. Thus, while states are doing more because of federal retrenchment policy, they are doing it with less money.

Only a few domestic functions—control of natural resources, management of the postal service, space research, and air and water transportation—are predominantly the responsibility of the federal government. In most of those policy areas where responsibility is shared among federal, state, and local governments, the federal financial share was reduced in the 1980s. The share of total state and local spending paid for by Washington declined from 25 percent in the late 1970s to 17 percent in the early 1990s. In comparison, the list of state responsibilities is long.

- *Education:* State and local governments administer public schools and colleges. The federal share of school expenditures rose from about 4.5 percent in 1960 to 9 percent in 1980. Under the Reagan and Bush administrations, it declined to about 6 percent by 1991.
- *Transportation:* Highway routes and construction are largely determined by state and local governments. Federal grants make up about 30 percent of all highway and mass transit expenditures. Federal aid to mass transit was cut from \$4.6 billion in 1981 to \$3.2 billion in 1991.
- *Welfare:* The states legislate welfare benefits paid to recipients and determine rules of eligibility. They also maintain homes for the aged, orphans, and the mentally ill. The federal government contributes about 55 percent of costs of Aid to Families with Dependent Children (AFDC), the major nonmedical welfare program. Eligibility standards for AFDC were tightened in the 1980s, reducing the number of recipients about 8 percent by the mid-1980s.
- *Criminal justice:* In an overwhelming number of cases, criminal defendants are tried in state rather than federal courts. Nearly 95 percent of all persons in the United States engaged in law enforcement are employed by state and local governments. New York City has nearly as many law enforcement agents as do all the federal agencies. More than 90 percent of all prisoners are held in state prisons and jails. Spending on corrections nearly doubled in the 1980s, with the federal share about 5 percent.
- *Commercial regulation:* Most regulation of industry, banking, and utilities is performed by the states.
- *Health:* States, cities, and counties run hospitals (New York City operates twenty-two hospitals) and they subsidize private hospitals. Their health departments inspect and license various types of businesses. Public health programs try to prevent disease and their nurses visit the elderly. The fastest-growing state expense is Medicaid (medical benefits to low-income persons); the federal share of costs is 56 percent.

State and local governments now provide many services that previously were provided by private agencies or were not provided at all. The growth of technology in communications and transportation has led to state regulation of such industries as electric power and trucking. Government services also have increased greatly as a higher percentage of our population has become urbanized. City residents require a host of services (health, police, sanitation) that were much less necessary when most of the population lived in rural areas. In addition, the concentration of large numbers of poor people in urban areas has contributed to the growth in public services. Since the Great Depression of the 1930s, public support of the poor (including racial and ethnic minorities) has expanded greatly.

In 1989, the states employed 4.2 million full-time workers, local governments employed 10.2 million, and the federal government employed 3.1 million (excluding military personnel). Thus over 80 percent of all public employees work for state

Why It Is Important to Teach State and Local Government

It is important to remember that during the Constitutional Convention there was never a question as to whether or not there would be states, but only if there was to be a national government. The balance of power between state and national governments may not be as much of a balance anymore, with the latter's power for all practical purposes unrestricted, but there remain important reasons for familiarizing our students with state and local governments.

It is at the subnational level that most people have contact with government. Most local services are people-related; the closeness of city hall and the ease of a local telephone call allow individuals the opportunity to observe government in action or to otherwise readily express their opinion on issues of direct interest to them. I often ask my students to imagine the three levels of government ceasing to exist as they arise one morning, and it is easy to see that the services first missed are local (water and sewage, traffic control, etc.). The most direct and intimate contact most people have with the national government is when they fill out their federal tax forms. Further, state and local governments offer even the introductory student the opportunity to conduct field work, to observe a city council or planning commission meeting, to interview a state or local director of finance. Such experiences can be extremely educational.

Both state and local governments have, on the whole, greatly modernized themselves over the past three decades. Many state legislatures are full time, governors' staffs have been expanded,

and civil service requirements have upgraded the educational background of executive agencies at all staff levels. Local governments have full-time chief executives with professional staffs. The once corruptible county assessor has been replaced in many localities by systems analysts who use computer programs to reassess properties. We should no longer fear that an understanding of, or contact with, these governments will in some way warp our students' perspectives about politics and government.

Furthermore, some of the most challenging policy problems and issues are being confronted at the state and local level. Efforts to improve our educational system, to deal with the problems of the homeless, to combat drug use, to determine and provide an adequate level of service while staying within a balanced budget—the front line is at the subnational level. One of the most controversial issues of all, whether or not to take someone's life for the commission of a crime, has been left to states to decide on an individual basis.

Finally, students who wish to get involved with government, whether in a campaign, internship or career, will have a much better chance of meaningful participation if they have been taught the particular workings of state and local governments. A meaningful inclusion of these topics in an introductory course thus provides not only additional insight into the general functioning of politics and government, it also better prepares the student to exercise his or her citizenship.

SOURCE: Bruce Wallin, "State and Local Governments Are American, Too," *Political Science Teacher*, Fall 1988, p. 3. Reprinted by permission.

and local governments. Total public sector employment increased slightly in the 1980s, with small gains at each level of government to reach all-time highs at each level by 1989. This stands in contrast to dramatic increases at the state and local levels in the 1970s. For example, state employment increased by about 33 percent in the 1970s but by only 6 percent in 1980–1988.

The states make significant monetary contributions to local governments—totaling \$149 billion in 1988, up from \$99 billion in 1983.³ These payments represent about 35 percent of all state expenditures. There has been a virtually uninterrupted growth in state aid to localities in this century. This growth in state aid has been made possible by the changing nature of state tax systems, including the use of sales and income taxes. State aid also increased in the 1980s because the Reagan administration did away with a move that began in the 1960s to bypass the states and have federal grants go directly to the cities. By consolidating many categorical grants into block grants and giving the block grants to the states, the federal government has given the states new authority and control over federal funds. (These grants are explained in Chapter 2.)

The shift of responsibility to the states has increased concern about state **mandates** to local governments. Mandates arise from statutes, court decisions, and administrative orders that demand action from a “subordinate” government. The number and cost of state mandates have increased substantially, and local officials have become increasingly upset about underfunded mandates. A key issue involves guidelines from the states regarding such matters as how to deal with the environment and public employees. Just as federal mandates put pressure on states, state mandates put financial pressure on cities and counties and they call into question the matter of local self-government.

Current state vitality is part of a long history of innovative policymaking by state governments. Wisconsin serves as a classic example: In 1900–1914, that state initiated the direct primary, civil service regulations, a state income tax, conservation laws, and a variety of state regulatory commissions. More recently, New York has pioneered with water-pollution controls and antidiscrimination legislation far in advance of federal regulation. Minnesota state regulations continue to outdistance federal environmental protection laws, particularly in regard to waste material from nuclear power plants. California has been an innovator in community mental health treatment, air-pollution controls, and the development of community colleges.

Much more so than federal government policy, what states and localities do directly affects everyday life. Not only do they have the major responsibility for education, crime, AIDS and other health problems, and welfare administration, these governments also determine public university tuition charges, the price of subway fares, where and when we can purchase alcoholic beverages, whether soda bottles are returnable, and how much we pay for electricity. Most of these issues, even those that may appear trivial, generate strong political reactions from groups that have economic or ideological interests in public policy outcomes.

Political activity within the states is another indication of vitality. The activities of political parties and the management of campaigns and elections occur mainly in state and local settings. All elected public officials, except the president, are selected by voters within the states. Political parties have their organizational base in the

states, with their power lodged most firmly in county committees and city organizations. Many members of the U.S. Congress initially held state or local office. Once elected, many senators and representatives devote much of their time (and the time of their staff members) to “casework”—that is, representing the interests of their local constituents in dealing with federal agencies. In election campaigns they often focus their attention on local issues. In electing a multitude of state and local officials (plus participating in federal elections) and in deciding special ballot issues, such as higher tax rates for schools, voters experience a nearly continuous process of campaigns and elections. By holding the first presidential primary, New Hampshire exerts a disproportionate influence on national politics.

STATE POLICYMAKING AND ECONOMIC DEVELOPMENT

Public policymaking is affected by a variety of factors operating outside the formal structure of state and local governments. A state’s economic characteristics—including levels of urbanization, personal income, and education—influence political decision making as well as the nature of political participation and party competition.⁴

One example of the effects of economic factors on policymaking is in funding for education. Wealthy, urbanized states, such as Massachusetts, New Jersey, and New York, spend considerably more per capita on education than do less prosperous states. While wealthy states can obviously afford to spend more money per capita on social services than can poor states, their willingness to spend should be differentiated from their ability to spend. Thus in education, some relatively poor states, such as Maine and Vermont, make a stronger effort to assist their schools than do some rich states (i.e., their educational spending as a proportion of personal income is greater than that of wealthier states). Yet poor states, particularly in the South, are still unable to match the per pupil expenditure of wealthier states, such as Ohio and Connecticut, where the tax effort (or burden) is significantly less. The term *tax burden* refers to taxes as a percentage of personal income; it expresses a relation between total taxes and total income in a state. The tax burden is low in Connecticut because personal income is high while tax rates are relatively low.

The willingness to spend money is often tied to such political factors as the role of political parties, the influence of public opinion, and the leadership of the governor. These political factors operate at the margins of decision making and help to explain why differences in spending levels exist among rich states and why some poor states make substantially greater efforts than other poor states.⁵ As we will see later in this chapter, willingness to spend money is also related to political culture and state tradition.

As far as political participation is concerned, party competition is usually stronger in the more wealthy, urbanized states, and voter turnout tends to be higher in those states as well. A few interest groups are more likely to dominate government in poor states, such as Maine, while in wealthier states a variety of interest groups tend to balance one another. The economically well-developed