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States and Cities in Power Struggle Over Local Laws.

States are stepping up a push to rein in the power of local governments to make laws.

Politicians in Florida, Texas and Pennsylvania are backing broad-based approaches to block city ordinances, rather than fighting cities on specific issues like minimum-wage rules. Arizona passed such a law last year that is currently being tested in the courts.

Proponents say these wide-ranging bills are a way to get ahead of a flurry of local actions around the country, such as a plastic-bag levy in New York City, a paid sick-leave requirement in Philadelphia and ride-sharing regulations affecting companies such as Uber.

These municipal-level measures create a regulatory patchwork that can make it costlier to do business, hampering growth, according to state lawmakers seeking to override them.

But many mayors say the lawmakers, usually Republicans, are simply waging an ever-more aggressive campaign to override local control of cities.

"We're elected by the people," said Carol McCormack, mayor of Palm Shores, Fla., a town of roughly 1,100 people, and president of the Florida League of Mayors. "Our residents expect us to create a safe and healthy environment for us to live in."

Republican Florida state Rep. Randy Fine, who proposed a broad-based law earlier this year, argues that the state is the nexus of government in Florida. Mr. Fine said he isn't targeting any specific issue with his bill, which would pre-empt and prohibit local business regulations that aren't authorized by state law.

"We're simply trying to rein in some of that regulatory abuse," said Mr. Fine. "We end up spending a lot of time in the legislature dealing with these one-off issues."

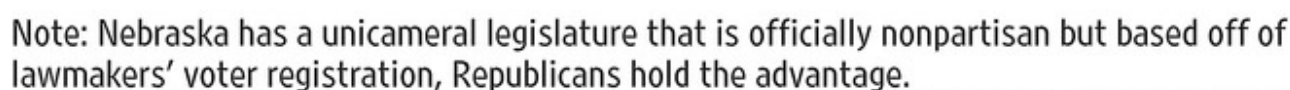
At its core, the debate—which stretches back to the 19th century—revolves around whether states or cities ultimately control local governance. Legal experts say that while each situation is different, generally cities in most states can legislate only in the gaps between state laws, and tend to lose when their policies are in direct conflict.

"State supreme courts are very reluctant to set aside state law in favor of local law," said Roderick Hills, a law professor at New York University who studies pre-emption.

The fault lines aren't always political: Lawmakers in New York, which has a Democratic governor and Democratic-led House, passed a bill in February to halt a planned five-cent fee on plastic shopping bags in New York City, which has a Democratic mayor.

Republicans significantly outpace Democrats when it comes to single-party control of state governments.

■ Democratic control ■ Republican control



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There is also rising tension between many Democratic-led cities and the Republican Trump administration, which is seeking to withhold funding to cities that protect undocumented immigrants from federal prosecution.

One of the biggest recent pre-emption showdowns took place in North Carolina, where the Republican-led legislature passed a law last year that overrode a Charlotte ordinance and said transgender people must use the public-facility bathrooms associated with their birth sex. State

lawmakers there recently repealed the measure, but with a block on local bathroom regulations until late 2020.

Supporters of state-level pre-emption measures say they are needed to assert states' authority and stop cities from creating uneven regulations that scare off businesses. The states are reacting to increasingly aggressive pushes for local rules, said Ben Wilterdink, director of the commerce, insurance and economic-development task force at the American Legislative Exchange Council, which says it is dedicated to limited government, free markets and federalism.

In Texas, Republican Gov. Greg Abbott said local-level rules can raise costs while restraining growth for businesses and driving up prices for customers.

A number of bills in the Texas legislature aim to override local rules on specific issues. But it would be simpler and easier for businesses if the state adopted "an overriding policy," Mr. Abbott said during a recent address at a Texas Conservative Coalition Research Institute event. He didn't mention any specific bill.

In Pennsylvania, Republican state Rep. Seth Grove said he decided to aim wider with a bill restricting employer mandates in cities after introducing two unsuccessful bills that would pre-empt paid-leave ordinances like the one in Philadelphia.

"Instead of us constantly chasing it, why don't we lock it down and be done with it," he said.

A high-profile battle is playing out in Arizona, where the state's Supreme Court is considering whether state law should displace a Tucson ordinance authorizing city police to destroy firearms obtained in the course of law enforcement.

The case is the first test for a 2016 Arizona law—seen by critics as among the most extreme pre-emption laws in the nation—that requires municipalities to rescind ordinances found in conflict with state law or face the loss of state funding.

"Our purpose is not to punish the city," said Attorney General Mark Brnovich, a Republican. "It's to ensure the cities are in compliance with state law."

Tucson has asked the court to strike down the law, arguing it violates the independence guaranteed to local government by the Arizona Constitution.

If legislators "from other parts of the state get to dictate how their city is run, then those city voters have effectively been disenfranchised," said Tucson Mayor Jonathan Rothschild, a Democrat.

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