

# **State and Local Government**

**13.1 and 13.2**

# **STATE CONSTITUTIONS**

# **State Constitutions**







- **Every states constitution is superior to any and all other forms of state and local law within that state**
- **However, each state constitution is subordinate to US Constitution**
- **Most of the colonial charters served as models for the first state constitutions**

# **State Constitutions**

- **The principles of the first state constitutions date back to the distrust of federal government and the independence of the original 13 colonies**
- **Each state proclaimed popular sovereignty and also limited government. Meaning that they people were the source of government authority and that the role of government would be closed limited.**

# State Constitutions Today

- **Only 17 of the current state constitutions were written after 1900.**
- **Each constitution believes in the belief of shared powers between executive, legislative, and judicial branches**

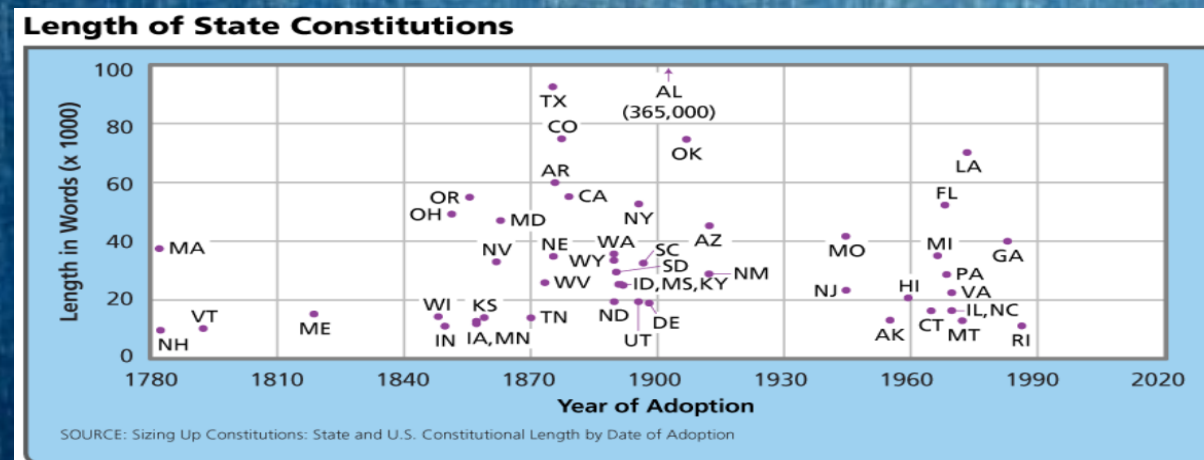
PRINCIPLES	CIVIL RIGHTS	STRUCTURE	POWERS	CHANGE	OTHER
					
<ul style="list-style-type: none"><li>• Popular sovereignty and limited government</li></ul>	<ul style="list-style-type: none"><li>• Similar to U.S. Bill of Rights</li><li>• May also restrict State government or enhance individual liberty</li></ul>	<ul style="list-style-type: none"><li>• Outline of State and local government</li><li>• Separation of powers</li><li>• Checks and balances</li></ul>	<ul style="list-style-type: none"><li>• Lists powers held by State officials to govern and provide services</li><li>• Empowers State to tax, spend, and borrow</li></ul>	<ul style="list-style-type: none"><li>• Processes for amendment</li></ul>	<ul style="list-style-type: none"><li>• Preambles without legal force</li><li>• “Dead letter” material—provisions that no longer apply</li></ul>

# **Constitutional Change**

- **Because of outdated original state constitutions, the need to change and amend them is important**
- **The process of formal change involves 2 basic steps; proposal and ratification**
- **Most amendments are proposed by state legislature. Some states have a simple process and some a difficult path**
- **Pennsylvania has had 5 constitutions: 1776, 1790, 1838, 1874, and 1968**

# Reform for state constitutions

- **The age and length of state constitutions has caused for reform. Early constitutions were just statements of basic principle and organization**
- **Most constitutions are between 15,000 and 50,000 words (PA-27,400). The largest is Alabama (376,000), and smallest is Vermont (8,500) and Iowa (11,000)**
- **One of the reasons why is unlike the US Constitution which is vague in implementation state constitutions are detailed**



# **Reform for state constitutions**

- **There has been a marked failure in every state to distinguish fundamental law, that which is basic and of lasting importance and should be in the constitution, from statutory law, that which should be enacted as ordinary law by the legislature**
- **Two other factors have contributed; first the functions performed by the states and local government has multiplied**
- **Second, the 'people' have not been stingy in the use of initiative in those states where it is available**





# STATE LEGISLATURES

# **Power of the States**

- **State governments carry out much of the work meeting the needs of citizens.**
- **State governments have major responsibility for public education, transportation, and health and safety**
- **Powers that the states alone hold include the power to set up local governments, conduct elections, set up public school systems, and oversee business**

# **Shared Power of the State**

- **Both the national and state government share many powers:**
- **Collect Taxes**
- **Borrow Money**
- **Set up Courts**
- **Enforce Laws**
- **Punish Lawbreakers**

# Legislative Branch

## Pennsylvania

- **House Representative:**
  - **Age: 21; 4 years in PA; 1 year in district**
  - **Term: 2 years**
- **State Senator:**
  - **Age: 25; 4 years in PA; 1 year in district**
  - **Term: 4 years**

## United States

- **House Representative:**
  - **Age: 25; 7 years citizen; current member of state**
  - **Term: 2 years**
- **Senator**
  - **Age: 30; 9 years citizen; current member of state**
  - **Term: 6 years**

# PA Legislative Branch

**State Senate-50 Members**



**House of Representatives-203 Members**



# **State Representation**

- **Seats in state legislatures are apportioned on the basis of equal representation. State legislators represent districts that are roughly equal in population**
- **Seats in the upper house used to be apportioned by geography, but *Reynolds v. Sims* (1964) changed it to population**
- **The purpose, “Represent people, not trees”**

# **Powers of the Legislature**

- **Because no law can conflict with federal law, it is difficult to make an ultimate list of do's and don'ts'**
- **Most often, the key powers include the power to tax, spend, borrow, establish courts and fix their jurisdiction, define crimes, provide punishment, regulate commercial activities, and maintain public schools.**

# Power of the Legislature

- **State's also posses the police power, the ability to protect and promote the public health, public safety, public morals, and general welfare**





# **Sources of Bills**

- **Only a member may introduce a bill in either house in any state legislature**
- **A large number of bills come from public sources, officers, and agencies**
- **Many bills come from the private sector like interest groups, business owners, unions, and regular citizens**

# **Direct Legislation**

- **In several states, voters themselves can take a direct part in lawmaking. The key tools are initiatives and referendums**

# Initiative

- **Process by which citizens can propose laws.**
- **Similar to the constitutional initiative**
- **Citizens gather a petition (5-10% of registered voters)**
- **Proposal then can be put to a vote in a statewide election**
- **(PA does not use)**
- **EXAMPLES:**
- **This measure would impose an additional sales tax on cigarettes and a surtax on wholesaled tobacco products.**
- **This measure would establish new "limit factors" for taxing districts in setting their property tax levies each year.**

# Referendum

- **The process by which a law proposed or passed by the state legislature is referred to voters to approve or reject**
- **(PA does not)**
- **Mandatory: legislation must send measure to the voters**
- **Optional: legislation referred to voters voluntarily**
- **Popular: group of citizens demand by petition the vote**

# Recall

- **Citizens begin a recall by gathering voters' signatures on a petition**
- **During the recall within the election, a majority of voters must agree**
- **(PA does not)**