Structure and Function of State Government
Section 1- State Constitutions
A. **State Constitutions are important for 4 reasons**

1. Structure to state government
2. Establish different types of local government
3. Regulate ways state and local government can raise/spend money
4. Establish agencies, boards, commissions

**Similarities in Constitutions**

a. Bill of Rights
b. Length (originally)
c. Detail

**Differences in Constitutions**

a. Proposing/ratifying amendment
b. length
A. **Legislative Branch** (usually called general assembly)
   - All states but Nebraska has a bicameral legislature
   - Members are elected from districts
   - Qualifications- resident of district, 25 years old; lower house only has to be 21.
   - Most state senators are 4 year and lower house 2 year terms; usually is a part time job.
   - Usually only in session 1 to 2 months.
   - Lower house has a “speaker,” most states the presiding officer of upper house is Lieutenant governor.
B. Executive Branch - headed by gov.
-usually at least 30 yrs. old, american citizen, state resident at least 5 years.

Election - nominated by majority party except in Conn., Utah, and Virginia...then run in general election.

• In most states, plurality (most votes) win.
• Term is 4 years in most states except (Vermont, New Hamp)
• Pay varies from 65K to 179K, most have residences (46 states),
• Role of Governor
  ---economic (budget planning), carry out laws and proposing legislation, political party leader in state, negotiate grants from federal gov’t.
B. Executive Branch-

- Lt. Governor- next in line and presides over Senate
- Attorney General- top legal officer in state gov’t
  ---issues opinions (written interpretation of state constitution)
- Secretary of state- over state records/documents
- State Treasurer- manages money on state level
C. Judicial Branch

- Interpret and apply state and local laws
  - Deal with two general cases
  1. Civil Case- dispute b/t two or more private ind. or organizations
  2. Criminal Case-state bringing charge against a citizen for violating law.

- **State Court Systems**
  - Supreme Court: Reviews decisions of lower state courts
  - Court of Appeals: Provides a review of lower court decisions and state commissions
  - Circuit Courts: Have original and appellate jurisdiction in civil and criminal cases
  - District Courts: Have original jurisdiction in misdemeanor traffic cases, and in lesser civil cases
  - Juvenile and Domestic Relations Courts: Have original jurisdiction in cases involving juveniles
State Government Policy
Four Major Areas of Concern for Most States

1. State Regulation of Business
   - Corporate charter- document to a corporation that makes them legal
   - Banks (interest), insurance, public utilities (electric, gas, telephone)
   - False advertising, landlord to tenant regulations
   - Safety/Sanitation in factories
   - Age requirement for work
   - Worker’s compensation-payment b/c of job related injury
   - Unemployment compensation-

2. States and Environment
   - Pollution Control
   - Conservation-care and protection of natural resources like land, lakes, rivers, oil, natural gas.
   - States can protect lands like parks from development.
Four Major Areas of Concern for Most States

3. Protecting Life and Property
   - Mandatory sentencing (drugs)- fixed required terms for certain crimes
   - Victim compensation- gov’t provides financial aid to victims of certain crimes.
   - First state police force was in 1905
   - States handle majority of criminal cases.
   - Because of increase $, probation is chosen a lot.
   - Parole- serving sentence in community under a parole officer.
   - Shock probation, shock incarceration, house arrest.

4. Providing for Education, Health, and Welfare
   - Over 60% of state money spent here
   - Education-handle areas like requirements, provide a/b half of money for schools to run
   - Public Health-license people like doctors, make vaccination requirements, support health agencies like hospitals.
   - Welfare, Medicaid
Financing State Government
Tax Revenue

• Sales Tax (more than half of tax revenue)
  --2 Types- general and selective tax (excise tax)
  --is sales tax a regressive tax?

• State Income Tax (30% of tax income, 10% in 50s)
  --progressive tax, tax more as you make more
  --all the same is called proportional tax.
  --which is the best idea?

• Other Tax
  --vehicle registration tax
  --inheritance taxes on an
Other Sources of Revenue

• Borrowing
  ---especially for things like highways (bonds)

• Lotteries- nearly \( \frac{3}{4} \) of states use them.

• Intergovernmental Revenue like federal grants (about 20 percent)

• Federal Mandate-formal order given by a higher authority.
Ch. 23 Quiz

1. What is one reason state constitutions are important?

2. What state does not have a bicameral legislature?

3. The presiding officer over the “upper house” in most states is the _______ ________.

4. Who is the head of the executive branch?

5. What is plurality?

6. Who is the top legal officer in a state?

7. What is a case between two or more private individuals?

8. Payment for a job related injury is _________?

9. Another term for selective sales tax is.....

10. Tax that goes up with income is a ______ tax.
Structure and Function of Local Government
Local Government
A. **4 Types of Local Government** (not all exist, and powers vary from state to state)

1. **County** - largest territory and political division
   - In every state but Conn. And R.I.
   - Importance varies from state to state
   - County Board governs most counties—budget, taxes, etc. Share power usually with other elected officials like coroner, clerk, treasurer, superintendent of schools, etc.

2. **Townships** - small group in about 20 states (small)
   - Duties vary like road building, police or fire protection.
   - Exist in New England and Midwest
   - Not in Virginia

3. **Municipality** - urban unit of government

4. **Special District** - unit of local government that deals with a specific function. Ex. School District
B. Municipal Government

❖ Happens by a community applying to incorporate.
❖ Must meet certain requirements like size, population, etc.
❖ At times a referendum (special election) is held to determine opinions on incorporation.
❖ State issues a charter which allows it to have own government.

3 forms of municipal government in urban areas.

1. Mayor-Council Form—most common
- executive power—mayor, legislative—council (power of mayor varies)

2. Commission Form—executive and legislative power is combined into the elected commission. (this is pretty rare)
3. **Council-Manager Form**-legislative and executive separate. Legislative is a council 5-9 people which makes policies. The Manager carries out policies as chief administrator. (common in south many times has a not so powerful mayor.)
Localities
A. **Local Government Services**
   - Education, Police, Water supply, sewage and sanitation, transportation

B. **Metropolitan Communities**
   - Metropolitan area- a large city and its surrounding suburbs. (2500 people or more is considered urban)
   - Suburbs usually have their own government and can be referred to as town, village or city.

C. **Special Districts**
   - For ex. School Districts- ran by a school board

D. **Financing Local Government**
   - Property tax- collected on real property (land and buildings) and personal property (stocks, bonds, furniture, automobile)
   - Determined by an assessment (value of property)