

Greater Fiscal Autonomy: A tilt toward local fiscal autonomy, proposed in the 1953 AMA proposal and highlighted in ACIR's studies, has come to fruition in recent amendments to several state constitutions concerning the proliferation of state mandates. The 1975 California provision requires the state to reimburse local governments if any new program or higher level of service cost is mandated.¹³² Taken in the context of the taxpayer rebellion of the 1970s, the provision's primary objective is to guard against a potential "smoke and mirrors" device that would enable the state legislature to evade tax and spending limits by shifting costs to local governments. Nevertheless, an arguably unintended consequence of the reform creates a protected sphere of local fiscal autonomy. For example, the Missouri Constitution requires not only that the state fund "any new activity or service or any increase in the level of any activity or service beyond that required by existing law" but also that "the state cannot reduce the state financial proportion of the costs of any existing activity or service required of . . . political subdivisions."¹³³ The Missouri language thus substantially affects two common dogmas of state constitutional law; namely, that the state possesses virtually untrammelled power to impose duties and obligations on local governments; and that state funding of existing programs is a matter of legislative grace.

CONCLUSION

As local government has developed and become more important to the states, which saw their responsibilities balloon in the twentieth century, the states have integrated local government into the complex provision of services to their citizens. To do this, the constitutional relationship between the state and its localities has undergone significant change. These changes included the following:

- the 1875 Missouri constitutional provision that broadly empowered one city, St. Louis, but created no meaningful barrier to state legislative interference with municipal matters;
- California's constitutional revision, on citizen initiative, to bar state legislative meddling with municipal affairs;
- New York's bill of rights on local governments;
- the American Municipal Association's model state constitution making the state legislature the ultimate arbiter of the scope of home rule;
- the Illinois Constitution marking the reemergence of complex rules for outlining the relationship between state and local government; and
- the New Jersey statutory home rule approach.

In appraising these alternative approaches to state-local relations, state constitution makers should bear in mind the following considerations:

1. The Role of Citizen Choice

State constitutions teach concern not only for the role of institutional actors but also for citizen choice. An exclusive focus on entrenching rules relating to the roles of state and local institutions may divert attention from the claims of local citizens to participation in decisions with respect to structural, functional, personnel, or fiscal matters. Neglect of the citizen choice factor may have triggered the “tax revolt” in California in 1978, as citizens perceived a loss of control over local taxing policy.

Constitutional authority to frame a home rule charter facilitates citizen choice by shifting the locus of consent concerning the institutional form and functional powers of local government from the state legislatures to the local electorate. The home rule provision may be designed to assure citizen participation in the process of framing and approving the home rule charter. The contents of the home rule charter adopted by the voters may limit as well as expand the locality’s preexisting powers.

Pennsylvania’s constitution permits citizens in the affected area to compel local government “to cooperate, delegate, or transfer any function, power, or responsibility” to “other governmental units, the Federal government, any other state or its governmental units, or any newly created governmental unit.” Another provision gives the local electorate the right to consolidate, merge or change boundaries “without the approval of any governing body.”¹³⁴

A local government article of the state constitution can also facilitate citizen choice either by specifying the rules for direct citizen participation in local decision-making or by making it clear that the home rule charter can employ any of the devices of direct democracy—referendum, recall, and initiative.

2. Eligibility for Local Autonomy

State constitutions have extended various forms of autonomy to general purpose units of government. Counties, as well as municipalities, have been recognized increasingly as appropriate candidates for home rule. Special districts, including school districts, have played a significant role in furthering local self-government through collective action. Consideration may be given to constitutionalizing their powers of initiative, as in Arizona, or immunity, as in Virginia.¹³⁵

There is no question that the statutory powers given to a wide variety of local government units presents serious issues of jurisdic-

tional overlap. State policies concerning the impact of the grant of autonomy to a whole host of political subdivisions need clarification in most states.

3. Intergovernmental Cooperation

Almost as a necessary concomitant to the issue of eligibility, intergovernmental cooperation will become a powerful resource in resolving the questions raised by local government autonomy. Intergovernmental cooperation provides various local governments with options to expand the scope of discretionary authority in a wide range of services provided to the public. As such, it must be reviewed as a possible constitutional fixture in state-local and local-local government relations. It also allows for the consideration of public-private partnerships in service delivery and government organization. Indeed, it is one of the most flexible of tools in meeting the ever-changing demands of a local citizenry.

4. The Role of the Judiciary

Home rule policies in state constitutions are shaped to a significant degree by the judiciary. Because judicial review is an inevitable feature of the American constitutional framework, policy makers must take into account juridical problems that predictably occur when power is diffused among political subdivisions. These juridical issues include:

- a. How is the constitutional text to be interpreted?
- b. Do political subdivisions have the authority to assert constitutional claims against the state and its agencies?
- c. How are conflicts between state statutes and home rule charters or ordinances to be resolved?

Failure to think through whether or not decisions concerning these recurrent topics are appropriate to include in state constitutions may lead to the kinds of unanticipated consequences that beset the implementation of complex policies.

5. Drafting Considerations

Translating the concepts of local government autonomy into constitutional language will no doubt tax the ingenuity of the drafters because the language must not only articulate agreed-on policy decisions but also must be sensitive to factors concerning the way in which the text will be interpreted. The most important of these are: (1) the clarity of the text; (2) principles of construction; (3) citizen demands to expand, constrict, or clarify existing texts; and (4) official and institutional demands to expand, constrict, or clarify existing texts.

Clarity of the Text

The process of selecting language for incorporation into a state constitution should be based on a careful consideration of the precise effect of that language. Thus, the use of the adjective “local” or “municipal” in the context of empowering local governments invites both a limiting interpretation and a body of interpretive case law focusing on whether the matter in question is of local rather than statewide concern. The elimination of a qualifying adjective, however, incurs the risk that a home rule unit will seek to extend its policy reach to areas generally recognized as falling within the competence of state or national, rather than local, authorities.

The language of the text has to be formulated clearly to facilitate its application within the legal, as well as political, culture of a given state. The task of educating generalist judges is particularly demanding when the local government article expresses a significant policy change from that in a previous constitution, as in South Carolina, which moved from a strict to a liberal rule of construction of local government powers.¹³⁶ Judges must recognize that preexisting precedents are no longer binding or authoritative in view of the policy change embedded in the new constitutional language. In such cases, explanatory language in the legislative history of the provision aids in clarifying intent. So, too, does inquiry into the policy context and language of sister state constitutions.

Principles of Construction

State constitution makers should be aware of the role that judicial interpretation plays in determining the success or failure of efforts to implement new understandings of local self-government. Indeed, court decisions have frequently sparked constitutional reform. Thus, the 1896 amendment to the California Constitution that sought to create a protected realm of immunity against state legislative intrusion into the municipal affairs of a charter city was designed to overturn several decisions of the California Supreme Court interpreting the 1879 text.¹³⁷

Twelve states have included a constitutional provision rooting out Dillon’s Rule by mandating liberal interpretation of grants of power either to municipalities in general or to home rule units.¹³⁸ However, state courts may interpret even cryptic language in a state constitution so expansively that an interpretive provision is superfluous. The Texas Constitution, for example, confers charter-making authority on cities of over 5,000 population “subject to such limitations as may be prescribed by the Legislature and providing that no charter or any ordinance passed under said charter shall contain any provision inconsistent with the Constitution of the State or of the general laws enacted by the Legislature of this State.” This 1912 text has been viewed generally by Texas courts as tantamount to a plenary grant of local legislative authority, including the power to expand the boundaries of the home rule city through annexation and the power to tax.¹³⁹

Inserting a rule of liberal interpretation into the constitution is no guarantee of enhanced judicial responsiveness. Gerald Benjamin has summed up the track record of the New York judiciary as follows: "In . . . home rule . . . policies, the role of the State's high court, the Court of Appeals, as a guardian of State sovereignty against City incursions cannot be overstated. Strict interpretation or broad, the court read New York's constitution so as to assure State dominance."¹⁴⁰ But such directives do have an impact on the state judiciary. For example, the Alaska Supreme Court, after floundering about with a local activity rule, finally recognized the force of the liberal interpretation rule.¹⁴¹ Case law in California and Ohio substitutes liberal (pro-local) for strict construction of home rule powers in light of the recognition of local autonomy by the state constitution.¹⁴²

Citizen Demands to Expand, Constrict, or Clarify Home Rule Provisions

The state constitution is, by definition, the appropriate vehicle for the exercise of constitutional choice by state citizens. As such, citizen demands to expand, constrict, or clarify constitutional provisions for local autonomy have a significant impact on the constitution's contents. This is particularly true in jurisdictions that permit citizens to initiate amendments to the state constitution. California voters, for example, are responsible for the formulation of their particular style of home rule. The state's electorate may shrink local autonomy as well as expand it, as Californians chose to do with respect to property tax rates and assessment practices.¹⁴³

Official and Institutional Demands to Expand, Constrict, or Clarify Home Rule Provisions

Local governments are institutions with continuity and their own agendas of power, which may or may not correspond to the interests of their constituents. Furthermore, local government officials may prefer existing political arrangements instead of constitutional change. Both the Virginia Municipal League and the Virginia Association of Counties, for example, opposed proposals of the Commission on Constitutional Revision that would have empowered any charter city or county "to exercise any power or perform any function not denied to it" by the constitution, its charter, or general law.¹⁴⁴ These organizations preferred the existing regime of special legislation and strict construction to the devolution of powers model recommended by the commission. They were instrumental in excising the contested language from the document submitted to and ratified by the voters.¹⁴⁵ In contrast, the Florida League of Cities sponsored a state constitutional amendment concerning state mandates whose "thrust is to further the 'home rule' movement through which local government has been given increasing autonomy from legislative action."¹⁴⁶ In Illinois, local officials, particularly Chicago's mayor, Richard J. Daley, actively promoted the concept of home rule and shaped its unique language with regard to local revenues and preemption.¹⁴⁷

Good government is not always good politics, as proponents of Maryland constitutional reform learned when county officials mobilized to defeat a new constitution that would have streamlined county government by eliminating certain elective offices, including sheriffs. The officials to be eliminated, it turned out, were “of considerable importance to the local political structure almost everywhere.”¹⁴⁸ On the other hand, inclusion of home rule for Chicago materially assisted the successful campaign for adoption of the Illinois Constitution.¹⁴⁹

NOTES

This chapter revises and updates parts of a study prepared by the author and published by the United States Advisory Commission on Intergovernmental Relations. See U.S. Advisory Commission on Intergovernmental Relations, *Local Government Autonomy* vii (1993) [hereafter cited as ACIR].

1. Gordon L. Clark, “A Theory of Local Autonomy,” 74 *Annals of the Association of American Geographers* 195–99 (1984).
2. Colo. Const., art. XX, § 6.
3. Pa. Const., art. IX, § 2.
4. American Municipal Association, *Model Constitutional Provisions for Municipal Home Rule* (1953). Jefferson Fordham was hired by the National Municipal League to prepare a model state constitution including home rule provisions.
5. Utah Const., art. XII, § 8.
6. Va. Const., art. X, § 10.
7. Pa. Const., art. III, § 20. This kind of provision has been referred to as a “Ripper Clause.” See David O. Porter, “The Ripper Clause in State Constitutional Law: An Early Urban Experiment,” 1969 *Utah L. Rev.* 287, 450 (1969).
8. Conn. Const., art. X, § 1.
9. Sho Sato and Arvo Van Alstyne, *State and Local Government Law* 136 (2d ed., 1977).
10. Pa. Const., art. IX, § 2; National Municipal League, *Model State Constitution* 97 (6th ed., 1963); Ill. Const., art. VII, § 6(i).
11. Ill. Const., art. VII, § 10(a).
12. ACIR, *Measuring Local Discretionary Authority* 1 (1981).
13. N.J. Const., art. XIII (1776).
14. Ind. Const., art. IV, § 22 (1851).
15. Ala. Const., § 110, § 104(5), (6), (11), (15), (21), (22), (23), (24), (29), (31).
16. R.I. Const., art. XXVIII, § 4.
17. N. Y. Const., art. IX, § 2(b)(2)(a).

18. N.J. Const., art. IV, § VII, par. 10.
19. N. Dak. Const., art. VII, § 6.
20. Mont. Const., art. XI, § 9.
21. Tex. Const., art. 3, § 63, § 64; N. Dak. Const., art. VII, § 3, § 4; Nev. Const., art. IX, § 2; Mo. Const., art. VI, §§ 3–5; Mich. Const., art. VII, § 13; Colo. Const., art. XIV, § 3; Cal. Const., art. XI, § 1; Ark. Const., art. XIII, § 2; Kan. Const., art. 9, § 1; Ky. Const., § 64.
22. Cal. Const., art. XI, § 13; Colo. Const., art. V, 35; Mo. Const., art. VI, § 22; Mont. Const., art. V; N.J. Const., art. IV, § VII, par. 9(12); Pa. Const., art. III, § 31; S. Dak. Const., art. III, § 26; Utah Const., art. VI, § 29; Wyo. Const., art. 3, § 37.
23. Ohio Const., art. II, § 12; art. X, § 1, § 3; Okla. Const., art. V, § 5; art. XIII, § 4(a); Ore. Const., Art. IV § 1(5).
24. Cal. Const., art. XI, § 5; Colo. Const., art. VIII, § 1(9) (counties have all powers of local self-government), art. VIII, § 2(b) (cities); Ga. Const., art. IX, § II, par. II (cities); Ill. Const., art. VII, § 6(a); Iowa Const., art. III, § 38A (cities), and § 39A (counties); Kan. Const., art. 12, § 5(b); La. Const., art. VI, § 5(E); Me. Const., art. VIII, Part Second § 1; Mich. Const., art. VII, § 2; Ohio Const., art. XVIII, § 3; Ore. Const., art. VI, § 10; R.I. Const., art. XXVIII, § 1; W. Va. Const., art. VI, § 39(a); Wis. Const., art. XI, § 3; Wyo. Const., art. 13, § 1(b).
25. Sho Sato, “Municipal Affairs in California,” 60 *Cal. L. Rev.* 1055, 1079–81 (1972).
26. *City of Oakland v. Williams*, 15 Cal. 2d 542, 103 P.2d 168 (1940).
27. Connecticut Advisory Commission on Intergovernmental Relations, *Defining Statewide Local Concerns: Can It Be Done and Is It Necessary?* (Hartford, 1989).
28. La. Const., art. VI, pt. I, § 6.
29. Ga. Const., art. IX, § II, par. I(a); Mich. Const., art. VII, § 22; N.Y. Const., art. IX, § 2(c)(i); R.I. Const., art. XXVIII, § 2.
30. Md. Const., art. XI A; Neb. Const., art. XI, § 2; Nev. Const., art. VIII, § 8; Okla. Const., art. XVIII, § (3)(a); Utah Const., art. XI, 5(a); Wash. Const., art. XI, § 10.
31. Ore. Const., art. XI, § 2; Tex. Const., art. II, § 5.
32. Alaska Const., art. X, § 1; Conn. Const., art. § 1; Mass. Const., art. II, § 6; Mo. Const., art. VI, § 19(a); Mont., Const., art. XI, § 6; N.H. Const., art. I, § 39; N.M. Const., art. X, § 6D; N.D., Const., art. VII, § 1; Pa. Const., art. IX, § 2; S.D. Const., art. IX, § 2.
33. Colo. Const., art. XIV, § 15(1).
34. Tenn. Const., art. XI, § 9.
35. S.C. Const., art. VIII, § 11.
36. *Ibid.*
37. S.D. Const., art. IX, § 2.

38. *City of Pueblo v. Flanders*, 122 Colo. 571, 225 P2d 832 (1950); *Marcus v. Baron*, 57 N.Y. 2d 862, 442 N.E. 2d 437 (1982); Comment, "The Exercise of Extraterritorial Powers by Municipalities," 45 *U. Chi. L. Rev.* 151 (1977).

39. See Frank S. Sengstock, *Annexation: A Solution to the Metropolitan Area Problems* (1960); Robert R. Ashcroft and Barbara Kyle Balfour, "Home Rule Cities and Municipal Annexation in Texas: Recent Trends and Future Prospects," 15 *St. Mary's L.J.* 519 (1984); *Independent School District No. 700 v. City of Duluth*, 170 N. W. 2d 116 (Minn., 1969).

40. *City of Douglas v. Juneau*, 484 P.2d 1040 (Alaska, 1971).

41. See ACIR, *A Handbook for Interlocal Agreements and Contracts* (1967).

42. Frank J. Goodnow, *Municipal Home Rule*, 253–54 (1895).

43. Ohio Const., art. XVIII, § 4, § 5 (1912); Mich. Const., art. VII, § 24.

44. N.Y. Const., art. IX, § 2(c)(7)(10).

45. Fla. Const., art. VIII, § 2(b).

46. *City of Miami Beach v. Fleetwood Hotel, Inc.*, 261 So. 2d 801 (Fla., 1972); *Fisher v. City of Berkeley*, 37 Cal. 3d 644, 693 P 2d 261 (1984).

47. For example, Pa. Const., art. IX, § 2.

48. *Fisher v. City of Berkeley*, supra n. 46.

49. Ariz. Const., art. XIII, § 5; Okla. Const., art. XVIII, § 6.

50. Ariz. Const., art. XIII, § 7.

51. S.C. Const., art. VIII, § 16.

52. Ill. Const., art. VII, § 6(1)(2),(2).

53. Tex. Const., art. 9, §§ 4–9, 11–13.

54. Cal. Const., art. XI, § 8.

55. *Rider v. City of San Diego*, 18 Cal. 4th 1035, 959 P.2d 347 (1998) (Joint Exercise of Powers Act overrides contrary provision of city charter).

56. N.Y. Const., art. IX, § 1(c).

57. Fla. Const., art. VIII, § 4; Ill. Const., art. VII, § 10; Mo. Const. VI, § 14, § 16, § 30(a); Pa. Const., art. IX, §§ 5–7.

58. Ill. Const., art. VII § 10(c).

59. Richard Briffault, "Local Government and the New York State Constitution," 1 *Hofstra L. and Pol'y Symp.* 79, 90 (1996).

60. ACIR, *State Laws Governing Local Government Structure and Administration* 38–41 (1993).

61. Colo. Const., art. XX, § 6(e),(g); Ill. Const., art. VII, § 6(a); Kan. Const., art. 12, § 5(b)(tax); La. Const., art. VI, § 30; Me. Const., art. VIII, Part Second § 2 (industrial development bonds only); Mich. Const., art. VII, § 2; N.Y. Const., art. IX, § 2(c)(4),(8); Utah Const., art. XI, § 5(a)(d); Wyo. Const., art. 13, § 1(c).

62. Iowa Const., art. III, § 38A, § 39A; Mass. Const., art. II, § 7(2)(3); R.I. Const., art. XXVIII, § 5; Tenn. Const., art. XI, § 9.
63. See, for example, Howard Lee McBain, *The Law and Practice of Municipal Home Rule* (1916).
64. *Weeks v. City of Oakland*, 21 Cal. 3d 386, 579 P.2d 449 (1978) (occupation and business tax measured by gross receipts); *St. Louis v. Sternsberg*, 69 Mo. 289 (1879); *Zielonka v. Carrell*, 99 Ohio St. 220, 124 N.E. 134 (1919) (occupation tax); *Multnomah Kennel Club v. Department of Revenue*, 295 Ore. 279, 666 P.2d 1327 (1983) (power to impose business income tax implied out of grant of power over matters of “county concern”).
65. *City and County of Denver v. Sweet*, 329 P.2d 441 (Colo., 1958); *Carter Carburetor Corp v. City of St. Louis*, 203 S.W. 2d 438 (Mo., 1947).
66. *California Federal Savings and Loan Ass’n v. City of Los Angeles*, 54 Cal. 3d 1, 812 P.2d 916 (1991); C. Emory Glander and Addison E. Dewey, “Municipal Taxation: A Study of the Preemption Doctrine,” 9 *Ohio State L.J.* 72 (1948).
67. N.H. Const., pt. I, art. 28(a).
68. Mich. Const., art. IX § 25.
69. Haw. Const., art. VIII, § 5; Tenn. Const., art. II, § 24.
70. Ala. Const., art. II, § 19; Cal. Const., art. XIII B, § 10; Fla. Const., art. VII, § 18; Haw. Const., art. VIII, § 5; La. Const., art. VI, § 14; Md. Const., art. XI (E)(F); Mich. Const., art. IX, § 2; Mo. Const., art. X, § 21, art. XII, § 2(b); N.H. Const., pt. I, art. 28(a); N.J. Const., art. VIII, § II, par. 5(a); N.M. Const., art. X, § 5; Ore. Const., art. X, § 15; Tenn. Const., art. II, § 24. See, Robert M. M. Shaffer, Comment: “Unfunded State Mandates and Local Governments,” 64 *U. Cin. L. Rev.* 1057 (1996).
71. ACIR, *supra* n. 12.
72. Alaska Const., art. XII, § 7; Ill. Const., art. XIII, § 5; Mich. Const., art. IX, § 24; N.Y. Const., art. V, § 7. See also *Gauer v. Essex County Division of Welfare*, 108 N.J. 140, 528 A.2d 1 (1987).
73. Fla. Const., art. I, § 6; N.J. Const., art. I, par. 19.
74. *City of Carmel-by-the-Sea v. Young*, 2 Cal. 3d 259, 466 P.2d 225 (1970); *Stein v. Howlett*, 52 Ill. 2d 570, 289 N.E. 2d 409 (1972).
75. Peter J. Galie, *The New York State Constitution*, 114 (1991); N.Y. Const., art. V, § 9 (1894).
76. N.Y. Const., art. V, § 6; Ohio Const., art. XV, § 10.
77. La. Const., art. X, § 4, § 10; *Civil Service Commission of New Orleans v. Guste*, 428 So. 2d 457 (1983).
78. La. Const., art. VI, § 14.
79. Gerald Frug, “The City as a Legal Concept,” 93 *Harv. L. Rev.* 1059 (1980).
80. Paul Vinogradoff, “Juridical Persons,” 24 *Colum. L. Rev.* 594, 600–601 (1924).

81. Clark, *Dodge and Co. v. Davenport*, 14 Iowa 494, 498 (1863); *Merriam v. Moody's Executor*, Iowa 164, 170 (1868).

82. John E. Dillon, *Commentaries on the Law of Municipal Corporations*, 239 (1911).

83. Ind. Const., art. IV, 22 (1851).

84. Chauncey C. Binney, *Restrictions upon Local and Special Legislation in State Constitutions*, 7 (1894).

85. Pa. Const., art. II, § 20 (1873).

86. Ohio Const., art. VIII, § 4, § 6.

87. U.S. Department of the Interior, Census Office, *Report on Valuation, Taxation and Public Indebtedness in the United States* 649 (1884).

88. Mo. Const., art. IX, §§ 20–25 (1875).

89. Thomas S. Barclay, *The St. Louis Home Rule Charter of 1876* (1902).

90. *Ibid.*

91. Mo. Const., art. IV, §§ 20–22 (1875).

92. Mo. Const., art. IX, § 25 (1875).

93. James E. Westbrook, "Municipal Home Rule: An Evaluation of the Missouri Experience," 33 *Mo. L. Rev.* 45, 46–47, 51 (1968).

94. Michael H. Frisch, "Urban Theorists, Urban Reform, and American Political Culture in the Progressive Period," 97 *Pol. Sci. Q.* 295 (1982).

95. N.Y. Const., art. IX, §§ 1–3.

96. N.Y. Const., art. IX, § 1.

97. N.Y. Const., art. IX, § 2(a), (b), and (c).

98. *Ex parte Braun*, 141 Cal. 204, 213–14 (1903).

99. Wash. Const., art. XI, § 11.

100. *State ex rel. Mueller v. Thompson*, 149 Wis. 488, 517–18 (1912).

101. Jefferson B. Fordham and Joe F. Asher, "Home Rule Powers in Theory and Practice," 9 *Ohio St. L.J.* 18 (1948).

102. James E. Cole, "Constitutional Home Rule in New York: The Ghost of Home Rule," 59 *St. John's L. Rev.* 713, 716 (1985).

103. Kenneth VanLandingham, "Constitutional Municipal Home Rule Since the AMA (NLC Model)," 17 *Wm. & Mary L. Rev.* 1 (1975).

104. American Municipal Association, *supra* n. 4, 19.

105. *Ibid.*

106. *Ibid.*, 19–20.

107. *Ibid.*, 23–24.

108. National Municipal League, *supra* n. 10, 94–100 (6th ed., 1963).
109. Mo. Const., art. VI, § 19(a); Pa. Const., art. IX, § 2.
110. N. Dak. Const., art. VII, § 1.
111. American Municipal Association, *supra* n. 4, 20.
112. N.J. Const., art. IV, § 7, par. 9(13), par. 10.
113. N.J. Const., art. IV, § 7, par. 11.
114. *Inganamort v. Borough of Fort Lee*, 62 N.J. 521 (1973).
115. *City of Miami Beach v. Fleetwood Hotel, Inc.*, 261 So. 2d 801 (1972) (Fla. Const., art. VIII, § 2(b)).
116. N.J. Const., art. VIII, § 4, par. 1.
117. *Abbott v. Burke*, 100 N.J. 269 (1985).
118. James Lowell Underwood, 2 *The Constitution of South Carolina: The Journey Toward Local Government* 177–79 (1989).
119. Jon C. Teaford, *The Unheralded Triumph: City Government in America, 1870–1900* 94 (1984).
120. Report of the Commission on Constitutional Revision, *The Constitution of Virginia* 228 (1969).
121. ACIR, *supra* n. 12, 59.
122. ACIR, *The Organization of Local Public Economies* 39 (1987).
123. Mo. Const., art. VI, § 5, § 14, § 16, 30(a); see, ACIR, *Metropolitan Organization: The St. Louis Case* (1988).
124. La. Const., art. VI, § 15, § 16, § 18, § 19, § 38, § 43.
125. Joseph F. Zimmerman, *State-Local Relations: A Partnership Approach* (1983).
126. Ill. Const., art. VII, § 4(a), 6(a), (b).
127. Ill. Const., art. VII, § 6(a), (f).
128. Rubin G. Cohn, “Municipal Revenue Powers in the Context of Constitutional Home Rule,” 51 *N.W.L. Rev.* 17 (1957).
129. Ill. Const., art. VII, § 6(m); § 7, § 8; § 6(c), § 6(l); § 7(l), § 10.
130. Ill. Const., art. VII, § 6(i).
131. Ill. Const., art. VII, § 6(h), (i), (j), (l).
132. ACIR, *State Mandating of Local Expenditures* (1978); Cal. Const., art. XIII B, § 6.
133. Mo. Const., art. X, § 21; art. XII, § 2(6).
134. Pa. Const., art. IX, § 5, § 8.
135. Ariz. Const., art. XIII, § 7; Va. Const., art. VIII, § 7; *School Board of City of Richmond v. Parham*, 218 Va. 950, 243 S.E. 2d 468 (1978).