

State and Local Government

Who provides many of the services you rely on every day? How can individual citizens influence public policies? What helps to guarantee that your rights as an individual are respected?

Answers to all of these questions can be found in state and local government. Your state and local governments are in place to provide essential public services, represent the interests of citizens, and protect citizens' civil rights.

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Essential State and Local Services

Explore what essential services state and local governments provide to citizens and how those services are delivered.

Essential Question How are state governments organized and how do they fund their programs?



What You Will Learn

In this chapter, you will learn how the various levels of state and local government are organized, what their powers are, and what services they provide to you as a citizen.

SECTION 1

States and the National Government

SECTION 2

State Government

SECTION 3

Local Government and Citizen Participation



Elected officials lead the nation's state and local governments. Above, members of the Oregon Senate are shown meeting in session. At left, Mayor Martin Chávez of Albuquerque, New Mexico, discusses city government with visiting students.



Student Casebook

Use your Student Casebook to take notes on the chapter and to complete the simulations.

States and the National Government

Reading Focus

As you have learned, the word *federalism* is used to describe the relationship between the national and state governments. State governments function under the national constitution and a state constitution. State constitutions share important similarities as well as strengths and weaknesses.

CASE STUDY The Nullification Crisis

Learn about the crisis that developed when South Carolina tried to disregard a federal law.

WHAT YOU NEED TO KNOW Learn about the powers of states within the United States and how state constitutions organize state government.

SIMULATION Amending the State Constitution Use your knowledge to debate a proposed amendment to your state constitution.



Student Casebook

Use your Student Casebook to take notes on the section and to complete the simulation.

The outcome of the nullification crisis is shown in this mid-nineteenth-century political cartoon. President Andrew Jackson (center left) stands in triumph over a defeated John C. Calhoun of South Carolina (far left).



1828

May 1828

A tariff on British imports is signed into law. Southerners call it the Tariff of Abominations.

1829

July 1832

In response to southern protest, Congress passes a reduced tariff.

1830

1831

November 1832

South Carolina passes the Ordinance of Nullification, declaring the federal tariff void in the state.

1832

December 1832

President Jackson issues the Nullification Proclamation, which declares the actions of South Carolina illegal.

1833

1834

March 1833

A compromise tariff gradually lowers the tariff to pre-1828 levels—ending the crisis.

The Nullification Crisis

Decades before the Civil War, the national government and the states disagreed over the issue of states' rights. One state decided to challenge the national government by declaring a federal law null and void. The ensuing crisis put American federalism to the test.

The Buildup

In 1828, Congress raised a tariff, a tax on imported or exported goods, on British imports in order to make similar products manufactured in the northern states seem less expensive. Southern states had long argued that tariffs benefited the North at the expense of the South. Prices of goods remained high in the South, where the 1828 tariff became known as the Tariff of Abominations.

The protest over the tariff raised the issue of whether a state had the right to disregard federal law. The issue hit at the heart of the government, dividing even President Andrew Jackson and his vice president, John C. Calhoun. President Jackson argued that the federal government must have supremacy over the states. Calhoun promoted the theory that a state had the right to nullify federal laws that the state judged to be unconstitutional or against its best interests.

Although a new tariff passed in 1832 lowered the rates of the previous tariff, the change was not enough to satisfy the state of South Carolina. Its legislature made a monumental decision: It voted to test the doctrine of nullification.

The Crisis

In November 1832 the South Carolina legislature passed the Ordinance of Nullification. The ordinance declared the 1828 and 1832 tariffs to be “null, void, and no law, nor binding upon this State, its officers or citizens.”

South Carolina's ordinance put national unity in crisis. President Jackson and others in the federal government believed that if a state could nullify federal laws, it would threaten the very existence of the nation. In December 1832 President Jackson issued the Nullification Proclamation, in which he declared South Carolina's ordinance to be illegal. He argued that federal laws were too important to be canceled by the opinion of one state. “Were we mistaken, my countrymen, in attaching this importance to the Constitution of our country?” Jackson wrote. “Did we pledge ourselves to the support of an airy nothing—a bubble that must be blown away by the first breath of disaffection?”

An Uneasy Resolution

The federal government and South Carolina remained in a standoff until the following year, when a compromise tariff resolved the crisis. The new law gradually reduced the tariff rates over several years.

The issue of states' rights, however, remained unsettled. It fueled debates about slavery, which in turn contributed to the Civil War. In the end, national unity prevailed. In 1869 the Supreme Court declared in the landmark decision *Texas v. White* that the United States was “an indestructible Union composed of indestructible States.”

The dispute over states' rights remains at the heart of many issues today. From civil rights to gun control, some Americans argue that states should be permitted to form their own policies, rather than being subject to federal laws.

What Do You Think?

1. Should the federal government pass laws that affect different parts of the country in different ways? Explain your answer.
2. Should states have the right to nullify federal laws? Why or why not?
3. Describe a situation from current events that is similar to the nullification crisis. How would you resolve the conflict?



WHAT YOU NEED TO KNOW

States in the Federal System

Key Terms

guarantee clause
fundamental law
statutory law

The Case Study about the nullification crisis illustrates the ways in which the federal system shapes the relationship of the states to the national government. Now you will learn how federalism shapes the relationships of the states to one another.

Relations with the Federal Government

Federalism is the sharing of powers between the national government and the state governments. Remember that the U.S. Constitution grants specific powers, such as the power to regulate immigration, to the federal government. These powers are known as delegated powers. All other powers are either reserved for the states or the people or are held concurrently by the national and state governments. The power to establish local governments, for example, is a reserved power because only states may take this action. The power to tax, however, is a concurrent power, because both states and the federal government may levy taxes.

Although they had outlined these powers in the Constitution, the Framers realized that conflicts would arise between the national government and the states. To resolve such conflicts, the Framers included the supremacy clause in Article VI, Section 2, of the Constitution. This clause declares the Constitution and the laws of the federal government to be the “supreme Law of the Land.” This means state governments may not ignore federal laws or the U.S. Constitution or contradict them with their own laws or constitutions. As you have read, federal supremacy sometimes strains the relationship between the states and the federal government.

Relations with Other States

A state’s relationship to the federal government is only one part of the overall influence of the federal system on the states. After all, states must also interact with one another. The Constitution establishes guidelines for these relationships too.

Chiefly, the Constitution promotes a cooperative relationship between the states. One important way it does so is through the full faith and credit clause, found in Article IV, Section 1. The full faith and credit clause requires that each state recognize the civil laws and acts of the other states. For example, a driver’s license issued by one state is valid in all the other states, even if standards for issuing a license, such as training requirements, are different. Each state must also honor the decisions of the courts in the other states.

READING CHECK Identifying the Main Idea How do states relate to one another in the U.S. federal system?

REAL - WORLD EXAMPLE
CASE STUDY LINK


Twenty-first Century

Nullification The United States nearly faced another nullification crisis as recently as 2003. In that year, a small group of lawmakers in the New Hampshire House of Representatives introduced HB 1246, titled “An Act Nullifying the USA Patriot Act.” The legislation declared that New Hampshire would no longer recognize the USA Patriot Act, the federal law enacted following the September 11 terrorist attacks. A crisis over possible nullification was averted, however, when a New Hampshire House committee deemed HB 1246 “inexpedient [unwise] to legislate.”

Applying Information Why do you think HB 1246 was considered unwise to legislate?

State Constitutions

As you learned by reading the first three chapters of this book, the United States has a long tradition of limited government and democracy. One way that tradition is maintained is through Article IV, Section 4, of the U.S. Constitution—the **guarantee clause**—which “guarantee[s] to every State in [the] Union a Republican Form of Government.” Although the clause does not define *republican*, it is generally understood to mean that the state governments will be structured like the national government—they will be limited and representative. These ends were achieved through the ratification of each state’s constitution.

Beyond the guarantee clause, however, the U.S. Constitution does not provide guidelines for how state and local governments should be organized. Rather, each state government is conferred legitimacy and authority by its own state constitution. Each state constitution also outlines a specific framework for state and local government.

Qualities of State Constitutions

State constitutions are as different as the states themselves. Some state constitutions are longer than the U.S. Constitution, and others are shorter. Some have retained the same wording since the 1700s, and others have been rewritten many times.

Despite these differences, state constitutions have similarities as well. For example, each state constitution expresses basic civic principles and practices. Every state constitution also protects civil rights through a bill of rights. These bills of rights help to ensure that majority rule does not infringe upon minority rights. Additionally, every state constitution prescribes respect for the equality of citizens and provides for due process of law.

The fundamental goal of every state constitution is also essentially the same—to establish the system of government for the state. Although each state government is different, each is similar in key ways. Every state constitution provides for a limited state government in which power is shared among a legislative, executive, and judicial branch, for example.

Changes to State Constitutions

Another similarity of state constitutions is that most have changed dramatically over the years. The U.S. Constitution has been amended only 27 times in its entire history. In contrast, state constitutions have been amended more than 5,900 times—more than one amendment every year for each state.

Characteristics of State Constitutions



In general, state constitutions are

- **Long.** The average is 28,600 words. The U.S. Constitution, with amendments, is about 7,400 words long.
- **Frequently amended.** The average is 100 amendments. The U.S. Constitution has 27 amendments.
- **Frequently rewritten.** The average is 3 constitutions. Louisiana, with 11, has had the most.
- **Overly detailed and inflexible.** Excessive detail leaves state constitutions unable to adapt during times of change.



State Bills of Rights For the most part, state bills of rights simply reinforce the rights guaranteed to U.S. citizens by the U.S. Bill of Rights. For example, Michigan’s bill of rights, guarantees state citizens freedom of speech and the press. However, like many state bills of rights, the Michigan bill of rights also contains provisions not found in the U.S. Bill of Rights. For example, the Michigan bill of rights guarantees state citizens who have been victims of crime the right to be present at all court proceedings at which the accused will also be present.

Applying Information How are the rights guaranteed by the national government similar to the rights guaranteed by state governments?

One reason for this distinction is that amending a state constitution is easier than amending the U.S. Constitution. Consider the process for amending the Oregon Constitution. In Oregon the legislature proposes an amendment to the state constitution by a majority vote. The amendment is approved if a majority of the voters vote in favor of it at the next election. Oregon voters themselves may also propose an amendment by gathering enough signatures on a petition. This power, known as the initiative, is a power that Oregon voters share with voters in 16 other states.

Not only are state constitutions frequently amended, most have been completely rewritten at least once—and some many times. Louisiana, for example, has had 11 constitutions, and Georgia has had 10. On the other hand, Massachusetts and several other states still have their original state constitutions. In fact, the Massachusetts Constitution, ratified in 1780, is the world's oldest constitution that still remains in effect.

Constitutional Problems and Solutions

Given the frequency with which they have been amended and rewritten, it is reasonable to conclude that state constitutions are imperfect in comparison to the U.S. Constitution. Problems with state constitutions result from the kinds of provisions they contain, their length, and their age. Solving these problems often involves amending the documents or even rewriting them altogether.



Constitutions and Amendments



CONSTITUTIONS AND AMENDMENTS*

State	Year of Statehood	Current Constitution	Number of Amendments	Number of Constitutions
Alabama	1819	1901	772	6
Illinois	1818	1971	11	4
Louisiana	1812	1974	129	11
Maryland	1788	1867	219	4
Massachusetts	1788	1780	120	1
Michigan	1837	1964	25	4
New Mexico	1912	1912	151	1
New York	1788	1895	219	4
North Carolina	1789	1971	34	3
Ohio	1803	1851	161	2
Oregon	1859	1859	238	1
Pennsylvania	1787	1968	30	5
South Carolina	1788	1896	485	7

*as of 2006

Problems The average state constitution is 28,600 words long—almost four times as long as the U.S. Constitution. One reason state constitutions tend to be longer than the U.S. Constitution is that they contain different types and quantities of provisions.

The U.S. Constitution contains **fundamental law**, meaning law that determines the basic political principles of a government. Many state constitutions, however, contain both fundamental law and **statutory law**. Statutory law is very detailed and specific. For example, the Minnesota Constitution contains a provision that citizens do not need a license to sell produce grown in their gardens. Because state constitutions are so easily amended, they contain many examples of statutory law—details you would not find in the U.S. Constitution. Another problem related to this excessive detail is that portions of many state constitutions have become obsolete.

Solutions Many people believe that state constitutions should focus exclusively on fundamental law and contain less detail. Between 1950 and 1970, forty-five states revised their constitutions. Some states chose to completely rewrite their constitution. Other states used the amendment process to change their constitution. Kansas, for example, has one of the shortest state constitutions, at about 11,900 words. Kansans have revised their constitution through amendment rather than by rewriting it completely. Kansans can vote on up to five amendments at a time, at regularly scheduled general elections or at special elections called by the state.

READING CHECK **Comparing and Contrasting** How are state constitutions similar to and different from the U.S. Constitution?



Pennsylvania's Constitution

The fundamental laws of Pennsylvania have been expressed in four state constitutions. The Constitution of 1776 first governed the state. Pennsylvanians then drafted new constitutions in 1790, 1838, and 1874. (The 1874 constitution was revised by constitutional convention in 1968.) Each of the state's constitutions established a limited government and protected citizens' rights. Changes were made to eliminate obsolete provisions and to allow Pennsylvania's government to adapt to changes, such as those that followed the Civil War.

Applying Information How has Pennsylvania's constitution changed over the years?

Section 1 Assessment

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ONLINE QUIZ

Reviewing Ideas and Terms

- a. Identify** What powers does the U.S. Constitution grant to state governments?

b. Explain Is a contract signed in one state legally binding in another state? Why or why not?

c. Elaborate State why the supremacy clause and the full faith and credit clause are important to the U.S. system of government.
- a. Recall** From what source do state governments receive their legitimacy and authority?

b. Contrast What distinguishes **fundamental law** from **statutory law**?

c. Evaluate Why do you think state constitutions have been revised so frequently, compared with the U.S. Constitution?

Critical Thinking

- 3. Draw Conclusions** In your opinion, is the amount of detail in state constitutions a strength, a weakness, or both? Explain your answer.

CASE STUDY LINK You answered the following questions at the end of the Case Study. Now that you have completed Section 1, think about and answer the questions again. Then compare your answers with your earlier responses. Are your answers the same or different?

4. Should the federal government pass laws that affect different parts of the country in different ways? Explain your answer.
5. Should states have the right to nullify federal laws? Why or why not?
6. Describe a situation from current events that is similar to the nullification crisis. How would you resolve the conflict?

SIMULATION

Amending the State Constitution



**Student
Casebook**

Use your Student Casebook to complete the simulation.

Will the citizens of your state make English the state's official language?



In a democracy, government officials must balance majority rule with minority rights when writing and enforcing laws. Consider the issue of English as an official language. In this simulation, use what you learned in Section 1 to debate and then vote on a fictional amendment to your state constitution that would make English the state's official language.

Roles

- Supporters of the English-language amendment
- Opponents of the English-language amendment
- Concerned citizens

1 The Situation

The state legislature has recently decided to allow the people to vote on an amendment to the state constitution. If approved by the voters, the amendment will make English the official language of the state. In the final weeks before the election, a citizens' group has called for a debate on the amendment. Groups both for and against the amendment will take questions from concerned citizens in an open forum to be televised throughout the state.

The Proposed Amendment

The United States has always benefited from the rich diversity of its people. Throughout American history, the thread binding individuals of differing backgrounds has been the English language. English has permitted diverse individuals to discuss, debate, and agree on controversial issues. Therefore, we add the following new article to our state constitution, on approval of the voters and by proclamation of the governor:

- English is the official language of our state.
- All official actions will be conducted in English only.
- Government will be required to preserve, protect, and enhance English as the official language, prohibiting discrimination against persons using English, and permitting private lawsuits to enforce the official English amendment to our state constitution.

2 The Debate

Your teacher will moderate a public debate between supporters and opponents of the proposed amendment. The purpose of the debate is to provide voters with enough information to make an informed decision on the amendment in the upcoming election.

Sample Arguments in Favor of the Amendment

The amendment will

- protect the majority culture in the state
- encourage immigrants to learn English
- save the government money by reducing the costs of providing services in multiple languages

Sample Arguments against the Amendment

The amendment will

- limit cultural diversity in the state
- prevent recent immigrants from communicating effectively with the government and others
- conflict with the principle of respect for minority rights

3 The Election

As voters in a state election, vote either “yes” or “no” on the proposed amendment. When casting your vote, be sure to consider all the points mentioned in the classroom debate.

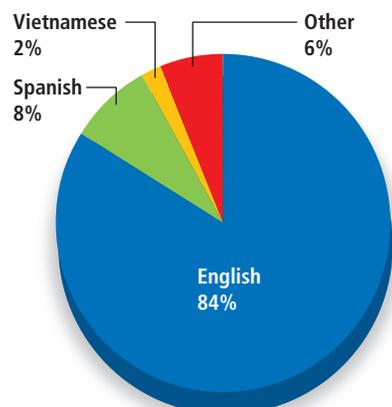
4 Debriefing

After the votes are tallied, think about the factors you considered before you cast your vote. Write a letter to the editor, explaining how the election results relate to the concepts of majority rule and minority rights.

English as an Official Language in the United States

- Of the 50 states, 26 currently have a law making English the official state language.
- Six states made the law through constitutional amendment. Twenty states made the law through a statute.
- The U.S. Congress has debated making English the official language of the United States. A federal law has never been passed.

PRIMARY LANGUAGE SPOKEN AT HOME



Costs and Benefits to the State

- Of the \$35.5 billion spent by the state government last year, \$1.2 million was spent providing services in languages other than English. This figure represents less than one one-hundredth of 1 percent of the state’s budget.
- Non-English-speaking and English-speaking households contributed to the state’s gross domestic product at roughly the same rate.

State Government

Reading Focus

State governments, like the federal government, divide power among legislative, executive, and judicial branches. In terms of their structure and functions, these state branches mirror the branches of the federal government. Also like the federal government, state governments must find funding for expensive yet essential programs and services.

CASE STUDY Teen Driving

Laws Learn about how and why states have moved toward stricter laws concerning teenagers and driving.

WHAT YOU NEED TO KNOW Learn about how the powers of state governments are spread among three branches. Learn how the legislative, executive, and judicial branches function. Then read about state government finances.

SIMULATION Budgeting and Public

Policy Use your knowledge to debate how best to spend a small surplus in the state's budget.



Student Casebook

Use your Student Casebook to take notes on the section and to complete the simulation.

DRIVER EDUCATION STUDENT DRIVER



Each state passes its own laws regulating drivers and driver education.

Teen Driving Laws

Motor vehicle crashes are the leading cause of death among 15- to 20-year-olds in the United States. In recent years many states have passed new laws restricting teenage drivers. These laws aim to reduce driving-related accidents and deaths involving teenagers.

Tragedy in Georgia

On July 1, 2003, Joshua Brown was 17 years old and on top of the world. He was a recent graduate of Cartersville High School in Cartersville, Georgia, and a star athlete. In the fall, Joshua planned to attend music school in Boston. On the night of July 1, in one tragic instant, everything changed. While driving on a wet road, Joshua lost control of his car and collided with a tree. He died several days later.

In their grief, Joshua's parents approached their state senator to ask for a new law mandating training for teenage drivers. They believed better driver education might have saved their son's life. The proposal was passed by Georgia's legislature and signed into law by the governor. Known as Joshua's Law, the new legislation went into effect on January 1, 2007.

Georgia Driving Laws

Even before Joshua's Law, teenage drivers in Georgia faced strict laws. The licensing system in Georgia includes a learner's permit, followed by a restricted license for drivers between 16 and 18 years of age. With a restricted license Georgia teens may not drive between 12 a.m. and 6 a.m. For the first six months they may not have teenage passengers other than siblings.

Joshua's Law added another important element to Georgia's system: It made driver education mandatory for 16-year-olds wishing to apply for an unrestricted license. In addition to driver education, teens must complete 40

hours of supervised driving, including 6 hours at night. Teenagers who choose not to complete driver education must wait until age 17 to apply for an unrestricted license. Supervised driving is mandatory for all teen drivers.

The results of Georgia's teen driving laws are promising. The Georgia Department of Driver Services reported that after the first laws went into effect in 1997, speed-related crashes among teenage drivers dropped by 44.5 percent.

Other States, Other Laws

In the United States, driving laws are the responsibility of the states. For this reason, driving laws vary widely. For example, in some states, teenagers can drive without supervision at age 14 and a half. In other states, teens must wait until they are 16 and a half before they are even allowed to get behind the wheel.

During the last two decades, many states have taken steps to protect teenage drivers. In the 1980s Maryland, California, and Oregon were among the first states to institute graduated licensing systems. Graduated licensing systems require a learner's permit period, often combined with a period of restricted driving. Only later is an unrestricted license issued, in some states as late as 18 years of age.

Today 46 states and the District of Columbia have a three-stage graduated licensing system. Like Georgia, other states using such systems have reduced crashes involving teenagers. Michigan and North Carolina, for example, have both reported about a 25-percent reduction in crashes involving 16-year-old drivers.

What Do You Think?

1. Do you think graduated licensing systems are a good idea? Explain your answer.
2. What are your opinions of the arguments for and against strict teen driving laws?
3. How else could society promote teenage driver safety?



WHAT YOU NEED TO KNOW

Organization of State Governments

Key Terms

governor
 citizen legislatures
 professional legislatures
 line-item veto
 executive clemency
 Missouri Plan

Driving laws, like those discussed in the Case Study, are products of state government. In this section you will learn that, much like the federal government, state governments divide and balance power among three branches. Although the structures and powers of these branches are similar from state to state, there are differences as well.

All but one state legislature is bicameral, meaning the legislature has two houses. In most states the lower house is called the house of representatives, and the upper house is called the senate. Nebraska is the only state with a unicameral, or one-house, legislature. Nebraskans adopted the one-house legislature during the Great Depression in an attempt to reduce the costs of running the government. The state never returned to a bicameral system.

Other differences between state legislatures also exist. The total number of legislators differs from state to state, ranging from as few as 49 in Nebraska to as many as 424 in New Hampshire. Terms of office and session lengths also vary among state legislatures.

Overall, however, state legislative branches are quite similar to one another and to the U.S. Congress.

Structures and Powers of State Governments

State constitutions divide power among legislative, executive, and judicial branches.

The structures and powers of these branches differ from state to state.



Arkansas

Governor: Has "supreme executive power" under the state constitution

General Assembly: Part-time; meets for 60 days every other year

Judiciary: Seven supreme court justices elected to eight-year terms; also appellate court, circuit courts, and district courts



Florida

Governor: Chief executive works with three elected cabinet members

Legislature: House and Senate pass laws that affect every Floridian; considered the most powerful branch

Judiciary: Supreme court is highest, then court of appeals, circuit courts, and county courts



Georgia

Governor: Strong budgetary powers; four-year term, limit two consecutive terms

General Assembly: House and senate with two-year terms, no term limits; meets 40 days each year

Judiciary: Include supreme court and lower superior courts, where most important trials occur



Illinois

Executive: State departments and agencies led by governor; elected to four-year term, no term limits

Legislative: House and senate with two-year terms; meet annually to pass laws

Judicial: Seven supreme court justices elected to 10-year terms; 1 appellate court and 22 circuit courts

State executive branches are also similar to each other and to the executive branch of the federal government. In all 50 states, voters elect a **governor** to serve as chief executive of state government. Although the first state constitutions limited governors' powers in order to prevent the concentration of power in the hands of one person, today's state constitutions grant governors sufficient power to lead a truly separate and equal branch of government. Forty-three states also have a lieutenant governor whose duties, relative to the governor's, are like those of the U.S. vice president. Yet unlike the vice president, who is elected on the same ticket as the president, many lieutenant governors are independently elected.

Similarities also exist between the state judicial branches and the federal judicial branch. Like the federal judiciary, the states have two types of courts—trial courts and appellate courts. State courts handle different types of cases than federal courts do, however. Federal courts handle cases involving federal laws, while state courts handle cases involving state laws. In fact, because there are far more state laws than federal laws, state and local courts handle some 99 percent of all court cases in the United States.

READING CHECK **Comparing and Contrasting** What are two similarities and two differences between the federal government and the state governments?

RESPONSIBILITIES OF LEADERSHIP

Governors are the chief executives of the state governments. Like all leaders, however, governors are only as powerful as the team that supports them. To exercise effective leadership, governors must engage in teamwork and consensus building—skills that are important for all citizens to develop and use.



Structures and Powers of State Governments



Maryland

Governor: Four-year term; leads 24-member cabinet; submits annual budget

General Assembly: House and Senate pass laws, create executive depts; meets annually, no term limits

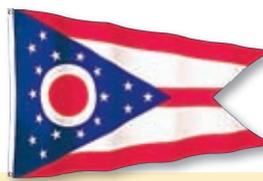
Judiciary: Court of appeals is highest; then court of special appeals, circuit courts, district courts



New Mexico*

State: House can impeach any state officer or judge by majority vote. Senate tries impeachments and convicts with a two-thirds vote.

Tribal: Native American tribal governments exercise legitimate power over tribal territories. Powers and responsibilities are similar to those of state government.



Ohio

Executive: Article III establishes five offices, including a governor, who enacts and enforces laws.

Legislative: Under Article II, the two-house General Assembly creates and changes laws.

Judicial: Under Article IV, the supreme court and lesser courts interpret laws.



South Carolina

Governor: Oversees the faithful execution of laws; assisted by cabinet and other executive officers.

General Assembly: House and Senate meet annually; committees key to process

Judiciary: Supreme court; General Assembly elects chief justice and four associate justices to 10-year terms

*Native American tribal governments exist in New Mexico and in at least 38 other states.

REAL-WORLD
EXAMPLE**Wyoming's Citizen
Legislature**

The Wyoming legislature is one of the last true citizen legislatures in the United States. In odd-numbered years, Wyoming legislators meet in a general session that may last for a maximum of only 40 days. The legislature also meets for a 20-day budget session in even-numbered years. Legislators receive \$125 per day in salary and \$80 per day for expenses. They are not eligible for state employee benefits such as retirement or health insurance.

Applying Information Why do you think Wyoming has chosen to retain its citizen legislature?

**ACADEMIC
VOCABULARY**

grant to permit as a right

State Legislative Branches

All 50 state governments include a legislative branch that makes the state's laws. In most states the state legislative body is simply called the legislature, though in some states it is known as the General Assembly, the Legislative Assembly, or the General Court. You might think of your state legislature as a smaller, state-specific version of the U.S. Congress. In many respects this is true, though differences exist as well. The key characteristics of state legislatures are outlined below.

Types of Legislatures

Generally speaking, state legislatures can be divided into two types—citizen legislatures and professional legislatures. The two types are distinguished by session frequency and length, legislator salaries, and terms of office. Twenty-two state legislatures exhibit characteristics of both types and, as such, defy classification.

Citizen legislatures are also often called part-time legislatures.

Citizen legislatures sometimes meet in session as infrequently as once every other year and for a period of about two months. Salaries are very small, and terms of office may be shorter than those in other states. Service in a citizen legislature is designed to be a part-time job. Unless they are independently wealthy, legislators must hold another job to earn a living. Seventeen state legislatures can be classified as citizen legislatures.

As the duties of state government have grown increasingly complex, 11 states have formed **professional legislatures**. Sessions of a professional legislature are usually held annually and often last for much of the year. Legislators' salaries typically reflect the full-time nature of the job, and legislative terms may be longer. In states with a professional legislature, legislators usually do not have other jobs while they are serving in the legislature.

How State Legislatures Work

State legislatures work much like the U.S. Congress does, with a few important differences. State legislatures also have duties similar to those of the U.S. Congress, though, of course, on a smaller scale.

Powers Recall that under the U.S. federal system, those powers not granted to the federal government are reserved for the states or for the people. State legislatures possess all of these reserved powers that are not given to another branch of state government by the state constitution and that are not denied to the legislature by the state constitution or the U.S. Constitution. A broad range of powers are extended to state legislatures in this way.

Writing laws is, of course, the primary power of state legislatures. Often, laws dealing with important or controversial issues are first

passed in state legislatures. When a law becomes a trend across many states, the U.S. Congress may consider enacting the law on a national level. In this way, state legislatures can influence national policy. In addition, state legislatures have powers that serve as checks on the other branches of state government. Important legislative checks include the power to approve appointments and to impeach or remove from office state officeholders of any branch.

Organization Like the U.S. Congress, state legislatures are led by presiding officers with substantial leadership powers. These officers fill leadership posts that resemble those in Congress. As in Congress, too, these leaders assign bills to committees, appoint legislators to committees, and control floor debates.

Just as they do at the national level, committees perform the main legislative work of the states. This work primarily consists of considering and reporting on proposed bills. The power of committees varies from state to state. In some states, legislative committees resemble U.S. congressional committees in their scope and influence. In other states, committees are not nearly as strong as in the U.S. Congress, making it relatively easy to get a bill considered on the floor without committee approval.

Process The lawmaking process at the state level is similar to the process at the national level. First, a member of the legislature introduces a bill. The bill is then assigned to a committee, which considers the bill. If the committee approves the bill, it is debated on the floor and a vote is taken.

Sometimes different versions of a bill will be passed in the upper and lower houses of the state legislature. When this occurs, a joint committee drafts a compromise bill, which again goes to both houses for a vote. If passed, the new bill goes to the executive branch, where it is either signed into law or vetoed.

READING CHECK Summarizing What are the major powers and duties of the legislative branch of state government?



Term-Limitation

Movement As more states adopted professional legislatures, a movement to maintain a common characteristic of citizens legislatures began. Throughout the 1990s, in what became known as the term-limitation movement, 21 states enacted laws limiting the number of terms legislators could serve.

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Go online to begin a Webquest exploring the impact of this political trend.



State Legislatures

- Each state has one, though with various names (General Assembly, Legislative Assembly, General Court, the legislature).
- Forty-nine are bicameral. Only Nebraska's is unicameral.
- Seventeen are citizen (or part-time) legislatures, and 11 are professional (or full-time). Twenty-two defy classification.
- All possess those powers reserved for the states by the U.S. Constitution and not denied by the U.S. or state constitutions.
- Each state legislature functions much like the U.S. Congress.

State legislatures, like the Vermont House, are lively centers of debate.

State Executive Branches

The executive branch of the state government includes several important offices. The terms, salaries, roles, and powers of these offices—and the qualifications required to hold them—vary from state to state.

The Governor

The governor is the chief executive of the state government. The officeholder fills a role comparable to that of the U.S. president.

Roles and Powers Today's state governors have many roles and powers. They oversee the enforcement of state laws and help develop the state's policy agenda. They act as ambassadors for their states by attempting to attract businesses and by promoting state products. Recently, governors have even taken on national issues such as education and immigration. Often, presidential candidates are former governors who have risen to the national stage.

In addition to these roles, governors hold certain other powers given to them by their state's constitution. Governors may appoint the heads of some state agencies and departments. Governors also typically play a major role in the creation of the state's budget. Finally, much as the president is the commander in chief of the armed forces, the state governor has the power to mobilize the state's units of the National Guard.

Governors may exercise checks on the other branches of government. They can veto bills passed by the legislature, for example. Most governors also have the power of the **line-item veto**, which allows them to reject specific parts of legislation while signing the rest of a bill into law. Governors also have powers of **executive clemency**. These powers include the power to grant pardons and commutations, which you read about in Chapter 6.

Qualifications and Election Each state's constitution lists the official qualifications for becoming governor. Most states require that the governor be a U.S. citizen. Candidates must also have resided in the state for a certain length of time. Age requirements vary, but typically a governor must be at least 30 years of age.

The characteristics of people elected as governors vary along with the political culture of a state. Most governors, for example, have been white men in their late forties. Increasingly, though, women and minorities are winning governor's races.

Governors in all states are elected by popular vote. In most states, a candidate needs only a plurality of votes to win the election. A plurality means that the candidate receives the most votes of all the candidates, even if that amount is less than a majority of the votes cast. In a handful of states, a candidate for governor needs a majority vote to win election.

ACADEMIC VOCABULARY

enforcement the act of carrying out

REAL-WORLD EXAMPLE

Governors as

Presidents Governors have greater success as presidential candidates than any other group of politicians, including members of the U.S. Congress. In fact, 19 presidents once served as governor of a U.S. state or territory. Most recently, in 2000 George W. Bush was elected president after having served as governor of Texas. Before him, Bill Clinton was elected president in 1992 after having served as governor of Arkansas.

Applying Information Why do you think so many former governors have been elected president?

The Governorship

QUICK
FACTS

Roles

- Enforce state laws
- Set policy agenda
- Promote the state

Powers

- Appointment
- Budget proposal
- National Guard mobilization
- Veto/line-item veto
- Executive clemency

Qualifications

- U.S. citizen
- State resident
- Typically 30 years old or older

Terms

- Usually four years
- Often a two-term limit

Salary

\$70,000 to \$206,500



Governors, like Louisiana's Bobby Jindal (at left), occupy a highly visible position in state government.

Terms and Salaries Forty-eight state governors are elected to four-year terms. In New Hampshire and Vermont, governors are elected to two-year terms. Many governors are limited to serving two terms in office. Virginia allows its governor to serve only one term.

Governors' salaries vary from state to state. As of 2007, California has the highest salary at \$206,500 per year, though the governor declined to accept the full amount. Maine's governor is the lowest paid, with an annual salary of \$70,000. Most states provide the governor with an official residence. Governors also typically receive compensation for travel and related expenses.

Other Executive Offices

Most states elect a lieutenant governor who is next in line to assume the governorship. The lieutenant governor often leads the state senate, plays a role in public policy, and advises the governor. Many lieutenant governors are eventually elected governor themselves.

In most states a secretary of state is responsible for record keeping and for administering state elections. These duties may include maintaining a list of registered voters, for example. A state treasurer manages the state's money by collecting taxes and making many different types of payments on behalf of the state. Finally, an attorney general serves as the state's chief lawyer. He or she advises state officials and interprets state laws as necessary. Legal opinions issued by the attorney general are influential in shaping state laws. These officeholders, in cooperation with the governor and other executive branch officials, work to ensure that the policies and laws of the state are faithfully carried out.

READING CHECK Summarizing How are state executive branches organized?

REAL-WORLD EXAMPLE



Federal and State Freedom-of-Information Laws

The U.S. Freedom of Information Act (FOIA) requires federal government agencies to comply with most citizen requests for government information. Enacted in 1966, the law applies to all departments and more than 70 agencies in the executive branch. Each state has its own freedom-of-information and open-meeting laws as well. The procedure for filing a FOIA request involves writing a letter to the appropriate department or agency, listing precise details about the information being sought.

Applying Information

Freedom-of-information laws are also sometimes called sunshine laws. Why do you think this is so?

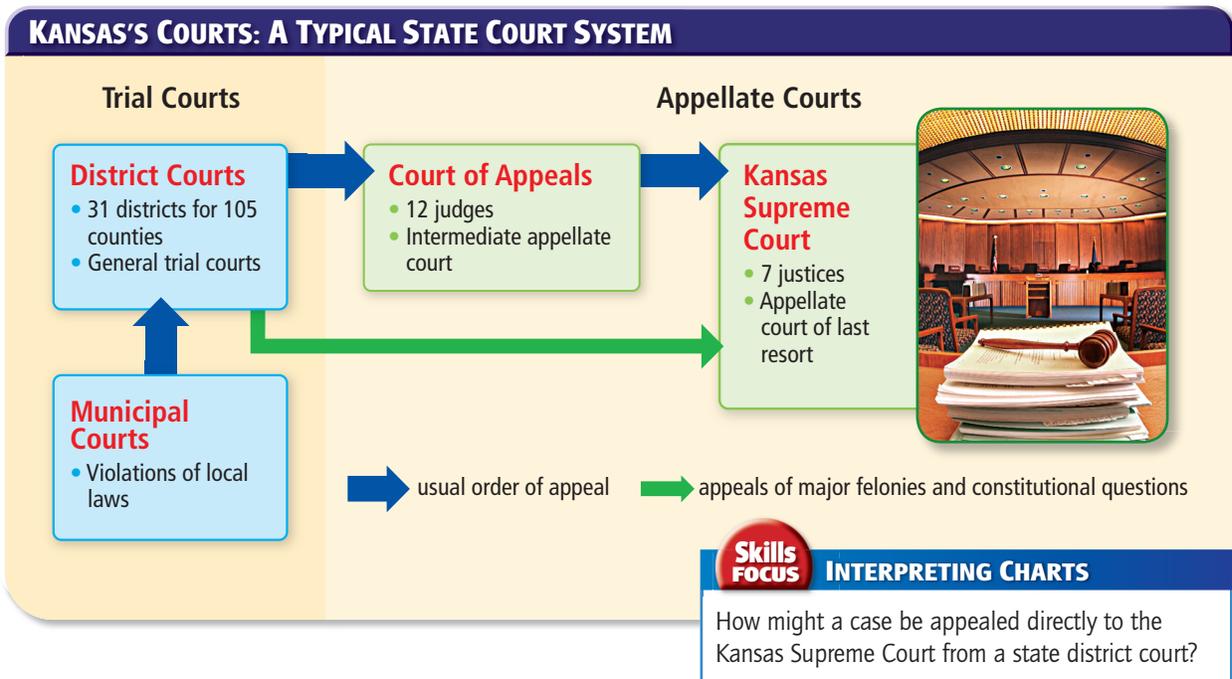
State Judicial Branches

As discussed in Chapter 8, all cases involving federal law or the federal government are handled in the federal court system. Most laws that affect people's everyday lives are passed not by the federal government, however, but by the states. Therefore, most court cases are heard in state courts or in local courts also established by the state. In 2004, more than 36 million cases of all types were filed in state courts throughout the United States.

The State Court System

State courts handle cases involving state laws—including both criminal and civil laws. Civil laws deal with the relationships between people. For example, civil law cases include divorce, adoption, property ownership, contracts, wills, and many other issues. Criminal cases involve laws related to public order. Most criminal cases are also tried in state courts.

A typical state court system contains two basic types of courts: trial courts and appellate courts. Most criminal cases begin their journey through the court system in a trial court. At this level an official known as the district attorney prosecutes cases. Before a trial even begins, however, the case must be reviewed by a grand jury, a group of ordinary citizens who have been called to serve as jurors. The grand jury decides whether the state has enough



evidence to put a person on trial for a crime. If the grand jury decides there is enough evidence, a petit jury (also known as a trial jury) will hear the case in a trial court.

If the trial court finds the person guilty, he or she may appeal the decision to the state's intermediate appellate court. The intermediate appellate court, often called the court of appeals, stands between the trial courts and the state's appellate court of last resort—the state supreme court. The function of the appellate courts is generally not to hear the case anew but rather to determine whether the lower court correctly interpreted and applied the law. Most often the determination of the intermediate appellate court is final, though many cases do still make their way to the state supreme court.

Cases of state law may usually be appealed only within the state court system. Sometimes, however, court cases do move from the state court system to the federal court system. This can only happen if the state case involves a possible violation of federal law or the U.S. Constitution. For a state case to move to the federal courts, it must first be heard in the state supreme court.

Selection of Judges

As you might imagine, how we choose the people who serve as judges has a powerful impact upon the effectiveness of the state courts. Therefore, the process for selecting judges is extremely important and can become very politically controversial.

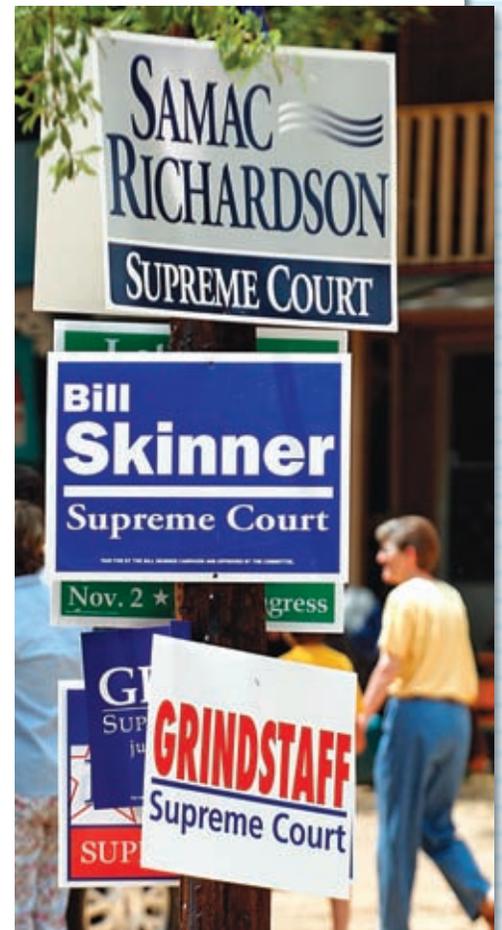
Unlike the judges of the federal courts, who are all appointed, judges in state courts may be either elected or appointed. In states where judges are appointed, the governor or the legislature—or a combination of the two—makes the judicial appointment. When making appointments, a governor usually appoints judges who are members of his or her own party.

In states where judges are elected, names appear on the ballot in a regular election or a judicial election. Although this system may seem fairer than appointment, it has disadvantages as well. Voter turnout in the election of judges is usually lower than in other elections. Judges in office usually do not face an opponent when running for re-election. Therefore, once elected, a judge can be difficult to unseat.

About half of the states use some form of the **Missouri Plan**, which combines methods of election and appointment, to select judges. Under the Missouri Plan, the state bar association helps a nonpartisan commission create a list of potential judges. The list is based upon the merit and qualifications of the potential judges, not upon politics. The governor then appoints one of the candidates on the list. At the next election, usually a year later, the voters decide whether the judge should remain in office. If the people vote “no,” the selection process begins over again.

READING CHECK Identifying the Main Idea Why are the state judicial branches so important to U.S. government?

The majority of states allow for the election of at least some judicial officials.



REAL-WORLD
EXAMPLE

CASE STUDY LINK

Regulating Drivers State governments pass driver regulations, such as Joshua's Law from the Case Study, in order to keep citizens safe. One of the newest kinds of driver regulations being considered by states concerns drivers older than 65. Studies indicate that older drivers are three times less likely to cause an accident than are 18- to 24-year-olds. Yet because of their age, drivers older than 65 are more likely to be severely injured in any accident that does occur.

Applying Information What is one argument for and one argument against regulating older drivers?

State Services and Finances

State governments must provide many services. To do so, they must raise billions of dollars in revenue and create detailed budgets.

State Services

The federal government has only those powers granted to it by the U.S. Constitution. Therefore, the states are responsible for providing many essential government services.

What are some services provided by state governments? State governments build schools, provide textbooks, pay teachers, and decide what students should learn. State governments administer programs like Medicaid, a health care service for people in need. State governments maintain highways and establish guidelines for licensing drivers. State governments establish a state police force to provide for public safety. State governments also work for environmental conservation and the management of state-owned lands.

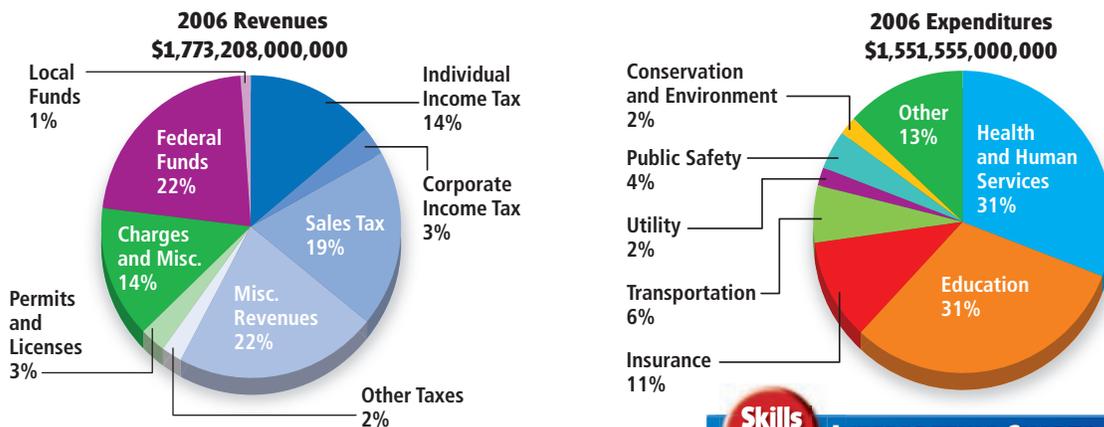
State Revenues

Where do state governments get the money to pay for the services they provide? You probably know some sources of state government money, such as taxes. Other revenue sources may surprise you.

Taxes Most states collect an income tax, though rates vary from state to state. Only Alaska, Florida, Nevada, South Dakota, Texas, Washington, and Wyoming have no state income tax. These states must raise revenue in other ways.

Sales taxes are another source of state government revenue. The sales tax is assessed as a percentage of the sales price whenever a good or service is bought. Sales tax rates differ from state to state and are as high as 7 percent in some states.

STATE GOVERNMENT FINANCES



Source: U.S. Census Bureau, 2006

Skills
focus

INTERPRETING CHARTS

What are the two biggest sources of state government revenue?

Other Revenues In addition to taxes, sources of state revenue include user fees, federal grants, borrowing, and state lotteries.

- User fees include highway tolls and tuition at state colleges. Fees ensure that those who use services, pay for those services.
- The federal government provides grants to states. Some grants are for specific programs. Other grants are for general use.
- States borrow money by selling bonds. People buy state bonds and, after a time, receive their money back with interest.
- Many states run a lottery. Some states raise as much as 2 to 3 percent of their total revenue in this way.

State Budgets

Accurately projecting revenues is an important first step in the state budget process. Then the governor develops a budget proposal detailing how the state should spend its money. Legislators debate the budget proposal and make revisions. The final budget bill is then sent back to the governor for approval. The final budget is a reflection of the state's overall public policy goals.

Many states require a balanced budget, though exceptions are often made for projects like highway construction. Economic cycles, however, can make balancing a budget difficult. For this reason many states set money aside for economic downturns.

READING CHECK Summarizing How do states pay for the services they provide?



State Budget Officers While most state governors are charged with the task of preparing their state's budget, no governor undertakes the task without assistance from trained financial professionals.

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Visit online to begin a Webquest exploring the important role played by the state budget officers.

Section 2 Assessment

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ONLINE QUIZ

Reviewing Ideas and Terms

1. **a. Describe** How are state governments organized?
b. Analyze Describe one advantage and one disadvantage of Nebraska's unicameral legislature.
2. **a. Identify** What are the main differences between **citizen legislatures** and **professional legislatures**?
b. Explain How do state legislatures sometimes influence national policy?
3. **a. Define** What is the **line-item veto**?
b. Compare and Contrast How is the governor's role similar to and different from that of the president?
4. **a. Describe** How is a state court system structured?
b. Evaluate What is the **Missouri Plan**? Is it a fair method for selecting state judges? Why or why not?
5. **a. Identify** What are three state services?
b. Make Inferences Why is it important for states to accurately project revenues?

Critical Thinking

6. **Draw Conclusions** Why are state governments critically important to citizens?

CASE STUDY LINK You answered the following questions at the end of the Case Study. Now that you have completed Section 2, think about and answer the questions again. Then compare your answers with your earlier responses. Are your answers the same or different?

7. Do you think graduated licensing systems are a good idea? Explain your answer.
8. What are your opinions of the arguments for and against strict teen driving laws?
9. How else could society promote teenage driver safety?

SIMULATION

Budgeting and Public Policy



Student Casebook

Use your Student Casebook to complete the simulation.

What state programs will receive additional funding?



State budget officers must make difficult decisions when deciding how to distribute the state's money. By funding certain programs and not others, state budget officers play an important role in shaping public policy. The final state budget becomes one of the clearest expressions of the state's goals and priorities. Use what you have learned and the information provided to simulate a hearing involving five state departments and the state budget committee.

Roles

- State budget committee members
- Parks department representatives
- Corrections department representatives
- Public health department representatives
- Transportation department representatives
- Education department representatives
- State citizens

1 The Situation

After providing for all of the must-haves in the budget, officials identify \$1 billion of left over funding for the state. The state budget committee is holding a hearing to decide how the money should be spent.

Representatives from five state agencies will approach the committee to request funding for specific projects. The state budget committee must decide how to allocate the total \$1 billion of additional funds. The committee may fund all or a portion of any combination of programs, provided the total expenditure does not exceed \$1 billion.

State Agency Proposals

- **Parks Department** A recent flood severely damaged several state parks and historic areas. The parks department is requesting \$500 million to restore them.
- **Corrections Department** State prisons are at capacity. The corrections department is requesting \$500 million to build new facilities so that it can avoid releasing prisoners before their sentences end.
- **Public Health Department** A flu epidemic is expected during the upcoming winter. The public health department is requesting \$500 million to restock flu vaccine.
- **Transportation Department** Traffic jams in the state capital have reached an all-time high and are keeping customers away from retail stores. The transportation department is requesting \$500 million to improve the city's public-transit system.
- **Education Department** Students have been leaving the state to attend medical school, which is limiting the number of medical professionals available across the state. The education department is requesting \$500 million to establish a new medical school at the state university.

2 The Budget Hearing

The seven-member state budget committee will hold a hearing on how to spend the extra money. The committee must decide how to allocate the \$1 billion among the five departments making requests. The committee members must consider the following when making their determination:

- the merit of each department's plan
- the governor's public-policy goals
- public opinion

At the hearing, representatives from each department will present a detailed proposal. Representatives will also present their most convincing arguments for funding their specific projects. Following the departmental presentations, several citizens will come forward to express their opinions to the committee.

3 The Decision

Based on the presentations, the state budget committee will issue its decision on how to award funding. Which departments will receive funding?

4 Debriefing

After the state budget committee announces its decision, write a report that evaluates the decision and answers the following questions:

- How does the committee's decision reflect the governor's public-policy goals?
- How does the committee's decision reflect public opinion?
- What does the committee's decision indicate about the state's policy goals?

The Governor's Public-Policy Goals

- To encourage people and businesses to move to the state
- To encourage current citizens and businesses to remain in the state
- To protect the health and safety of citizens
- To improve the state university system

PUBLIC OPINION POLL

Are you worried about the upcoming flu season?

Yes	20%
No	60%
Not Sure	20%

Is there a shortage of doctors in the state?

Yes	40%
No	40%
Not Sure	20%

Would you support a new prison in your town to ease overcrowding?

Yes	10%
No	80%
Not Sure	10%

Is traffic congestion a problem in your area?

Yes	40%
No	50%
Not Sure	10%

Are state parks a valuable resource?

Yes	80%
No	10%
Not Sure	10%

Local Government and Citizen Participation

Reading Focus

A variety of local governments provide many of the services you rely on every day. These services are paid for by local, state, and federal revenue. Direct citizen participation in government is often easiest at the local level.

CASE STUDY **Land Use in Easton, Maryland** Learn how the government in one Maryland town addressed the issue of land use.

WHAT YOU NEED TO KNOW Learn about local governments and the services they provide. Examine ways in which citizens can become involved in government.

SIMULATION **Conducting the City's Business** Use your knowledge to debate the issues and make decisions at a fictionalized city council meeting.

Student Casebook

Use your Student Casebook to take notes on the section and to complete the simulation.

Local governments must balance preservation and progress. Easton, Maryland, officials limited large-scale construction (top) hoping to preserve the town's picturesque downtown (bottom).



Land Use in Easton, Maryland

Easton, Maryland, is a small town on the eastern shore of the Chesapeake Bay. In 2006 the population of Easton was about 14,000. When several companies announced plans to build large new stores in town, the local government stepped in before the town's character would be changed forever.

A Balancing Act

Local governments across the United States must routinely make decisions about acceptable uses for local land. Often these decisions are a difficult balancing act. Local governments must weigh interests of public safety and the environment, for example, against economic growth and new opportunities for residents. The case of Easton, Maryland, illustrates how local governments can manage land use and development issues.

Easton residents are proud of their town's historic buildings and residential character. In 1999 several national retailers proposed Easton as the location for three "big-box" stores—so called because of their enormous size and cookie-cutter shape. The three proposed stores would have over half a million square feet of shopping space. Some residents wondered how such development would affect their quality of life.

Residents had plenty of questions about the impact of big-box development. Would the roads be able to handle the extra traffic? Would the local police be able to maintain standards of public safety? How would the new stores affect the local environment and natural resources? What effect would the new stores have on smaller, locally owned businesses? Would the new stores change Easton's small-town charm? Would the stores provide needed jobs? Would the stores offer greater variety, lower prices, and added convenience for residents?

Local Government Weighs In

Easton's government played an important role in addressing residents' questions about bringing big-box stores to town. First, in September 1999 the town government ordered a moratorium, or waiting period, that temporarily prevented the start of construction of any big-box stores. The moratorium was intended to give town officials time to decide how best to proceed.

During the moratorium, Easton residents and government officials held public hearings to discuss the effects of large-scale development. The town also commissioned a study examining the same topic. In the end, it was determined that stores larger than 65,000 square feet would bring more harm than good to Easton.

Acting on the findings, in December 1999 the Easton Planning and Zoning Commission issued a recommendation to prohibit the construction of any retail store in excess of 65,000 square feet. A few months later, the Easton Town Council adopted Ordinance 399, which formally prohibited stores larger than 65,000 square feet within the town's borders.

Questions surrounding development occur throughout the United States. As in Easton, local governments play an important role in addressing these questions. Many local governments decide that economic growth and the other benefits of development outweigh the negative effects. Other local governments, like Easton's town government, take action to restrict development they believe will hurt their communities.

What Do You Think?

1. Why might government favor development? Why might government oppose development?
2. Who should have the final say about development: government, landowners, or voters? Explain your answer.
3. What factors should local governments consider when deciding land-use issues?



WHAT YOU NEED TO KNOW

Local Government

Key Terms

counties
parishes
boroughs
townships
municipalities
incorporation
mayor-council system
council-manager system
commission system
special districts
zoning laws
initiative
referendum
recall

While there is just one national government and only 50 state governments, there are about 88,000 local governments in the United States. Every American lives under the jurisdiction of one or more local governments. In this section you will learn about the types of local governments and how those governments function.

Types of Local Governments

The U.S. Constitution does not mention local governments. For this reason, local governments are created by states. Local governments extend state power to a manageable level and come in many forms.

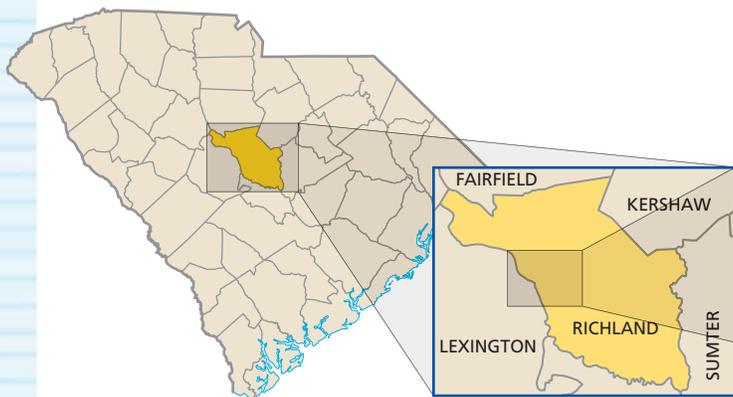
Counties and Townships All states are divided into **counties**. Except for parts of New England, counties are the most basic unit of local government. In Louisiana counties are called **parishes**, and in Alaska they are called **boroughs**. County government originated in colonial times as a way to govern areas in which people lived far away from one another.

Most of the nation's 3,000 or so counties are governed by an elected county board. A typical county board has five members serving four-year terms. The board members meet regularly to exercise the county's executive and legislative powers.

In some states, particularly in the Midwest and Middle Atlantic regions, counties are divided into **townships**. In these areas, township governments assist the county in the delivery of services to rural areas. There are about 16,500 townships in the United States.

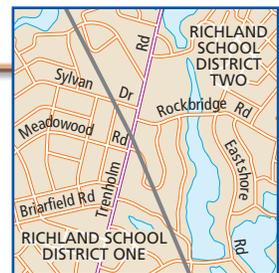
Layers of Government

South Carolina is divided into counties.



South Carolina's cities and towns lie within the borders of one or more counties.

Special districts, such as school districts, exist throughout South Carolina. District borders often cross county and city lines.



South Carolina's capital, Columbia, is in Richland County.

Cities and Towns In addition to the country's counties and townships, people have formed **municipalities**—the nation's cities, towns, and villages. There are nearly 20,000 municipalities in the 50 states. A state gives its municipalities their legal authority through a process called **incorporation**.

Three main forms of municipal government are in use in the United States. In the **mayor-council system**, citizens elect a mayor to serve as the chief executive and a city council to serve as the local legislature. In a **council-manager system**, the city council appoints a city manager to be the chief executive. In this system, the mayor's role is to lead the city council. In a **commission system**, a group of elected commissioners lead city departments and set local policies.

In Connecticut, Rhode Island, and parts of Massachusetts, towns replace counties as the most basic unit of local government. In these areas, a unique system of government is used. Under this system, a board of selectmen of three to five members presides over town meetings and manages the town's affairs.

Special Districts The greatest number of local governments are special districts. **Special districts** provide a single service, such as water or transportation, to a defined area. The most familiar type of special-district government is the school district, responsible for running the public schools in an area. Of the 48,878 special-district governments in the United States, 13,522 are school districts.

Services of Local Government

Local governments provide a wide range of services to their residents. Counties typically provide the most essential services. These services include providing for public safety through police and fire departments; maintaining public roads; operating welfare programs, hospitals, and jails; keeping records of deeds, marriage licenses, and other legal documents; and supervising elections.

Municipal governments provide services in addition to those provided by county governments. These services include running libraries and recreation facilities and operating garbage collection and waste treatment facilities. As you read in the Case Study on Easton, Maryland, city and town governments are also involved in deciding land-use issues. Most cities and towns pass zoning laws to regulate land use. Through **zoning laws**, cities and towns can keep factories away from residential areas, for example.

Finances of Local Government

As with state and federal government, the costs of operating local governments can be quite high. Local governments, therefore, must raise large sums of money to function. To raise this money, local governments assess taxes and collect fees. As you read in Chapter 4, local governments also receive state and federal grants.



Local Legislative Process Just as Congress creates laws at the national level and state legislatures create laws at the state level, county, city, and town councils create laws at the local level. Local laws are usually called ordinances.

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Go online to begin a Webquest examining how laws are created at the local level.

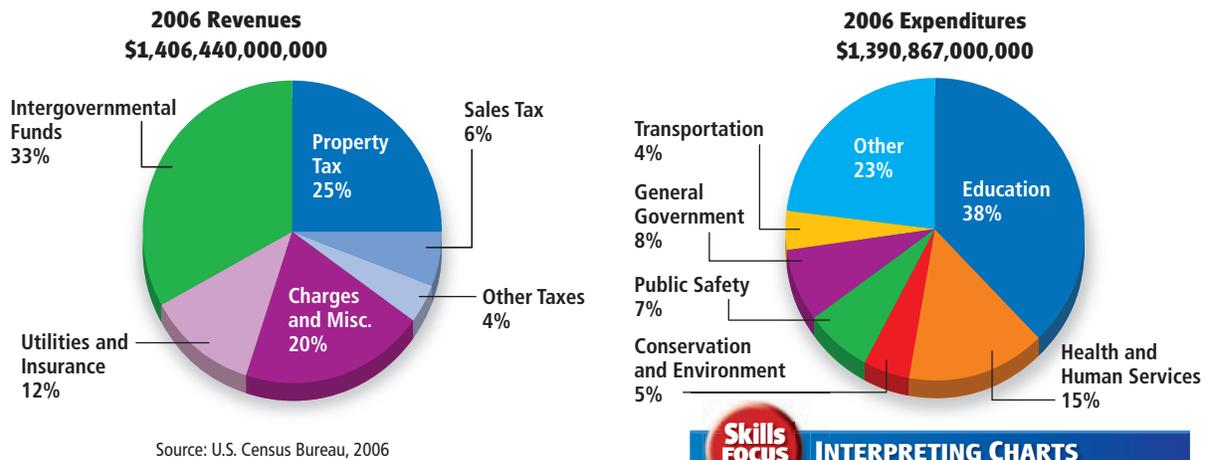


Charters and Charter Amendment

State governments grant powers to local governments through official documents called charters. Charters frequently spell out what services a local government is authorized to provide. In some states, if a service is not listed in the charter, a municipality must have its charter amended to authorize the service. Procedures for charter amendment vary by state. In Oklahoma, a charter amendment may be approved by voters in a local election. In other states, such as Virginia, a charter amendment must be approved by the state legislature.

Applying Information What is one advantage of each system of charter amendment?

LOCAL GOVERNMENT FINANCES

Skills
FOCUS

INTERPRETING CHARTS

What are the two biggest local government expenditures?

REAL-WORLD EXAMPLE
CASE STUDY LINK

Generating Local Revenue

While large-scale development might permanently alter the character of a community, it can also contribute revenue to the local economy. One large national retailer reported collecting more than \$12.8 billion in state and local sales taxes in 2007 and paying millions more in property taxes.

Applying Information How might large-scale development be beneficial to a local community?

Local governments collect property taxes annually. These taxes on land, homes, cars, and business property are the biggest source of local government revenue. Organizations such as schools and churches, however, typically do not pay property taxes. This means that, for example, towns built around universities may have trouble raising enough revenue to support their local government.

Other local revenue sources include sales and income taxes. These taxes are charged in addition to state and federal taxes. Some cities also tax corporations in their jurisdiction. Municipalities can also raise money through user fees. If citizens demand lower taxes, user fees are often increased to make up the difference. Finally, local governments may raise money by selling municipal bonds.

In addition to locally generated revenues, local governments receive funds from their state government and the federal government. These funds are called intergovernmental revenue. Included in this category are grants. Nearly half of local government revenues come from federal and state grants.

READING CHECK Identifying Supporting Details How do local governments pay for the services they provide?

Participating in State and Local Government

As you have read, your state and local governments provide many of the services you use every day. How those services are paid for and distributed is largely determined by your elected officials. To have a say in this process, you must become an active citizen.

Participatory Citizenship

Democracy works best when citizens monitor public policy and take action to make their interests known. This active involvement in government is called participatory citizenship. What are some ways Americans can participate in government? Citizens who are at least 18 years old may vote in elections and run for public office. Citizens of all ages may volunteer in their communities or testify before state or local boards.

Direct Democracy

Some forms of participatory citizenship even have the force of law. For example, the **initiative** process allows citizens to propose and enact state and local laws directly. The process begins when a certain number of voters signs a petition to support a bill. The bill is then passed to the state legislature or directly to the state's voters for approval. Initiatives are allowed in 24 states, including Ohio.

A **referendum** is a popular vote on a proposal that has already been considered by the legislature. Many state constitutional amendments must be approved by referendum, for example. Some form of referendum is allowed in every state except Alabama.

The **recall** process allows citizens to remove government officials from office before the end of a term. Like an initiative, the recall process begins when voters request a special recall election. Recalls of state officials are allowed in only 18 states, whereas recalls of local officials are allowed in at least 29 states.

READING CHECK **Identifying the Main Idea** How can U.S. citizens participate in state and local government?



Participatory Citizenship

Two forms of direct democracy—initiative and recall—begin with citizens collecting signatures on a petition. In the photo, Lorain, Ohio, residents sign a petition to recall a local government official.

Section 3 Assessment



Reviewing Ideas and Terms

- a. Identify** What are three sources of local government revenue?
b. Contrast What are the main differences between a **mayor-council system**, a **council-manager system**, and a **commission system** of city government?
c. Elaborate Why do you think there are so many **special districts** in the United States?
- a. Describe** What is participatory citizenship?
b. Interpret Why do you think legislators sometimes send controversial bills for a **referendum**?
c. Design How would you suggest that a person become involved in state and local government?

Critical Thinking

- 3. Draw Conclusions** Do you think active citizen participation in state and local government is important? Why or why not?

- CASE STUDY LINK** You answered the following questions at the end of the Case Study. Now that you have completed Section 3, think about and answer the questions again. Then compare your answers with your earlier responses. Are your answers the same or different?
- Why might government favor development? Why might government oppose development?
 - Who should have the final say about development: government, landowners, or voters? Explain your answer.
 - What factors should local governments consider when deciding land-use issues?

SIMULATION

Conducting the City's Business



Student Casebook

Use your Student Casebook to complete the simulation.

What will be decided at this week's city council meeting?



City councils meet to make decisions that affect their local communities. These decisions range from the ordinary to the unusual. Use what you have learned and the information provided to complete a simulated city council meeting.

Roles

- Mayor
- Council members
- Football players
- North End resident
- Fire chief
- Citizen who regularly crosses Main and Elm streets
- Citizen against excessive stoplights
- President of ABC Gardeners
- Previous client of XYZ Gardeners
- West End resident
- Unemployed factory workers

1 The Situation

It is 7:00 p.m. on Tuesday. Inside the Elmsville City Hall the city council has just called its weekly meeting to order. On tonight's agenda are five items. Elmsville citizens fill the seats and wait their turn to address the council on the agenda items that concern them.

2 The Meeting

Elmsville has a mayor-council system of government. The mayor therefore runs the city council meeting, but in a nonvoting capacity. If there is a tie, the mayor casts the deciding vote. Follow this process to conduct the meeting:

- Use the agenda on the next page to conduct the meeting.
- The mayor calls the meeting to order and presents the first agenda item.
- Concerned citizens present speeches to the council and answer council members' questions. Citizens should prepare notes before the meeting. Refer to the data boxes for information about each agenda item.
- Council members debate the agenda item. The mayor presides over this debate.
- When debate ends, the mayor calls for a vote on the item. The council may approve, reject, or table the item for later consideration.
- The above process is repeated until all agenda items have been addressed and all votes have been taken.

3 Debriefing

The *Elmsville Gazette* always runs an article recapping the events at each week's city council meeting. Write that article for tomorrow's edition.

Elmsville City Council Agenda

1. Proclamation congratulating the Elmsville High School football team on winning the state championship
2. A review of the plans for a new fire station in the North End
3. Funding for the installation of a new stoplight at the intersection of Main Street and Elm Street
4. Awarding the landscaping contract for Hampton Park
5. Permit for the construction of a factory in the western part of town

Elmsville High Football Team Proclamation

The Elmsville Eagles had never won a state football championship. This year, led by star quarterback Tommy Parker, they clinched the title, to the joy of the entire town.

West End Factory Construction

- The West End factory would create 300 jobs in Elmsville.
- The only available site for the factory is in the West End in what is now a mainly residential area.
- The factory would need to operate 24 hours a day.
- A neighboring city is trying to lure the factory to a location there.

Funding for Main Street Stoplight

- Eight accidents have taken place at the intersection of Main Street and Elm Street in the past year.
- One accident at the intersection resulted in a fatality.
- Stoplights cost \$50,000 to install and \$10,000 per year to maintain.
- Elmsville already has more stoplights than other towns its size.

Proposed North End Fire Station

- There have been three fires in Elmsville this year.
- Elmsville's only fire station is located in the southern part of town. Some citizens believe the response times to the North End are too long.
- Building a new fire station will cost at least \$5 million.

Landscaping Contract for Hampton Park

- XYZ Gardeners would charge \$500 per month to maintain Hampton Park.
- ABC Gardeners would charge \$300 per month for the same services. However, ABC has a reputation for being unreliable.

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Quiz and Review

GOV 101

Examine key concepts in this chapter.

ONLINE QUIZZES

Take a practice quiz for each section in this chapter.

Activities

eActivities

Complete Webquests and Internet research activities.

INTERACTIVE FEATURES

Explore interactive versions of maps and charts.

KEEP IT CURRENT

Link to current events in U.S. government.

Partners

American Bar Association Division for Public Education

Learn more about the law, your rights and responsibilities.

Center for Civic Education

Promoting an enlightened and responsible citizenry committed to democratic principles and actively engaged in the practice of democracy.

Online Textbook

ONLINE SIMULATIONS

Learn about U.S. government through simulations you can complete online.

STUDENT CASEBOOK

Take notes electronically on Interactive Chapters.



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Comprehension and Critical Thinking

SECTION 1 (pp. 520–525)

- 1. a. Review Key Terms** For each term, write a sentence that explains its significance or meaning: fundamental law, statutory law.
- b. Compare and Contrast** What are some common features of state constitutions? In what ways do state constitutions differ from one another?
- c. Rate** In your opinion, is it better to amend a state constitution many times or to rewrite it completely? Explain your answer.

SECTION 2 (pp. 528–539)

- 2. a. Review Key Terms** For each term, write a sentence that explains its significance or meaning: citizen legislatures, professional legislatures, line-item veto, Missouri Plan.
- b. Compare** How do the structure and functions of state governments resemble those of the national government?
- c. Elaborate** Why do you think citizen legislatures are becoming less common in the United States?

SECTION 3 (pp. 542–547)

- 3. a. Review Key Terms** For each term, write a sentence that explains its significance or meaning: counties, municipalities, incorporation, mayor-council system, council-manager system, commission system, special districts, zoning laws, initiative, referendum, recall.
- b. Explain** What important functions do local governments serve in citizens' lives?
- c. Develop** In your opinion, what is the best way for citizens to actively participate in government? Explain your answer.

FOCUS ON WRITING



Think about the following issue:

Selecting judges can be complicated. State judges are either elected by the voters, appointed by the governor, or a combination of the two. In about half of the states, under some form of the Missouri Plan, a commission creates a list of judicial candidates. The governor then appoints a judge from that list. One year later, the voters decide whether the judge should remain in office. In contrast, in the federal court system, the president appoints judges for life.

- 4. Assignment** In your opinion, what is the best method for selecting judges to serve on a state court? Write a short essay in which you develop your position on this issue. Support your point of view with reasoning and facts.