The Role of the States

In “Federalist Paper No. 45,” James Madison argues that the state and federal governments exist in a symbiotic relationship — both are necessary to promote the happiness and well-being of citizens. Madison goes on to state that state governments are closer to the people and should be related to “the lives, liberties and properties of the people” while the federal government will be concerned with “external objects, as war, peace negotiation and foreign commerce.”

But just as the world has greatly changed since the age of Madison, the relationship between state and federal governments has also changed and continues to change, evolve and transform with every passing day. Issues such as pre-emption, public lands, unfunded mandates and, most recently, the COVID-19 pandemic continue to challenge the idea of the equal and cooperative relationship referenced by the Federalist Papers.

“What we fight for in this current era of federalism is to reduce the coercive influences of the federal government, to recognize that the states are the laboratories of democracy, and government works better when each state is as strong as it can be and has the ability to learn from every other state,” said CSG Executive Director/CEO David Adkins.

“The COVID-19 pandemic provides a warning about what can happen when the relationship between the state and federal government breaks down,” Adkins said. “’What we have to have is collaboration and cooperation, and the ability to commit to that in a way that all of the parties are seen as partners, not just states that have to be bailed out, or states that need to be told what to do.’

Tim Storey, executive director of the National Conference of State Legislatures, agrees that COVID-19 has drawn attention to the importance of cooperation between the states and the federal government.

“‘It highlights the necessity of a strong, cooperative partnership — and I emphasize the word partnership,’ Storey said. ‘We are in this together. This country has not seen anything like this for more than a century and there’s been no guidebook on how to address it.’

For state leaders who want to better navigate the state/federal relationship, Adkins advises networking and open communication — two tools that can go a long way in building a productive partnership.

“There are a lot of former governors and a lot of former legislators in Congress — don’t be afraid to reach out to them,” Adkins said. ‘We’re proud of the fact that many alumni of the CSG Henry Toll Fellowship (p. 10) have been elected to Congress or serve in cabinet positions throughout the federal government. Use that network of former state officials. They speak our language. They know the demands on state government.

Storey advises state leaders to be upfront with federal leaders about how policies will be received on a state and local level.

“‘Make sure your federal delegation knows where you stand on the issues and how they impact your state,’” Storey said. ‘A policy solution may look different on the state level and the federal level.’

21 ISSUE 1 2021 CSG CAPITOL IDEAS
“Not every solution should come from Washington, D.C. We recognize that state governments are closer to the people.”

— CSG Executive Director/CEO David Adkins

good on paper in Washington, but when it is pushed down to the state level, it may be a whole different ball game.”

As they seek to better navigate the state/federal relationship, state leaders can take advantage of many CSG resources, and they are always welcome to reach out for advice, research, networking support and more.

“Be engaged, stay engaged, and when you need help, we’re there,” Adkins said. “We’ve got your back, we can point you in right direction, we can help you sort through complexity, and we can help get you in front of decision makers that you otherwise might not think you have the ability to reach.”

POLICY ACADEMIES
Offered annually, the CSG Medicaid Policy Academy is an annual program that introduces new members of legislatures to how Medicaid works. A well-developed understanding of this state/federal partnership is essential. On average, one out of every three dollars spent by the state goes toward Medic- aid. Other policy academy topics have included privacy and cybersecurity, sustainability and a variety of health-care related issues.

Learn more: web.csg.org/forum/csg-policy-academy-series.

INTERSTATE COMPACTS
Through its National Center for Interstate Compacts (NCIC), CSG provides the states a resource to solve regional, bi-state, multi-state or even 50-state issues among themselves. Currently, NCIC is managing and/or advising the drafting, development and implementation of compacts including the Interstate Medical Licensure Compact (IMLC), the Nurse Licensure Compact (NLC) & Advanced Practice Nurse Compact, Audiology and Speech-Language Pathology Interstate Compact (ASLIPC) and more.

Learn more about interstate compacts: compacts.csg.org.

STATE and LOCAL LEGAL CENTER
The State and Local Legal Center files amicus curiae briefs in support of states and local governments in the U.S. Supreme Court. It conducts most courts for attorneys arguing before the Supreme Court, and is a resource to states and local governments on the Supreme Court.

Learn more: statelocallc.org.

CSG INTERGOVERNMENTAL AFFAIRS COMMITTEE
The Intergovernmental Affairs Committee is the primary policy body for CSG and the primary body setting the federal-state relations agenda for CSG. It is particularly concerned with federalism issues and other issues impacting states’ rights. The bipartisan committee is comprised of officials from all branches of state government, as well as CSG Associate members.

The mission of the Intergovernmental Affairs Committee is to serve as CSG’s monitoring and advisory arm on major federal issues before Congress and the administration. The committee strives to interpret and disseminate guidance to its members, assess the impact of state and local government agendas on federal policy, and promote the sovereignty of the states and their role in the American federal system.

Learn more: web.csg.org/about/intergovernmentalaffairscommittee.aspx

ADVOCACY WITH “THE BIG 7”
CSG serves as a voice for the states along with its partners in the Big 7 — a group of nonpartisan, nonprofit organizations representing state and local government. In addition to CSG, these include the International City-County Management Association, National Association of Counties, National League of Cities, National Conference of State Legislatures, National Governor Association and U.S. Conference of Mayors. In partnership with the Big 7, CSG supports the State and Local Legal Center — a conduit through which partner organizations in the Supreme Court in support of state and local government. Since 1983, the SLCC has filed about 400 amicus briefs in the Supreme Court.

STATE SEN. JON BALLWEG | WI
NATIONAL CHAIR

STATE SEN. SAM HUNT | WA
NATIONAL CHAIR-ELECT

STATE REP. JULIA HOWARD | NC
NATIONAL VICE CHAIR

STATE SEN. LOU D’ALLESANDRO | NH
IMMEDIATE PAST NATIONAL CHAIR

Whether it’s reaching out to particular part of the federal government to help a constituent or looking for explanations about a particular policy, being patient and being willing to ask questions is the most important part. That’s true for new folks and seasoned folks, but particularly for new lawmkaers, who are experiencing some real stress right now. They’re multifaceted, addressing the needs of constituents, trying to understand the legislative process and getting acquainted with committee work. All that can be pretty overwhelming in the first few days.

Work with your state’s leadership and present a coordinated approach to your state’s congressional delegation and to federal agencies. And by working with The Council of State Governments, a strong and united voice can be presented. CSG’s Washington, D.C. office and staff provide important information on what is happening that impacts state governments. Through the CSG website, staff and conferences, I can keep track of issues and get questions answered.

Pay attention to what the federal government does and what the states’ responses are, and become knowledgeable on that subject matter. Know what programs are state-funded and handled, and know what programs are federally funded and handled. Pay attention to the civics lessons you might have missed in high school as far as the duties and responsibilities of government. It’s a learning process, and you’ve got to be part of that learning process. You need to be part of the civic process and help us with the learning process.”

Defining the Relationship

CSG national leadership share their perspectives on state/federal issues.

COVID-19 has underscored the need for open lines of communication between both state and federal governments. Constituents call with problems that sometimes, we can’t answer in state government, so it’s made offices like mine interact much more with our federal partners. The pandemic is an issue that is affecting everyone across the U.S., so it really has made this relationship even stronger and states have welcomed the fiscal support in response to COVID.”

Continue the Conversation

CSG Capital Ideas Presents: Perspectives on the State/Federal Relationship

Time is for a conversation with CSG’s national leadership. March 3, 3-4:30 p.m. ET. Register from the digital edition of this magazine or by emailing registration@csg.org.