

Efficiency With Covid-19: Home vs. Dillon's Rule States

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Abstract

How does a state measure success when dealing with a pandemic like Covid-19? Can Dillon's Rule keep their citizens happy and protected during a pandemic better than Home Rule? When local governments wait for the state to create policies, is this the best option for the state? Data will show a trend that states with a higher preemption rate have kept the death rate lower when dealing with the Covid-19 pandemic.

Introduction

When are citizens the safest in their states; when the local city regulates the rules or ordinances? Are the citizens safer when the corresponding state issues mandates for the cities to follow? With 50 states come 50 different sets of laws from state to state. Dillon's Rule allows cities to make their own policies only as far as the state's allow them. Their powers are specifically delegated to them by state law or implied from expressly granted powers (Richardson et al., 2003). This type of local government authority relies solely on state charters. In contrast, Home Rule states have discretion to modify rules that better suit their citizen's needs.

California and Florida have both experienced similar Covid-19 case rate of 8,900 per 100,000 residents (Lieb, 2021). Both of these states have a different type of state to municipality relationship. Florida is a Home Rule state as California has Dillon's Rule. These interests are for everyone to follow in order to slow down the spread of the Covid-19 pandemic. As Florida is a Home Rule state has allowed local governments to keep businesses and schools open (Lieb, 2021). California has Dillon's Rule and the state mandates business restrictions and school closures (Lieb, 2021).

Does Dillon's Rule keep the citizen's safer and healthier during situations like the Covid-19 pandemic? States as large as California and as small as Rhode Island have been affected

differently by the Covid-19 virus. Are the states that allow cities the most discretion under Home Rule less affected by Covid-19 virus or are the states under Dillon's Rule that have more state preemption more affected by the Covid-19 virus? Conversely, do Dillon's Rule or Home Rule states have the lowest unemployment rate? I attempt to answer whether Home Rule or Dillon's Rule states better addressed the challenges of the Covid-19 pandemic.

Literature Review

In 1869, Justice John Dillon spelled out the terms of a cooperative state system (Russell & Bostrom, 2016). During this time, Dillon did not see the local government as equal or separate from the state, but rather the city as a division of the state (Russell & Bostrom, 2016). This type of rule was created because of a weak and once corrupt municipalities (Richardson, et al., 2003).

Dillon's Rule is the basic level of local government administration. This framework of rules and regulations of municipal power are set forth by the state (Russell & Bostrom, 2016). Under Dillon's Rule, cities are only allowed to govern within narrow boundaries set by the state. Home rule allows more local control (Turnbull & Geon, 2006). Dillon's Rule state have more laws because of the belief that lawmaking is best handled at the state level (Treskon & Docter, 2020). When a Dillon's Rule state creates mandates for all local governments, the citizens tend to accept and adhere to the Covid-19 laws by the lower covid-19 death rate. The Dillon's Rule states seem to follow the trend of being more liberal and Democratic (Pollock, 2021). The data collected showed that more democratic states were willing to follow more state preemption versus states that follow Home Rule (Pollock,2021).

Arguments for Dillon's Rule

Legislators usually test out new powers in certain cities to see if those powers are successful or not. If the powers are successful, the legislator may grant the powers to the rest of

the cities within the state (Richardson, et al., 2003). This could be a challenge when the state picks certain cities as not all cities are of the same population or capacity. State-level control can ensure a greater uniformity which can lead to a more successful economic growth by ensuring all businesses licenses and methods of taxations are consistent throughout the state (Richardson, et al., 2003). This consistency can ensure cooperation among the cities to grow by having one sales tax for the entire state or not having a state tax at all.

State legislators feel that Dillon's Rule creates efficient and fair governance (Richardson, et al., 2003). By having one rule for the entire state, this is the most compelling argument for having a Dillon's Rule state. It allows the entire state to work towards the same goal by having everyone on the same page and by having the same mandates across all cities. Some believe that Dillon's Rule states could benefit the local government officials by allowing this rule as an excuse to not to do things the public may want (Richardson, et al., 2003). The opposite can occur when the state wants to raise the citizens taxes that the citizen's do not want in the form of gas or road taxes.

The states possess more technical expertise while operating at an appropriate level for policymaking than do local governments (Richardson, et al., 2003). The people at the state level have more knowledge and finances to do extensive research and have more expert lawmakers at hand. Dillon's Rule provides certainty to all the local governments in the state. If the state's power is denied, the litigation from the local government will be kept to a minimum in legislative affairs (Richardson, et al., 2003). These lawmakers are highly knowledgeable and may have many years of expertise versus the ever-changing Home Rule elected local officials.

Arguments for Home Rule

Local citizens can influence government policies by electing their local officials. These elected officials could consolidate or reorganize their public institutions without having to obtain the permission from the state (Richardson, et al., 2003). An example of one institution could be a fire hall or a local police station that is funded mostly by their city. Not all cities are the same and have different needs. Home Rule allows local citizens to solve their problems that best fit their cities (Richardson, et al., 2003). Home Rule reduces the amount of time that a state legislature devotes to the local affair and allows more time to address major concerns. Scholars estimate as much as 20 to 25 percent is dealt on local bills (Richardson, et al., 2003).

Finances are more easily controlled at the local level for public expenditures and taxation. (Richardson, et al., 2003). This allows the local levels to add or remove costs to fund infrastructure repairs. Local officials exercise greater autonomy on a day-by-day basis when running the locality. This avoids the need for pre-approval by state legislature for authorizing a city-wide sales tax. Under Home Rule state officials do not second guess the local officials (Richardson, et al., 2003). This type of system reduces the courts interference in local policymaking and administration (Richardson, et al., 2003). The state only steps in when they are requested or the local authority overreaches on a policy.

Arguments against Dillon's Rule

Dillon's Rule limits or restricts local officials and prevents them from quickly reacting to unique local problems (Richardson, et al., 2003). Any problem will have to affect the entire state to get a response from the state legislature. Dillon's Rule limits the local governments from going past the status quo in delivering services in a timely manner, while forcing a uniform mediocrity (Richardson, et al., 2003). Not every mandate will be effective for every town within a state while that mandate will work for others. Dillon's Rule forces the local government

officials to trek to their state's capital to beseech state legislators for more authority (Richardson, et al., 2003). This can be a struggle for a smaller town that have limited resources. State Legislatures often impose unfunded mandates on local governments (Richardson, et al., 2003). These mandates require local governments to implement certain service but fail to provide a revenue stream to fund or offset those services. The most used reason against Dillon's Rule is the one size fits all does not fit all local governments (Richardson, et al., 2003).

Arguments Against Home Rule

Cities in Home Rule states may enable corruption. Local officials can favor political friends and disfavor political enemies (Richardson, et al., 2003). Instead of using the most qualified contractor for the job, a local official could use their influence by using a business owned by a well-connected company. Home Rule leads to a lack of uniformity of services among units of government. Actions that are permitted in one area while prohibited in another (Richardson, et al., 2003). Home Rule states allow cities the authority to control their finances. This undercuts the revenue base of the state governments and could leave communities unable to solve their own problems (Richardson, et al., 2003).

This has been the problem with the Covid-19 pandemic. Most states have been allowed to set Covid-19 related policies intending to flatten the curve of the pandemic (Treskon & Doctor, 2020). The state adopts these rules so the majority will be safe, yet cities across the United States all have very different ways to address the needs of their citizens.

Hypothesis

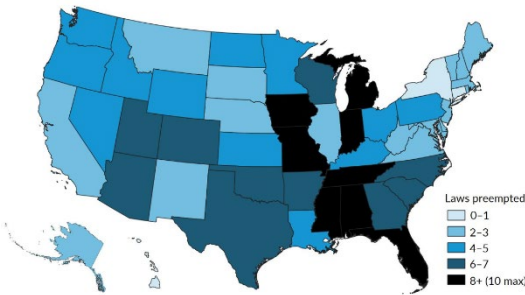
I hypothesis that Dillon's Rule states will have a lower death count and a higher unemployment rate. These states solely rely on the guidance from the state legislature unlike the Home Rule states. Home Rule states contemplated certain limitations on state authority over

local government (Richardson, et al., 2003). Conversely, I hypothesis states with Home Rule, the data will show lower unemployment and higher Covid-19 Case rates.

Method and Analysis

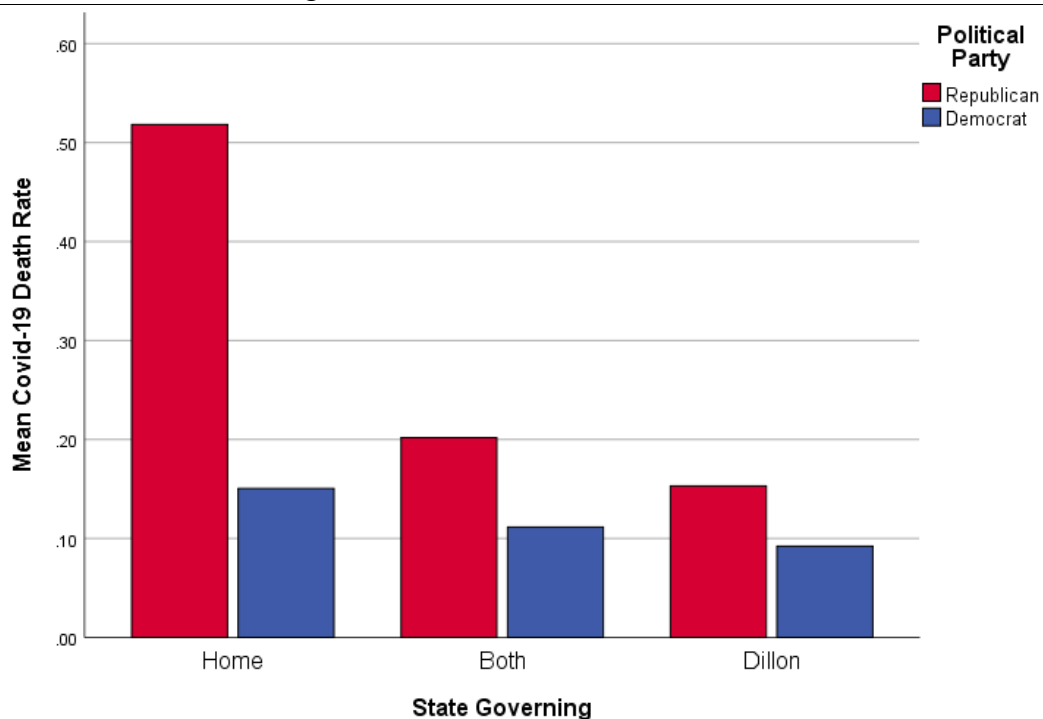
I used the data that was collected by Philip Pollock for *The Essentials of Political Analysis* (IBM SPSS Statistics program). This data is relevant on how states voted: Republican or Democratic. With data that is included with the Red or Blue states, it will show a pattern of how well these states take care of their citizens. The Urban Institute has data on how many preemption policies they are per state (Treskon & Doctor, 2020). The Kaiser Family Foundation (KFF) is where I accessed data on how many Covid-19 cases and Covid-19 deaths there are per state. This allows me to test the dependent variables against the independent variable Dillon's Rule. The Obama 2012 independent variable in the SPSS program shows which states are Democratic or Republican, along with the unemployment rate dependent variable, with the Dillon Rule as the independent variable. Another test conducted by the city type (Dillon's, Home, and Both) as the dependent variable and the Covid-19 death rate will show what rule has the higher death count. My hypothesis is Dillon's rule states will have a higher death rate and a higher unemployment rate. I also hypothesis that citizens will resist polices in the states that have a higher preemption rate and will not follow those policies. Home rule states will keep their citizens safer and have a lower death rate than those of Dillon's rule.

Research published by the Urban Institute by Teskon and Docter, has an image that shows all 50 states and how many state pre-emptions they impose on local governments.



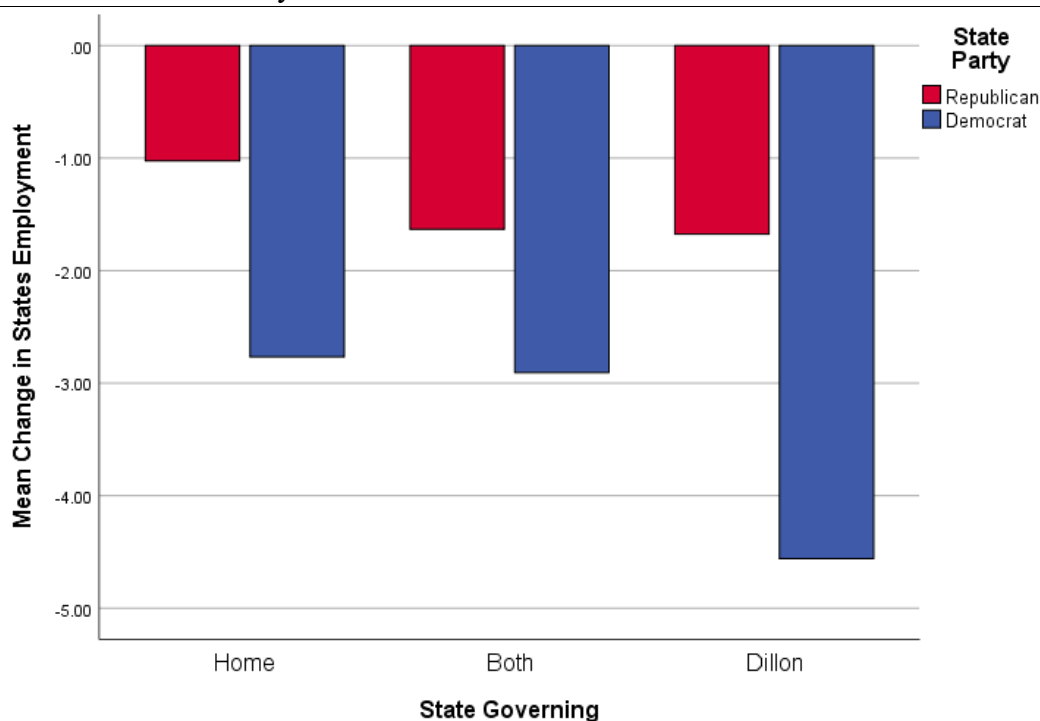
California has a 2-3 state preemption policy data that I acquired from an article published in the Urban Institute by Mark Teskon and Benjamin Doctor. This image shows all 50 states and how many of those states have enacted any of the 12 policies. California has 2-3 of the shared preemptions, that range from minimum wage, paid sick leave, sanctuary city protection to name a few of the policies (Treskon & Docter, 2020). California was one of the first states to shutdown businesses (Rainey & Karlamangla, 2020) and limit indoor dining and even closed the famous Disneyland (Lieb, 2021).

Graph 1.1
Mean Covid-19 Death Rate
Based on State Governing



The data in Graph 1.1 shows the Dillon's rule states have a much lower Covid-19 death rate than those of Home rule states. Dillon's rule states have more authority and control over local governments. This forced all citizens in these states to follow one policy that all cities adopt. Home Rule allows the cities to adopt their own policies which may have led to a larger number of hot spots to arise before action was taken at the local level. Perhaps local cities do not want to shut down any businesses or limit any of their citizens' rights until the threat to the public is more pronounced. Graph also shows that the higher death rates occurred in Republican states that are Home Rule.

Graph 1.2
 Mean Unemployment Rate of States
 Based on Political Party



Graph 1.2 shows that Dillon's Rule states have the highest increase in the unemployment rate than those that fall under Home Rule. When the pandemic first started, the Dillon's rule state shutdown at a faster rate than those of Home rule (Lieb, 2021). These states followed the science that was being explained by doctors and followed their guidance better than Home rule states. When Dillon's rule state mandated mask wearing, most citizens were willing to follow their state governance. It is interesting to see that Republican states have the lowest unemployment rate but some of the highest death rate. The data shows the states with the higher state preemption also have the highest increase in the unemployment rate. This is a good because the states keep the death rate down by mandating work from home or unemployment.

Table 1.1

Increase in Unemployment Rate

Based on Municipal Sovereignty Policy

		Home	Both	Dillon		
Increase in Unemployment Rates	Low	Count	5	9	3	17
			50.0%	29.0%	33.3%	34.0%
	Middle	Count	2	14	2	18
			20.0%	45.2%	22.2%	36.0%
	High	Count	3	8	4	15
			30.0%	25.8%	44.4%	30.0%
Total	Count	10	31	9	50	
		100.0%	100.0%	100.0%	100.0%	

Chi Square = 3.695, sig = .449

Lambda = .156, sig = .157

Cramers'v = .192, sig = .449

The crosstabs data in Graph 1.1 is compiled between 50 states and the unemployment rate did not show a strong significance. This data shows that both rules do not have a strong correlation between state governance and unemployment rates. No matter if a state shutdown their businesses early on in the pandemic or wanted longer, this data does not prove that state governance or local governance have a large effect on the states job loss. The percentages show that there is a trend from the low increase from Home to Dillon's Rule goes down, while the high percentages from Home to Dillon's Rule goes up.

Table 1.2
Covid-19 Death Rates
Based on State Municipal Sovereignty Policy

			Home	Both	Dillon	
Covid-19 Death Rate	Low	Count	3	12	2	17
			30.0%	38.7%	22.2%	34.0%
	Med	Count	2	10	4	16
			20.0%	32.3%	44.4%	32.0%
	High	Count	5	9	3	17
			50.0%	29.0%	33.3%	34.0%
Total		Count	10	31	9	50
			100.0%	100.0%	100.0%	100.0%

Chi Square = 2.842, sig .648

Lambda = .121, sig = .279

Cramers'v = .158, sig = .648

The crosstab data in Graph 2.2 had a slightly higher death rate due to Covid-19 than the unemployment rate from Graph 1.1. The data shows there is a slight correlation to states and the elevated death rate, but not a significant one. A Democratic state like California and a Republican state like Florida have roughly the same death case rate of 8,900 per 100,000 residents (Lieb, 2021). This data does not prove that more state preemption is better, but it shows that states that are Democratic and Dillon's rule have a lower rate of Covid-19 death rate among the 50 states. The percentages show a trend from high Covid-19 Death rate from Home Rule states are slightly higher number of cases than those in Dillon's Rule state.

Conclusion

The data that I have collected through articles and the IBM SPSS Statistics program, has proven my hypothesis to be partially incorrect. States that are under Dillon's Rule have a higher preemption rate have a lower death rate with the Covid-19 pandemic. Dillon's Rule has shown a lower death rate, but a higher unemployment rate due to Covid-19. I hypothesized that Home

Rule States have a better handle on the pandemic because the local governments would know what best for their citizens. The data shows that one policy mandated from the state had a better handle on the pandemic in Dillon's rule states versus the Home rule states.

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