Welcome to State and Local Government  
POLS 353   
Spring 2016

Please silence your cell phones!

Welcome!

About Me

Introductions

Website: Home Page

About Arkansas, State and Local Government

Syllabus and schedule

For You and About You

Pre-test (Don’t Panic!)

Syllabus/Contract/Grade release form

Text/Reading for next class

Cards

Social Contract

What’s Interesting in State and Local Government?

* Did you get my e-mail? <http://www.governing.com/topics/politics/gov-2016-legislative-issues-to-watch.html#.VpCdiMBkN-g.mailto>
* Health Care – esp. Exchanges and Medicaid Expansion
* God, Gays, Guns and the Supremes
* The Jersey Way…
* Energy costs – Is $1.60/gal gas normal? Is it good?
  + (Just last year this question was about $3/gal gas!)
* Money and Employment: Are we recovering?
* Education - again… plus higher education
* Environmental Issues
* The Red Tide – single party control in many states
* How will the new “new” Speaker treat the states and locals? My guess: Not so good.
* Governors want to move up the career ladder

What’s Interesting in Arkansas State and White County/Searcy Local Government?

Arkansas:

* Arkansas:
  + It is session time! Didn’t we just have one?
  + We now annual sessions.
  + This one is theoretically just a fiscal session. We’ll see about that!
  + Medicaid expansion; late start – April; Can the Republicans ‘govern’?
  + Did you know that former Governor Beebe and retiring State Supreme Court Justice Hanna are both from the political powerhouse of Searcy?
* Searcy
  + The new-ish Mayor, David Morris, was once the County Judge! He and the Council are working on the budget for next year.
* White County
  + Mike Lincoln is still the County Judge.
  + Natural Gas Drilling may have long-term implications. Surprise!

Why Should I Care?  
What Have State and Local Governments Done for Me Lately?

(and the Reader’s Digest Condensed Version of Federalism)

Why Should I Care?

Do you have a:

Wallet

Child

Gun

Car

Sink and a Toilet

Stomach and Lungs?

Do you like to:

Feel safe

Get the correct change back at McDonald’s

Drive to Little Rock

Hunt or Fish

Breath relatively clean air, drink clean water

Be a part of the educated citizenry necessary for a democratic system of governance?

Then You Should Care About Your Government

And be willing to pay for it…

What Do Municipalities Do?

Police

Fire

Sanitation

Code Enforcement

Construction and Building codes

Planning and Zoning

Traffic Control

Parks and Recreation

Utilities

Public Hospitals

Public Libraries

Economic Development

Education

What Do Counties Do?

Law Enforcement

Tax Assessment

Tax Collection

Coroner

Surveyor

County Roads

Zoning

Public Health

Education

What Does Your State Government Actually Do?

Welfare

Family Assistance (55% federal funds)

Medicaid

Transportation (30% fed)

Criminal Justice

95% of all employees are state and local; 90% of all prisoners

Health

Restaurant inspection

Health Departments

Public Health

Regulation

Insurance, Physicians, Banks, Elevators, Utilities

Boards and Commissions

Education

Teacher Certification

K-12 curriculum and text selection

Higher Education

Vocational/Continuing Education

Funding, Funding , Funding

But wait, there’s more!

It slices, it dices, it has taxing and rulemaking authority! What is it?

A Special District!

Planning Commissions

Waste management districts

Improvement districts; Downtown development authorities

Empowerment zones

Water Management Districts

Interstate and trans-regional groups:

River basins

COGS – Council of Governments

Regional Planning Commissions

The most common special district:

School districts

These things are like tribbles!

How Do Governments Relate?

Confederation

A loose organization of independent states in which the central unit of government cannot act upon individuals and which cannot effectively compel its member states to action

Nationally, we don’t use this one – we fought a war over that…

However, some regional special districts fit his model

Federal System

A system in which a national government shares power with the state and regional governments AND in which supremacy rests with the national government

The states and the US national government operate in a federal system

Unitary Nation-State

A system in which states or regional governments can exercise only those powers given them by the central unit of government

Common in Europe

Some cities in the US still relate to states in a unitary model

How Do Governments Relate?

Federal System

Marriage

Unitary Nation State

Children

Confederation

Club

Power and Money

In governmental relations, as in many relationships, two intertwined things are key:

1) Telling other people what to do!

The Distribution of Power and Responsibility

2) Money – getting it, keeping it and sharing it

The Distribution of Scarce Resources

Power and Money are two great ways to track the changes in federal/state relations

Follow the Cases

Power: The ability to make others do what you want them to do.

McCullough v Maryland (1819)

The Second National Bank and the state of Maryland

Two elements:

The Supremacy Clause

* Article 6, Clause 2

(Judicial Review of STATE activities)

The Court has overturned 1100 state laws; only 200 federal laws

the “Necessary and Proper” clause

Article 1, Section 8, Clause 18

(A handy-dandy expansion of federal powers)

Said that the Necessary and Proper Clause (Article 1, Section 8, Clause 18) gave Congress the flexibility to create a National Bank as an aid to carrying out its enumerated borrowing and taxing powers and that Maryland's taxation of the bank violated the Supremacy Clause (Article 6, Clause 2)

Laid the groundwork for a significantly more significant federal government!

Answered a pivotal question about who would be the “most equal”

This is especially important in terms of both the size and scope of the federal government and in terms of the balance of powers

One More for the Road (or the bay)

Gibbons vs. Ogden (1824)

* established that the power to regulate interstate commerce was an exclusive national power
* forbade states from enacting any legislation that would interfere with Congress's right to regulate commerce among the separate states.

I’m not as think as you drunk I am… **Figure 3-11 Legal Drinking Age: 1975**

Source: U.S. Department of Transportation, National Highway Traffic Safety Administration, Alcohol and Highway Safety Laws: A National Overview (Washington, DC: 1979).

One More for the Road, but only if you are 21…

South Dakota vs. Dole (1987)

Though Congress cannot set a federal drinking age,

(the 21st amendment basically returns the regulation of alcohol to the states)

They can tie the availability of grants in aid to a particular behavior, like raising the drinking age!

This is the classic purse-strings/apron strings combo!

Follow the Money

She who holds the gold makes the rules…

The Money Trail Begins

1837 – first federal money (not land) grants from surplus funds

Went to the states with no strings attached! Ahh, the good ‘ole days…

1862 – the Morrill Act – land grants for Agricultural colleges

Required annual reports and accounting of the use of federal funds

The Federalist Dessert Tray

The Cupcake Model (ante-bellum)

Confederate system with compacts and nullification

The Layer Cake Model (Civil War to 1937)

***Dual Federalism***

Fixed, separate responsibilities: State jobs; Federal jobs

The Marble Cake Model (1937 to 1960’s)

***Cooperative Federalism***

Intermingled responsibilities

Overlap in policy arenas

The New Deal

From 1952 to 1961 the federal aid budget **tripled** to $7.3 billion

Next up:

How many types of fiscal federalism are there?

Do you have more than one Constitution?

For Thursday

Chapter 1 in the Government in Arkansas text

Chapter One, pages 25-39, and 67-72 plus Chapter Two, pages 43-54 in State and Local Government (Saffell)