

# UNIT

## 7

### CHAPTER 20

## STATE GOVERNMENT

### CHAPTER 21

## LOCAL GOVERNMENT

### PUBLIC POLICY LAB

How can students help fund construction of a new high school? Find out by reading this unit and taking the Public Policy challenge on pages 500–503.



# STATE AND LOCAL GOVERNMENT



## CHAPTER 20

# STATE GOVERNMENT

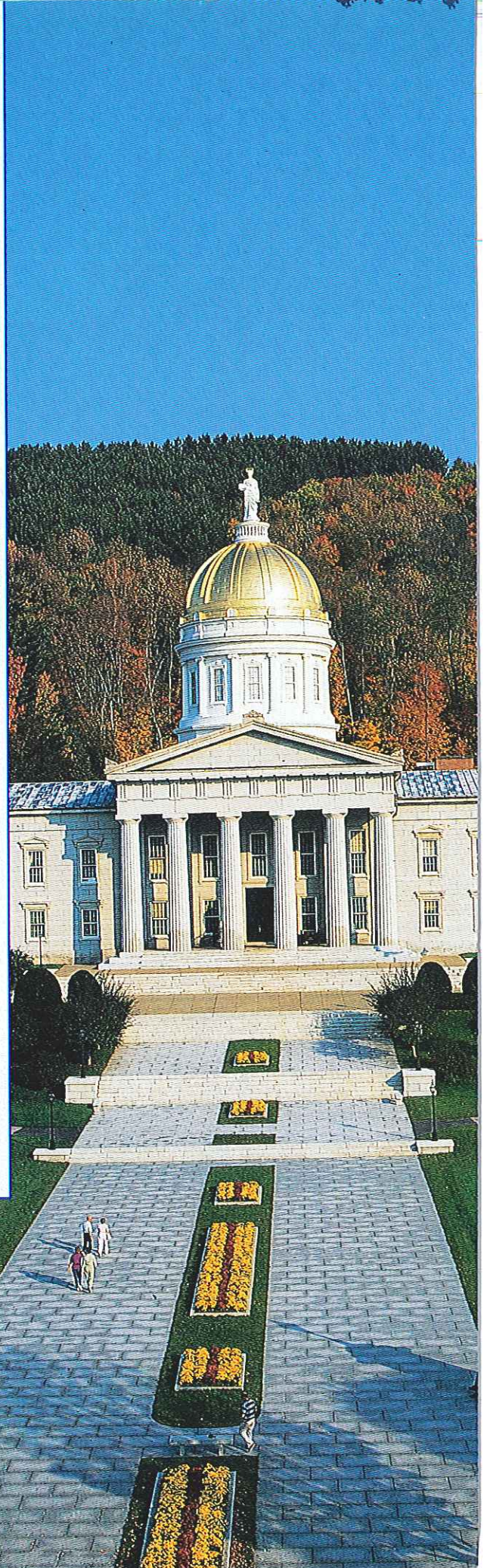
**I**n what state did you take your driving test? If you had sought your license in another state, you might have faced a different test and received a different score. You also might have been able to get your learner's permit at a younger age. If you lived in Virginia, you would have needed to show that you were currently enrolled in school to get a learner's permit.

Why is the driving test not the same across the country? States have the power to set their own rules for obtaining a driver's license as well as for many other actions, such as registering a car, running a public school, paying state college tuition, marrying, and more recently, setting welfare policy. In other words, when you cross state lines, you cross into another government's jurisdiction. So pay attention—the speed limit and many other rules can suddenly change. To heighten your awareness of these changes, think of this chapter as a guidebook to navigating state government.



### Government Notebook

What state laws affect you? Think about activities that require licenses, such as driving and fishing, or those that concern people's well-being and safety, such as attending school and wearing seat belts. In your Government Notebook, write a list of state laws that could affect you personally.



## SECTION 1

# THE STATES

### Political Dictionary



initiative  
referendum  
recall

### Objectives

- ★ What is the basis of state governments' authority?
- ★ In what ways do state governments answer to the people?
- ★ How do state governments promote the public good?

The 50 states are as diverse as any 50 people you might randomly pick from a crowd on the street. Alaska is 546 times as large in land area as Rhode Island. California has a population of 31.6 million, compared to Wyoming's population of around 480,000. The average annual precipitation in Las Vegas, Nevada, is 4 inches, compared to 67 inches in Mobile, Alabama.

In some ways, however, the states are quite similar. Like the federal government, they all receive their authority to govern from a constitution. In addition, the 50 state governments are all able to answer to the people more directly than can the federal government. The close relationship that a state government is thus able to maintain with the citizens is vital in its helping promote the public good.

## State Constitutions

Each state has its own constitution. The state constitutions, however, cannot conflict with the U.S. Constitution, which is the supreme law of the land.

**Types of Constitutions** Just as the U.S. Constitution reflects the concerns and events of the Revolutionary War period, state constitutions

reflect the places and times in which they were written. In other words, both regional and historical traditions may affect a state's constitution. For example, Section XIII of Oklahoma's constitution requires the state legislature to "provide for the teaching of the elements of agriculture, horticulture, stock feeding, and domestic science" in public schools. Oklahoma's framers felt this provision was important, given the high number of people in the state who worked in agriculture when the constitution was drafted.

Each of the original colonies adopted its constitution before or shortly after U.S. independence. Like the U.S. Constitution, these constitutions strive to outline a social contract in the tradition of the political philosopher John Locke. That is, they list the state's responsibilities to the people and vice versa. They are mostly brief and have been revised less frequently than most state constitutions.

In contrast, many other states have constitutions that are quite long and have been revised frequently. In southern states such as Alabama and South Carolina, for example, government officials were forced in the aftermath of the Civil War to rewrite the existing constitutions.



**POLITICAL FOUNDATIONS** *Oklahoma's constitution requires the legislature to provide for teaching stock feeding in public schools. What might affect the contents of a state constitution?*

The constitutions of most western states include provisions enabling the public to keep a relatively high degree of control over the government. For example, the western states established traditions allowing citizens to vote on some laws directly and to remove government officials from their positions before the end of their term. These processes—known as initiative, referendum, and recall—are explained more fully later in this section.

**Constitutional Provisions** Most state constitutions have been rewritten at least once and some, several times. In fact, since 1775 the 50 states have adopted more than 140 constitutions. Louisiana has had 11 since becoming a state, and Georgia has had 10. In the 1960s and 1970s, ten states adopted new constitutions, which are shorter and more focused than the documents they replaced. In 1982 Georgia became the most recent state to adopt a new constitution.

In addition, the current state constitutions have been amended more than 5,900 times, more than one amendment a year for each state. If the U.S. Constitution had been amended that often, it would have more than 250 amendments instead of just 27.

As a result of these amendments, many state constitutions are quite long—on average, 28,600 words. (The U.S. Constitution has only 7,800 words.) Alabama's constitution, the longest, has 174,000 words—the equivalent of a 687-page final exam essay!

Why are state constitutions so lengthy? Many are packed with details that seem inappropriate to such fundamental documents. One article of the Maryland constitution, for example, establishes conditions for off-street parking in the city of Baltimore. South Dakota's constitution authorizes the state legislature to assess hail insurance on agricultural land, and Minnesota's allows people to sell produce grown in their gardens without a license. The reason for including these detailed elements is often found in history. For instance, short-term events or conditions sometimes inspire provisions that later seem out of date.

## C A S E S T U D Y

### The Texas Constitution

**CONSTITUTIONAL PRINCIPLES** Texas' basic law is among the most amended and longest of the state constitutions. Between its adoption in 1876 and

the beginning of 1997, the Texas Constitution was amended 364 times. In addition, state voters rejected 168 other proposed constitutional amendments.

As with other lengthy state constitutions, the Texas Constitution is overloaded with details and specific measures. It is not uncommon, for example, for Texas voters to be asked to approve an amendment affecting the local government of only one or a few specific counties.

Why is the Texas Constitution so unmanageable? In part it reflects the suspicion with which many Texans have long regarded government. This suspicion was particularly strong when the current constitution was adopted in 1876—shortly after the end of Reconstruction and the withdrawal of federal troops that had helped keep a highly unpopular governor in office. As a result, Texas voters must approve constitutional amendments addressing a variety of specific issues, such as interest rates on state bonds, that might better be addressed by elected officials.

There have been a number of unsuccessful attempts to draft a more efficient state constitution. In 1974, state legislators meeting as delegates failed by just three votes to agree on a new constitution. After seven months of work and a dramatic vote that continued up until the final minute of the convention, they were unable to send it to the voters for their approval.

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## State Government and the People

You now know that each state's government, like the federal government, receives its governing authority from a constitution. Also like the federal government, a state's continued authority to rule rests firmly with the people. Many state governments, however, must answer to their citizens in ways that the federal government need not. In fact, citizens can become more directly involved in state legislative actions than in federal ones. In many states, citizens

# Careers in Government



## Librarian

For anyone doing research, a librarian can be an important source of information. Librarians train extensively to learn how to become guardians of information.

Consider, for example, Kevin Starr, who in 1997 was the state librarian of California. As head of the California State Library, the state librarian provides reference and information services that state officials need to draft legislation and do other important work. The state library also stores historical documents, books, and other materials, and provides other services for



*Librarians must be able to select, store, and properly classify books, documents, software, and other library material and equipment.*

use by the general public, government officials, and other libraries.

Starr's education and training prepared him well for his job as California's state librarian. He earned a bachelor's degree from the University of San Francisco, master's and doctoral degrees in American literature from Harvard University, and a master's degree in library science from the University of California, Berkeley.

Not all of this country's approximately 150,000 librarians need such extensive education. Most libraries require librarians to have a master's degree in library science. The degree often is earned through a one- or two-year program. This education helps prepare a librarian for a variety of tasks in public, school, and special libraries such as the California State Library and the Library of Congress. These tasks include selecting, ordering, storing, and properly classifying the books, documents, software, and other materials and equipment that best meet the needs of a library's patrons.

Librarians also help patrons in their research through reference services and by guiding them to appropriate library resources. Increasingly these library resources include access to computers, the Internet, and other electronic information. As a result, librarians are constantly working to further educate themselves so that they can provide the proper assistance needed in the information age.

can accomplish this by offering an initiative, holding a referendum, and recalling elected officials.

**Initiatives** Initiatives and referenda are both ways of adopting—or repealing—laws through a direct vote of citizens rather than by the vote of a legislature. (As noted in Chapter 1, such citizen actions are a form of direct democracy.) An **initiative** is a procedure for proposing and enacting state or local laws. If a certain minimum number of registered voters signs a petition backing the bill proposed by an initiative, the bill is placed on a ballot or sent to the state legislature. If voters or legislators approve the initiative, it becomes law. Around half of the states allow initiatives.

There are two kinds of initiatives: direct and indirect. A bill that is proposed by direct initiative is placed directly on a regular or special election ballot to be voted on by the people. A bill proposed by an indirect initiative, on the other hand, goes first to the legislature. If it passes the legislature, it becomes law. If it does not, the voters decide the matter. Only a few states use the indirect initiative.

Over the years almost every imaginable political issue has been the subject of an initiative. In 1918 Montana approved an initiative allowing chiropractors to practice within its borders. In 1972 Colorado passed an initiative to keep state funds from being spent on hosting the 1976 Winter

Olympics. (As a result, those Olympics were not held in Colorado, but in Innsbruck, Austria.) More recent initiatives have addressed issues such as lowering property taxes, denying government benefits to illegal immigrants, and repealing affirmative action programs.

**Referenda** A **referendum** is a popular vote on a proposal that has already been considered by the legislature. Referenda are submitted to the voters for several reasons. The constitutions of all states but Alabama require lawmakers to submit any constitutional amendments to the voters.

Sometimes a legislature chooses to submit a controversial proposed law to popular vote rather than deciding the matter itself. In addition, citizens may petition for a referendum to overturn a law the legislature has adopted. Forty-nine states allow some form of referendum.

**Recalls** Like initiatives and referenda, recalls allow citizens in some states to take direct governmental action. A **recall** is a special election to remove an elected official from office before the end of his or her term. Before a recall can be held, however, a certain number of registered

### STATES ALLOWING INITIATIVES, REFERENDA, AND RECALLS

STATE	INITIATIVE	REFERENDA	RECALL	STATE	INITIATIVE	REFERENDA	RECALL
Alabama				Montana	x	x	x
Alaska	x	x	x	Nebraska	x	x	
Arizona	x	x	x	Nevada	x	x	x
Arkansas	x	x		New Hampshire		x	
California	x	x	x	New Jersey		x	
Colorado	x	x	x	New Mexico		x	
Connecticut		x		New York		x	
Delaware		x		North Carolina		x	
Florida	x	x		North Dakota	x	x	x
Georgia		x	x	Ohio	x	x	
Hawaii		x		Oklahoma	x	x	
Idaho	x	x	x	Oregon	x	x	x
Illinois	x	x		Pennsylvania		x	
Indiana		x		Rhode Island		x	x
Iowa		x		South Carolina		x	
Kansas		x		South Dakota	x	x	x
Kentucky		x		Tennessee		x	
Louisiana		x	x	Texas		x	
Maine	x	x		Utah	x	x	
Maryland		x		Vermont		x	
Massachusetts	x	x		Virginia		x	
Michigan	x	x	x	Washington	x	x	x
Minnesota		x		West Virginia		x	
Mississippi	x	x		Wisconsin		x	
Missouri	x	x		Wyoming	x	x	

Source: *The Book of States*: 1994

*Initiatives, referenda, and recalls are all ways in which citizens, rather than legislatures, can adopt or repeal laws. What are the two types of initiatives?*

voters must sign a petition requesting such an election.

Recall elections are rare, and the actual recall of an official is even more rare. Why? Elected officials who commit unethical acts are likely to resign or to be censured by their colleagues before a recall can take place. Besides, those who act in highly unpopular ways can be voted out of office in the next regular election, so citizens rarely feel compelled enough to organize a statewide petition drive.

## State Government and the Public Good

Some critics of state governments charge that they are large, unresponsive bureaucracies that do not adequately address citizens' needs and concerns. Many people would argue, however, that these criticisms are unfounded. State governments have increased the quality and lowered the cost of some public services. For example, some states have opened offices in shopping malls to allow people to renew their car registration more easily.

Education is another area in which states have tried particularly hard to improve and expand services and opportunities. As a result, all 50 states have seen a dramatic expansion of their state college system. In fact, the research from one study suggests that by the year 2006 college enrollment in the United States will rise to 16.4 million, a 14 percent increase over 1996 college enrollment.



**PUBLIC GOOD** Here a researcher at a state university examines a virus through a microscope. State governments have been working hard to improve educational research facilities at public schools. How do states determine how well public schools are educating their students?

To improve their performance, many states also have developed tracking systems that assess how well their governments are fulfilling their responsibilities to citizens. Most states, for example, now use standardized tests to track how well public schools are educating their students. Through these and other inventive methods, states are striving to promote the public good.

### SECTION 1

## REVIEW

1. Define the following terms: initiative, referendum, recall.
2. How are the U.S. Constitution and the constitutions of the states similar? How are they different?
3. In what three ways can citizens of a state take direct action to influence the legislative process?
4. What are some of the criticisms of state governments? How have states tried to improve the ways in which they deliver public services?

### 5. Thinking and Writing Critically



Are any rules in your school subject to a student referendum? Can students propose initiatives? Imagine that you were able to propose initiatives. What rule would you want your school to adopt?

### 6. Applying PRINCIPLES OF DEMOCRACY

Why is it important that states have the power to establish laws for such things as driver's licenses? What problems might occur if the federal government rather than states established such laws?



## SECTION 2

# ORGANIZATION

### Political Dictionary



governor  
jury pool

### Objectives

- ★ How are state legislatures structured?
- ★ What are the responsibilities of a state's executive branch?
- ★ How are state courts organized?

Both federal and state governments divide power among legislative, executive, and judicial branches. The organization of the states' branches in many ways mirrors that of the federal government.

## State Legislative Branches

Today's state legislatures are different from those of several decades ago. Since then, the powers and makeup of the legislatures have changed, sometimes dramatically.

**Terms** In most states, senators serve four-year terms, while members of the lower house serve two-year terms. These terms vary from state to state, however, with some senators serving just two years and some lower-house members serving as many as four.

**Sessions** About 30 years ago, only 20 state legislatures met every year. The other 30 met every two years, often for only three months. Making state law was a part-time job that legislators could perform while running a business, practicing law, or tending a ranch. Perhaps because of the part-time nature of the job, membership turnover was

high—generally between 35 and 40 percent in each election.

Today the number of legislatures that meet annually has increased from 20 to 43. Being a legislator, however, still is a full-time job in only nine states (California, Illinois, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin). Turnover among members has declined somewhat, although it is still much higher than the rate for Congress.

**Qualifications** Like members of Congress, state legislators must be U.S. citizens. They generally also must live in the district they represent. As with terms and sessions, however, age requirements for serving as a state legislator vary across the states. Many states require senators to be at least 25 years of age and lower-house members to be at least 21. In several states, however, the age requirement is only 18 for both houses.

Most state legislators are younger than the average member of Congress. Many politicians start their political careers in state legislatures, later becoming members of Congress, governors, or judges. Indeed, unlike in Congress, where it is not unusual for members to serve 20 years or more, few people choose to make a career out of serving in a state legislature.

How accurately do state legislatures reflect the population as a whole? As of 1996, 21 percent of



**POLITICAL PROCESSES** *State legislators need to devote a lot of time to their political positions in order to keep up with today's complex system of government. In how many states is being a legislator considered a full time job?*

## State Legislatures

STATE	NUMBER OF MEMBERS		SESSIONS	MINIMUM AGE	STATE	NUMBER OF MEMBERS		SESSIONS	MINIMUM AGE
Alabama	Senate	35	Annual	25	Montana	Senate	50	Biennial—odd years	18
	House	105		21		House	100		
Alaska	Senate	20	Annual	25	Nebraska	Senate	49	Annual	21
	Assembly	40		21					
Arizona	Senate	30	Annual	25	Nevada	Senate	21	Biennial—odd years	21
	House	60		25		House	42		
Arkansas	Senate	35	Biennial—odd years	25	New Hampshire	Senate	24	Annual	30
	House	100		21		House	400		
California	Senate	40	Annual, full time	18	New Jersey	Senate	40	Annual	30
	Assembly	80		18		House	80		
Colorado	Senate	35	Annual	25	New Mexico	Senate	42	Annual	25
	House	65		25		House	70		
Connecticut	Senate	36	Annual	18	New York	Senate	61	Annual, full time	18
	House	151		18		House	150		
Delaware	Senate	21	Annual	27	North Carolina	Senate	50	Annual—legal provisions for odd years only	21
	House	41		24		House	120		25
Florida	Senate	40	Annual	21	North Dakota	Senate	49	Biennial—odd years	25
	House	120		21		House	98		
Georgia	Senate	56	Annual	25	Ohio	Senate	33	Annual, full time	18
	House	180		21		House	99		
Hawaii	Senate	25	Annual	18	Oklahoma	Senate	48	Annual	25
	House	51		18		House	101		
Idaho	Senate	35	Annual	18	Oregon	Senate	30	Biennial—odd years	21
	House	70		18		House	60		
Illinois	Senate	59	Annual, full time	21	Pennsylvania	Senate	50	Annual, full time	25
	House	118		21		House	100		
Indiana	Senate	50	Annual	25	Rhode Island	Senate	50	Annual	18
	House	100		21		House	100		
Iowa	Senate	50	Annual	25	South Carolina	Senate	46	Annual	25
	House	100		21		House	124		
Kansas	Senate	40	Annual	18	South Dakota	Senate	35	Annual	25
	House	125		18		House	70		
Kentucky	Senate	38	Biennial—even years	30	Tennessee	Senate	33	Annual—legal provisions for odd years only	30
	House	100		24		House	99		
Louisiana	Senate	39	Annual	18	Texas	Senate	31	Biennial—odd years	26
	House	105		18		House	150		
Maine	Senate	35	Annual	25	Utah	Senate	29	Annual	25
	House	151		21		House	75		
Maryland	Senate	47	Annual	25	Vermont	Senate	30	Annual—legal provisions for odd years only	18
	House	141		21		House	150		
Massachusetts	Senate	40	Annual, full time	18	Virginia	Senate	40	Annual	21
	House	160		18		House	100		
Michigan	Senate	38	Annual, full time	21	Washington	Senate	49	Annual	18
	House	110		21		House	98		
Minnesota	Senate	67	Annual—legal provisions for odd years only	21	West Virginia	Senate	34	Annual	25
	House	134		21		House	100		
Mississippi	Senate	52	Annual	25	Wisconsin	Senate	33	Annual, full time	18
	House	122		21		House	99		
Missouri	Senate	34	Annual	30	Wyoming	Senate	30	Annual	25
	House	163		24		House	60		

Source: *The World Almanac: 1997; The Book of States: 1994*

their members were women—a far higher percentage than in Congress (11 percent). About 7 percent of state legislators were African American. This figure does not differ much from the percentage in Congress in 1997 (7 percent) but is lower than the percentage of African Americans in the entire U.S. population (about 12 percent). About 2 percent of state legislators were Hispanic, compared with about 3 percent of Congress in 1997 and 11 percent in the U.S. population as a whole. The percentages of Asian Americans and American Indians serving as state legislators are also lower than their percentages in the population.

**Salaries** For many decades, state legislative salaries were low. As the job became more influential and time-consuming, however, legislators' salaries generally increased. New York offers the highest salary at \$57,500 a year, while New Hampshire legislators earn only \$200 a year, and Alabama legislators earn \$10 a day.

**Leadership** Except for Nebraska, which has a nonpartisan, one-house legislature, all state legislatures are bicameral, or have two houses. In each house, there is a presiding officer with substantial leadership powers. As in Congress, these leaders assign bills to committees, make committee assignments, and control floor debates.

**Committees** Committees perform the main legislative work of the states, just as they do for the nation. That is, state legislative committees consider and report on proposed bills.

Bills undergo a legislative committee process similar to that in Congress. First, a member of the state legislature introduces a bill. It is then assigned to and considered in committee. If the bill is approved there, the full state senate and lower house debate it and vote on it.

If different versions of the bill are passed in the two houses, a joint committee will draft a compromise version. The compromise bill is then voted on in both houses and, if passed, sent to the executive branch, where it may be signed into law or vetoed.

Until fairly recently, state legislature committees had little power and no support staff, although today they have a great deal of power. Keep in mind, however, that the power of committees varies from state to state. In some states the legislative committees resemble

congressional committees in their scope of influence. In other states, committees are not nearly as strong as in Congress, making it relatively easy to get a bill considered on the floor without committee approval.

As their power has increased, the state legislative committees' staff also has increased. By around 1990 the 50 state legislatures employed more than 33,000 staff members. In most states, committee staff is not divided along party lines, as it is in Congress. Instead, the entire staff serves the committee as a whole, regardless of the members' party affiliations. Gradually, however, partisan staffing is spreading to more states.

## State Executive Branches

Every state has a **governor**, or elected chief executive. The qualifications for holding the governorship, as well as the position's terms, salaries, roles, and powers, vary from state to state.

**Governors' Qualifications and Terms** Each state's constitution lists the requirements for becoming governor. Most states require that the governor be a U.S. citizen. He or she also must have resided in the state in question for a certain length of time. Age requirements vary from state to state, but typically a governor must be at least 30 years of age.

Governors in most states serve four-year terms. In New Hampshire and Vermont, however, they serve only two years. A number of states limit governors to serving two terms. Virginia is more extreme, allowing its governor to serve only one term.

**Governors' Salaries** As with state legislators, the salaries of governors vary widely. The governor of New York, for example, receives \$130,000 a year. In contrast, the governor of Montana earns \$59,310. Most states also provide their chief executive and his or her family with a governor's mansion or other official residence in the state capital. In addition, due to the nature and requirements of their job, governors often receive an allowance for travel and related expenses.

**Governors' Roles** Governors, like presidents, generally take an active role in initiating legislation, preparing budgets, and setting an agenda for the state. In recent years, for example, governors

## Government and History

### Constitutional Change over Time

The constitutions of the United States and of each individual state have changed as a result of key events in history. Change in the U.S. Constitution is reflected in its 27 amendments, such as those ending slavery, extending the right to vote, and banning poll taxes. At the state level, change has been reflected in amendments and in complete revisions of some states' constitutions. In fact, some states have been governed by nearly a dozen different constitutions over the years.

What brought about some of these changes? How have historical events affected constitutional government in the states over time? Constitutional measures in the states often have reflected general attitudes and beliefs at the time in which they were adopted. Consider, for example, state constitutions that were adopted before 1820. Remembering more domineering governors that had been imposed on the colonies by the British crown before 1776, state leaders developed constitutions that put strong limits on executive



The Granger Collection, New York

Pictured here is Hiram R. Revels, who in 1870 became the first African American elected to the U.S. Senate.

power. Over time, however, amendments in various states brought a more even balance in power between the two branches of government.

Constitutional change in the decades after the Civil War also reflected the times and historical events, especially in the southern states of the former Confederacy. For example, after the war southern states, under federal occupation, adopted new constitutions that secured legal rights for former slaves. Under those constitutions, African Americans won elections to government offices across the South. For example, between 1869 and 1901 twenty African Americans represented Southern districts in the U.S. House. Mississippi sent two African Americans to the Senate during this period.

Following Reconstruction and the removal of federal troops, however, white southerners who opposed political rights for African Americans returned to power. This brought about another wave of constitutional change across the South. Revised constitutions allowed states to pass laws imposing a form of second-class citizenship on African Americans. These laws included measures for racial segregation and voting restrictions.

For example, Louisiana and six other southern states adopted measures that waived literacy and other eligibility requirements for people eligible to vote before Jan. 1, 1867. Those measures effectively barred most African Americans from voting. How? None had been eligible to vote before 1867, and few had ever received any formal education or could meet other requirements.

State constitutions today still reflect many attitudes that evolved in past eras. Primary and referendum elections, for example, gained popularity during the Progressive era of the early 1900s. Both measures reflected the desire of many people at the time to expand democracy by allowing voters to bypass legislatures to enact popular laws.

#### What Do You Think?



1. What are some historical events or general attitudes and beliefs that have been reflected in constitutional changes in the states?
2. Do you think that the changes made in state constitutions as a result of a key event in history have promoted the public good? Explain.

## Terms of Office and Salaries of State Governors

STATE	LENGTH OF TERM (in years)	SALARY	STATE	LENGTH OF TERM (in years)	SALARY	STATE	LENGTH OF TERM (in years)	SALARY
Alabama	4	\$87,643	Louisiana	4	\$95,000	Ohio	4	\$115,762
Alaska	4	\$81,648	Maine	4	\$69,992	Oklahoma	4	\$70,000
Arizona	4	\$75,000	Maryland	4	\$120,000	Oregon	4	\$80,000
Arkansas	4	\$60,000	Massachusetts	4	\$90,000	Pennsylvania	4	\$105,000
California	4	\$120,000	Michigan	4	\$121,166	Rhode Island	4	\$69,900
Colorado	4	\$70,000	Minnesota	4	\$114,506	South Carolina	4	\$106,078
Connecticut	4	\$78,000	Mississippi	4	\$83,160	South Dakota	4	\$79,875
Delaware	4	\$95,000	Missouri	4	\$94,563	Tennessee	4	\$85,000
Florida	4	\$104,817	Montana	4	\$59,310	Texas	4	\$99,122
Georgia	4	\$103,074	Nebraska	4	\$65,000	Utah	4	\$77,250
Hawaii	4	\$94,780	Nevada	4	\$90,000	Vermont	2	\$80,730
Idaho	4	\$85,000	New Hampshire	2	\$86,235	Virginia	4	\$110,000
Illinois	4	\$123,022	New Jersey	4	\$85,000	Washington	4	\$121,000
Indiana	4	\$77,200	New Mexico	4	\$90,000	West Virginia	4	\$90,000
Iowa	4	\$98,200	New York	4	\$130,000	Wisconsin	4	\$101,861
Kansas	4	\$80,340	North Carolina	4	\$103,012	Wyoming	4	\$95,000
Kentucky	4	\$86,352	North Dakota	4	\$71,042			

Source: *World Almanac: 1997; The Book of States: 1994*

*State constitutions outline many aspects of the office of governor such as the yearly salary and the number of terms an individual may hold the office. What is the salary for the governor of Colorado?*

in several states have taken the lead on issues such as education and welfare reform. Their actions at the state level often have propelled them into leadership roles on these issues at the national level.

In addition, governors today often act as their states' chief ambassadors, working to attract business investment and to encourage the purchase of state exports. Governors frequently become personally involved in negotiations with large companies that are considering locating their offices and factories in the state. Governors even travel to other countries to promote their state to foreign investors and to find markets abroad for its products and businesses.

**Governors' Powers** As governors' roles have expanded, their powers have increased as well. As noted in Chapter 2, the constitutions of the newly independent American states created weak governorships. Remembering how strong colonial governors had abused their power, citizens of the young country worked to ensure that state

governors would not do the same. This legacy of limiting governors' powers continued well into this century.

For example, most governors' appointment powers are restricted. Unlike presidents, governors seldom may appoint all the agency heads in the executive branch. In almost all states, for example, the attorney general is elected separately from the governor. In addition, voters in many states also elect a lieutenant governor, secretary of state, treasurer, and state auditor or comptroller—whose job is to ensure that no public funds are paid out of the state treasury unless authorized by law.

Most governors do possess one power that traditionally has been withheld from the president—the line-item veto. As noted in Chapter 6, a line-item veto can be used to void specific parts of legislation or budget appropriations while signing the rest of the bill into law. By 1994, governors in 41 states held this power. In 1995 Congress also gave line-item veto power to the

president, but a federal judge ruled the legislation unconstitutional. The case was appealed to the Supreme Court. In 1997 the Court ruled that the law's constitutionality could not be decided at that point because the president had not yet exercised the power. With the first exercise of this power by President Clinton in the fall of 1997, the case was sent back to the Supreme Court for review.

## State Judicial Branches

As noted in Chapter 11, cases that involve federal laws or the federal government must go through the federal courts. However, most legal rules that affect people's everyday lives are passed not by the federal government but by the states. Therefore, most court cases take place in state courts. In addition, local courts also are established by states to handle matters of state law. During the mid-1990s state and local courts dealt with 99.7 percent of all cases filed in the United States.

Like the federal judiciary, the states maintain two basic types of courts: trial and appeals. The states have also established a number of special courts.

**Trial Courts** Most states' trial courts, though a part of state government, are organized at the county level. The office of the district attorney or the public prosecutor is in charge of investigating and prosecuting state criminal cases. In many states, criminal cases cannot be brought by the district attorney's office without a grand jury's approval. As noted in Chapter 12, a grand jury is a panel of citizens who determine if the government has enough evidence to put a person on trial.

As noted in Chapter 12, after a grand jury hands down an indictment, a trial—or petit (PEH-tee)—jury hears the case. In almost every state, juries in criminal cases consist of 12 jurors and in most states there can be no conviction in a criminal trial without a unanimous verdict.

As noted in Chapter 12, the jury selection process begins when potential jurors are chosen to come to court. Traditionally, potential jurors were selected using lists that included only one group of people, such as licensed drivers, car owners, or registered voters. This method, however, does a poor job of ensuring representative juries. For example, because poor people and young people are less likely to register to vote than others, they will have a relatively low chance of being called

for jury duty in states that choose potential jurors from lists of registered voters only. As a result, 25 states have begun using multiple sources to compile their jury lists.

In many courts potential jurors sit around the courthouse for a long period of time as part of a **jury pool**, a group of people who might be chosen to serve in a trial. This waiting burdens people because they cannot work or attend classes while part of a jury pool. As a result, many people called as potential jurors ask to be excused from jury duty.

In recent years many state courts have introduced a system called one day, one trial. People selected under this system must appear as a potential juror for only one day. If not chosen as a juror on that day, he or she need not return. If chosen, the person need sit in only the trial for which he or she was selected. The one-day, one-trial system was first used in Houston in 1972. As of the

## Comparing



## Governments

### The Federal Republic of Nigeria

Federal governments in other countries have many similarities to the U.S. government. Sometimes, however, those similarities appear only on the surface and do not truly reflect political reality in a country. This is the case with the Federal Republic of Nigeria, which is located on the southern coast of western Africa.

A former British colony, Nigeria—which has more than 250 ethnic groups—gained its independence in 1960. The country's constitution divides responsibilities among the federal government and 30 state governments and their local councils. State governments, for example, are responsible for medical and health services.

Despite the similarity to the federal system in the United States, however, Nigeria is not a democracy. A series of military governments has run the country—except for a brief period in 1993—since the early 1980s. In 1995, however, the government pledged to turn power over to democratically elected officials within three years.



**POLITICAL PROCESSES** *West Virginia Supreme Court judges look over the backlog of cases that have flooded their court. What courts handle the estates of deceased people?*

early 1990s, courts serving about 30 states were using this system.

**Appeals Courts** Cases under state law generally may be appealed only within the state court system. The highest court of appeals in a state is generally called the state supreme court. A state case can be appealed to the federal courts only if it involves a possible violation of the U.S. Constitution or other federal law.

**Special Courts** In 44 states there are also several special courts with limited jurisdiction, or that handle only specific types of cases. As with most state courts, these special courts usually are organized at the county level and sometimes at the city level. The most common special courts are

- ★ family courts, which handle divorces and child custody and support;
- ★ probate courts, which handle the estates of deceased people;
- ★ juvenile courts, which handle offenses committed by people legally too young to appear in adult criminal courts; and
- ★ traffic courts, which handle cases involving traffic violations.


**The Judges** Unlike the judges of the federal courts, who are appointed, county trial court judges are usually elected. Even state supreme court judges are elected in almost half of the states. In other states the governor appoints the judges, and in a few, the legislature selects them.

Twenty-seven states have adopted some form of the Missouri Plan for choosing state court judges. Introduced in Missouri in 1940, this plan empowers a nonpartisan commission led by the state bar association to develop a list of candidates qualified to serve as judges. The governor then selects judges from among those candidates, and voters decide at a regularly scheduled election, usually a year later, whether to retain the judges in office.

Most state judges serve limited terms—most often 6 to 10 years. Judges in only one state—Rhode Island—serve for life, as U.S. Supreme Court justices do. In two states—Massachusetts and New Hampshire—judges may serve until age 70, when they must retire. Seated judges in the other states, however, are often re-elected at the end of their terms, enabling many of them to retain their positions for life.

## SECTION 2

# REVIEW

1. Define the following terms: governor, jury pool.
2. How do most state legislatures operate?
3. How have governors' roles and powers changed over time?
4. Describe state trial, appeals, and special courts.
5. **Thinking and Writing Critically** 

What are the advantages and disadvantages of the Missouri Plan for selecting state supreme

court judges? Do you think that the advantages of this system outweigh the disadvantages? Explain your answer.

### 6. Applying **PRINCIPLES OF DEMOCRACY**



Conduct an Internet search for information on your state's court system. You might start with search words such as *state court system* and your state's name. Outline the information you find.

## SECTION 3

# STATE BUDGETS AND REVENUES

### Political Dictionary

sales tax  
sin tax  
bond rating



### Objectives

- ★ How are state budgets created?
- ★ What are the main sources of state revenue?

As the trend toward less federal involvement in state affairs grows, state governments are taking on new responsibilities. Indeed, state governments are currently on the front lines of some of the nation's most difficult challenges, such as making policies dealing with education, drugs, welfare, and crime. As states formulate programs in these areas, they also must find ways to pay for them.

## State Budgets

State legislatures generally play a role in the state budget process similar to that played by Congress in the federal budget process. The governor usually presents a budget to the legislature. The members of the legislature then debate the proposed budget and draft their own version, consulting with the executive branch in the process. The legislature draws up a final budget, votes on it, and sends it to the governor for his or her signature.

One key difference between the state and federal budget processes is that most states require by law that the budget be balanced. That is, state spending cannot exceed state revenues. Long before people began clamoring for a balanced-budget amendment to the U.S. Constitution, states had this requirement in place.

Achieving a balanced budget can be challenging during economic downturns, however. Therefore, some states, when revenues are up, hold money in “rainy day” funds set aside for tough economic times. The only exception to the balanced-budget requirement involves long-term bonds used to pay for expensive projects, such as the building of roads, bridges, schools, hospitals, and prisons. As noted in Chapter 9, a bond is a certificate issued by an institution (a government or corporation) in exchange for money borrowed from an investor.

Another difference between the federal and state budgets is the source of government revenue. Unlike the federal government, which depends on the income tax for the largest part of its revenue, states receive money from many sources, including various taxes, fees, federal grants, loans, and lotteries.

## State Taxes

Most state governments have sales and income taxes. Some also have severance taxes. States try to keep their tax burdens down because a high tax rate often discourages businesses from locating their operations there.

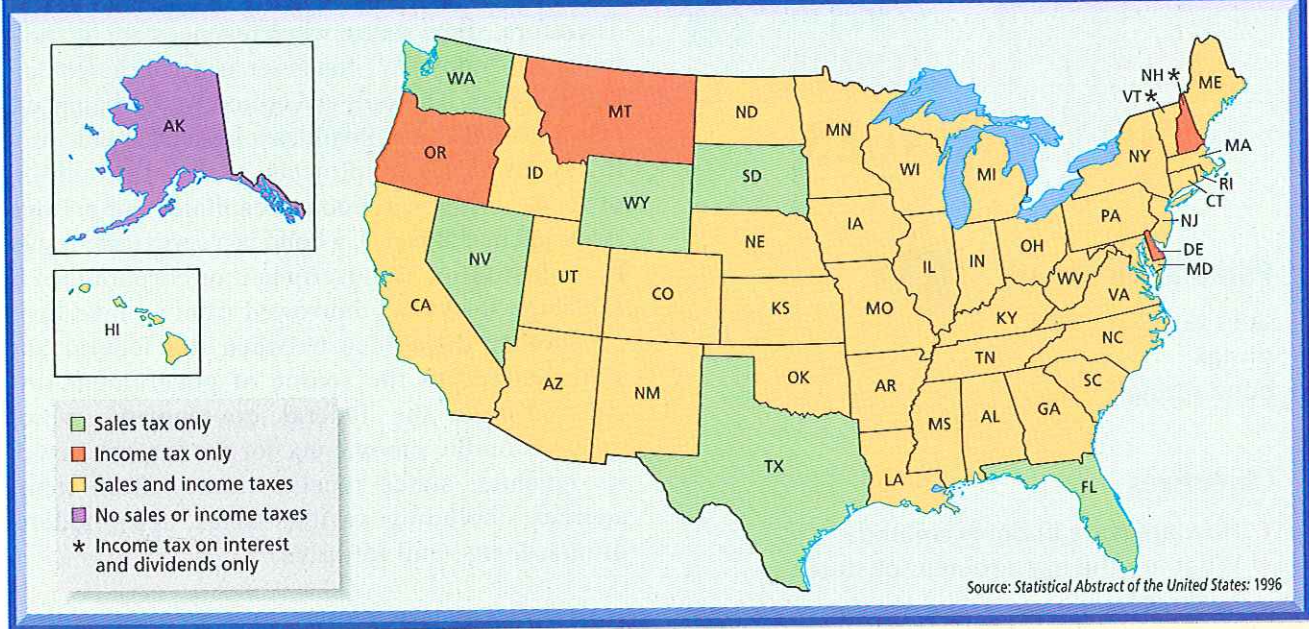
**Sales Taxes** A **sales tax** is a tax placed on the sale of a good or service and is charged as a percentage of the sales price. Mississippi adopted the first sales tax in the United States in 1932. Today all but five states—Alaska, Delaware, Montana, New Hampshire, and Oregon—have a sales tax. Rates are generally the same for all goods and range from 3 percent in Colorado and Wyoming to 7 percent in Mississippi and Rhode Island.

Many states exclude some basic items from the sales tax. Half exclude food, and all but six exclude prescription drugs. Other states do not charge a sales tax on items such as clothing, and some do not tax the sale of college textbooks.

**Special Sales Taxes** Some states have additional sales taxes on certain categories of goods and services. For example, most states have special hotel sales taxes, which are often passed because they are paid largely by visitors from other states. Thus, a state can raise these tax rates without angering state residents. State officials must keep in mind, however, that if such taxes rise too high, businesses may decide to hold their conferences and other travel-related functions in



## State Sales and Individual Income Taxes



Most states raise revenues by using a combination of sales and income taxes, but some states use either sales taxes or income taxes to raise revenue. What is the only state to have no sales or income taxes?

states with lower taxes. Vacationers also might choose a less expensive destination.

Another kind of special sales tax are sin taxes. **Sin taxes** are meant to discourage the purchase of some types of goods, such as liquor and cigarettes. Some states charge as much as 81.5 cents in tax on a pack of cigarettes and \$6.50 on a gallon of hard liquor. In 1991, for example, California introduced a type of sin tax on snack foods, such as candy. Although the state does not tax food, the passage of this law removed the sales tax exemption from snack foods. Other items such as alcoholic beverages also lost their exempt status with the passage of the bill.

**Income Taxes** Wisconsin passed the first state income tax in 1911. Today 43 states have an individual income tax, although 2 of these only tax income from interest and dividends. All states but three—Nevada, Washington, and Wyoming—also have some form of tax on business income. In some states the income tax has a flat rate. That is, all people, regardless of how much money they earn, pay the same percentage of their income in taxes. In other states the rate is progressive, as with the federal income tax. This means that a person's income tax rate rises as his or her income rises.

The highest state income tax is in North Dakota, where people who earn more than \$50,000 a year must turn over 12 percent of their incomes.

**Severance Taxes** Severance taxes are those placed on the extraction of nonrenewable resources, such as oil, coal, and natural gas. This type of tax is paid by a business when it removes such resources from the ground.

Most states raise less than 10 percent of their total tax revenue through severance taxes. States with large reserves of oil and minerals—such as Alaska, Louisiana, Montana, New Mexico, Wyoming, and North Dakota—earn a higher percentage of revenue than other states from severance taxes. In 1996 Alaska took in the highest percentage from this source—63 percent of its total tax revenue.

## State Fees

States also charge fees directly to the people who use a particular state service. These types of user fees include highway tolls, auto registration and driver's license fees, fishing and hunting license fees, and state park fees. One of the largest user fees in most states is tuition at state colleges. Some people support this method of financing a government

service because user fees remove some of the monetary burden from the general tax payers and place it on those who actually use the service.

## Federal Grants

A large revenue source for state governments is federal grants. As noted in Chapter 4, the federal government gives categorical and block grants to the states for many types of projects, such as building schools, roads, and bridges. In 1996 the federal government gave \$227 billion in grants to state and local governments. About 40 percent of this money was spent on health services provided by states.

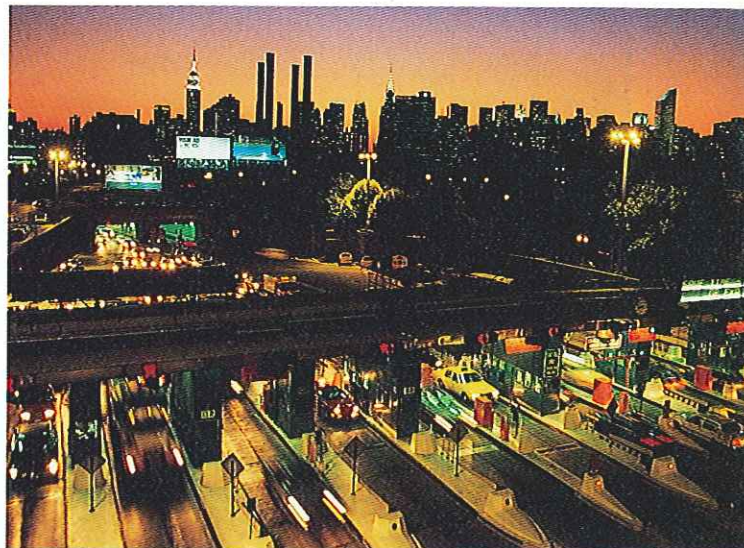
Rapid expansion of federal grants between 1960 and 1980 allowed state and local governments to increase their activities without significantly raising taxes. Many grant programs were set up during President Lyndon Johnson's administration. These grants differed from their predecessors in that they were intended to aid poor people rather than fund public works projects. Some grant programs established during the Johnson administration have been used to fund public education programs for poor students, provide health insurance for those in poverty, and aid in the construction of mass transit systems in cities. A number of the new programs, such as grants to public schools and to local police departments, involved policy areas traditionally reserved to state and local government.

During the early 1980s, however, cutbacks in federal grants created a funding crisis that sent state and local governments scrambling to develop new sources of revenue. Some states, often at the initiative of their governors, have raised taxes in recent years.

## Borrowing

Having a mandate to create balanced budgets, most state governments cannot borrow money to fund a budget deficit, as the federal government does. They may, however, borrow in the short term to keep the government running until the budget's predicted tax revenue is collected.

States also may borrow money for longer periods of time to fund lengthy construction projects, such as roads, prisons, college dormitories, and hospitals. Because such construction projects have a long life, lawmakers typically spread their



**PRINCIPLES OF DEMOCRACY** Toll roads, such as the one pictured here, charge user fees directly to those who actually use the service. What are some other state services that charge a user fee?

cost out over several years instead of funding them through a single year's budget.

How do states borrow money? They do so by issuing bonds. A state bond indicates that the state is in debt to the bondholder for the amount listed on the certificate. In exchange for loaning money to the state, the bondholder receives interest on the bond. When the bond matures—typically after a number of years—the state returns the amount borrowed to the investor plus interest.

The interest rates a state offers on its bonds vary according to the state's bond rating. A **bond rating**—determined by independent, private organizations—is a measure of how much faith the financial community has in the issuer's (the state's) financial stability. Bond ratings vary from A3 to Aaa (the highest rating issued by Moody's Investors Service). In 1997, for example, Maryland, Missouri, South Carolina, Utah, and Virginia all received Moody's highest rating. States with high bond ratings pay less money in interest because the bondholder is taking on less risk.

## Lotteries and Gambling Revenues

In search of ways to raise funds "painlessly," without raising taxes, many states have turned to lotteries and other gambling revenues. In 1964 New



**POLITICAL PROCESSES** *State-sponsored lotteries have become a source for additional income. State lotteries usually provide 2 to 3 percent of these states' revenues. What percent of Nevada's revenue is received from taxes on gambling?*

Hampshire became the first state in the 1900s to establish a lottery. Today state-run lotteries exist in 38 states, providing about 2 to 3 percent of their total revenue.

At first, state lotteries spread slowly. Many critics objected to them on moral grounds, saying that the government should not encourage gambling among citizens. These critics charged that the lottery was not at all painless, that it encouraged citizens, particularly poor ones, to spend their

money in the hope of striking it rich. Early lottery advertising reflected this worry by trying to downplay that the lottery is a form of gambling. Instead, states stressed the worthy causes to which lottery revenues were being applied.

As state budgets grew tighter and tighter, however, and as the popularity of gambling increased, more states adopted lotteries. To maintain interest in the lotteries and to keep sales high, states turned from emphasizing the support of education to enticing buyers with the possibility of huge wealth. As a result, the size of the jackpots started rising astronomically. As of 1994 the largest prize awarded to a single ticket holder in a drawing was \$110 million. States also began offering many additional games, particularly "instant winner" lotteries.

To reach more people, the states began selling lottery tickets in additional places, including, in some cases, checkout lines at supermarkets.

Casino gambling is a revenue source in several states, including Nevada and New Jersey. Taxes on gambling in Nevada provide the state with 40 percent of its revenue. In addition, six states have authorized riverboat gambling in dockside casinos. Some states also collect revenue from the horse- and dog-racing industries.

### SECTION 3

## REVIEW

1. Define the following terms: sales tax, sin tax, bond rating.
2. How is the state budget process similar to the federal budget process? How is it different?
3. What kinds of taxes do states impose? What are the advantages and disadvantages of each type?
4. Why do states borrow money? How do state government bonds work?

### 5. Thinking and Writing Critically

What advantages do you think sin taxes provide? Name some disadvantages.

### 6. Applying PUBLIC GOOD

Should states raise revenues through lotteries and other forms of gambling? Do you think lotteries are truly a "painless" way to raise money for state programs? Explain your answer.

**SECTION 1**

The 50 states are similar in many ways. Like the federal government, they receive their authority to govern from constitutions that reflect the places and times in which they were written. State constitutions cannot conflict with the U.S. Constitution.

Furthermore, like the federal government, the states' continued authority to rule rests firmly with the people. Citizens in many states may become directly involved in checking the legislative power of their state government by offering an initiative, holding a referendum, and recalling an elected official. An initiative is a nonlegislative procedure for proposing or repealing a law. A referendum is a popular vote on a proposal that has already been considered by the legislature. A recall is an election to remove an elected official from office.

Some critics charge that state governments are not as responsive to the people as they should be. Most people agree, however, that they are striving to deliver high-quality, cost-effective public services.

**SECTION 2**

State governments divide their power among legislative, executive, and judicial branches. The powers and makeup of state legislatures have changed in recent decades. In most states the legislatures have gone from meeting every two years to meeting annually.

To serve in a state's lawmaking body, state legislators, like their counterparts in Congress, must meet certain requirements. The main work of the legislative branch is performed by committees that consider and report on proposed bills. State bills undergo a process similar to that of federal legislation in Congress.

The executive branch is headed by the governor, who takes an active role in initiating legislation, preparing budgets, and setting an agenda for the state. Governors' powers were once strictly limited but have increased as

states have taken on responsibilities once performed by the federal government.

A state's judicial branch, like the federal court system, has two basic types of courts: trial and appeals. There are also a number of special courts with limited jurisdiction in such areas as child custody, estates, and juvenile or traffic offenses. Most state judges are elected, not appointed.

**SECTION 3**

State governments are on the front lines of some of the nation's most difficult challenges, such as education, drugs, welfare, and crime. As states formulate policies and programs in these areas, they also must find ways to pay for them. State legislatures generally play a role in the budget process similar to that played by Congress in the federal budget process. A key difference between state and federal budgets, however, is that most states require their budgets to be balanced. For this reason, many states maintain "rainy day" funds.

States receive money from many sources, including sales taxes, income taxes, severance taxes, fees, federal grants, loans, and lotteries and other forms of gambling. Lotteries and gambling have been controversial sources of revenue, as many people feel that the government should not encourage gambling. Lotteries exist in more than half of the states and bring in revenue for services such as education.

**Government Notebook**

Review the list you wrote in your Government Notebook at the beginning of the chapter about state laws that affect you personally. Now that you have studied this chapter, list as many as you can. Record them in your Notebook.

# REVIEW

## REVIEWING CONCEPTS

1. What is the difference between an initiative and a referendum?
2. Describe three ways in which state governments promote the public good.
3. Why is the average age of state legislators younger than that of members of Congress? Do you think the age of 18 is an appropriate age requirement to be a state legislator? Explain your answer.
4. How is a bill introduced and passed by a state legislature? What part do committees of the legislature play in this process?
5. States raise revenues by imposing various taxes. Describe some other ways states raise revenues.

## THINKING AND WRITING CRITICALLY



1. **PRINCIPLES OF DEMOCRACY** Should states charge a flat income tax or a progressive income tax, like the federal government? Should students with part-time jobs pay the same percentage of their income in taxes as other working citizens? Explain your answers.
2. **POLITICAL PROCESSES** Imagine that an elected official in your state has committed an unethical act. As a registered voter, would you wait for the next election in hopes that the official would not be re-elected, or would you initiate a recall? How would you initiate a recall if you felt it necessary to do so?
3. **POLITICAL PROCESSES** The pay for state legislators varies widely from state to state. How do you account for the huge difference in salaries for legislators in New York and in New Hampshire? What do you think is a fair salary

for a part-time legislator? for a full-time legislator? Explain your answers.

4. **PUBLIC GOOD** In addition to trial and appeals courts, the majority of states have a number of special courts. Do you think these family, probate, juvenile, and traffic courts help the judicial system run more smoothly or just make it more complicated? How might these special courts promote the public good? Explain your answers.

## CITIZENSHIP IN YOUR COMMUNITY



Research the jury selection process for jury trials in your community. Although procedures for selecting a jury are basically the same across the United States, the process does vary slightly from place to place. Consider the following questions as you conduct your research. How are potential jurors' names selected? How does the court determine a juror's qualifications? How are prospective jurors notified of their jury assignment? Use the information you gather to create a flowchart showing the steps in the jury selection process. Include one or two sentences of explanation for each step.

## INDIVIDUAL PORTFOLIO PROJECT



Usually there is no shortage of people who want to run for office in state government. Imagine, however, that not enough candidates have declared their intention to run in your state's next election. To solve the problem, lawmakers have asked you—a clerk in the state government—to place help-wanted advertisements in the state's major newspapers. Write three

want-ads describing the jobs of state legislator, governor, and state supreme court justice. Be sure to list the qualifications, terms, and duties of the office in each advertisement.

## **PRACTICING SKILLS: CITIZENSHIP**



Write a letter to one of your state's senators or representatives in order to find out more about the job of being a legislator. You might want to start by looking in your local telephone directory to find out how to contact your state legislators. In your letter, ask for information about the committees on which the congressperson serves and the bills he or she has introduced.

## **THE INTERNET: LEARNING ONLINE**



Conduct an Internet search to locate your state's constitution. You might begin by using search words such as *constitution*, *state constitution*, and [your state's name] *Constitution*. Browse the document, looking for information about your state's legislative, executive, and judicial branches. How often does your state's legislature meet? How long is each session? What are the requirements for holding the office of governor? Make a poster outlining the information you find. Be sure to include the Web site addresses you find most useful.

## **ANALYZING PRIMARY SOURCES**



### **GOVERNOR JEANNE SHAHEEN'S INAUGURAL ADDRESS**

On January 9, 1997, Jeanne Shaheen was inaugurated as the first female governor of New Hampshire. Read the following excerpt from Governor Shaheen's inaugural address and answer the questions that follow.

*“To all of you in this chamber and to every citizen of our great state I pledge my full devotion to the solemn oath I have just taken. . . .*

*And so today I invite every New Hampshire citizen to become a part of our history and a part of our future. If you have an idea about how to improve the quality of life in our state, I want to hear it. . . .*

*I'm going to listen. I'm going to learn. And with your help, we will take action to meet the challenges we face: improving our schools, lowering electric rates, protecting health care, creating jobs, and building our economy. . . .*

*For too long, we have been paying the highest electric rates in the nation. They constitute [make up] a hidden tax, taking money away from families already struggling to make ends meet. . . .*

*We have already taken the first steps toward introducing competition into the electric industry. . . . But our task is clear: high electric rates are a threat to our economic future, and they must come down.*

*We must make sure quality health care is affordable and accessible to all our families. . . . And as our population ages, we must develop alternatives to costly nursing home care, alternatives that allow our senior citizens to remain at home and in their communities. . . .*

*I will make education a priority—in my budget, in my appointments, and in the full weight and visibility granted by this office. . . .*

*For now, join me in celebrating this moment. And tomorrow let us begin the quiet, steady work of the people. Let us do it without acrimony [sharpness] or bitterness. Let us do it without petty partisanship [party loyalty]. And let us do it together. Then, we will truly make history.”*

1. Governor Shaheen addresses New Hampshire's problems with high electric rates, health care, and education. How does she propose beginning to solve these problems?
2. Shaheen urges her peers to work for the people “without petty partisanship.” What does she mean by this?
3. Shaheen made history by becoming New Hampshire's first female governor. How does she plan to make history in her work as governor?