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## Organization of State Government

By Phyllis Naegeli

State governments are organized similar to the federal government. However, there is a significant difference in the way power is distributed in each of the state governments. Some give the governor tremendous power and limit the number of elected officials. Some elect many of the officials within the executive branch creating a weak governor. Legislators vary from full-time, paid lawmakers to part-time members who are barely compensated for their time.

Each state has a constitution outlining its highest law. A state constitution must not contradict the U.S. Constitution. These state constitutions outline the structure of their government and give guidelines for making laws.

The leader in a state is the governor. Like our president, a governor is responsible for administering the laws of the state. They prepare budgets, appoint certain state agency leaders, command the state's National Guard troops, and assist in setting the agenda for the legislature. All states have requirements for serving as governor. Those wishing to be governor must be of a certain age and live in the state for a required number of years. Most states require U.S. citizenship.

All states have a legislature to make laws for its citizens. Forty-nine states are bicameral. They have two houses within their legislature - a senate and a house of representatives. Nebraska is the exception - they have only a senate. Within most state legislatures, laws are made following the pattern of our federal legislature. Bills can start in either house. There are committees to review bills and make recommendations or changes. Bills are brought up for a vote on the floor of the house where they begin. If passed, they are sent to the other part of the legislature where the process begins again. When a bill passes, it is sent to the governor for approval. The governor may sign or veto a bill, just like the president. One difference at the state level is a line item veto. In a number of states, the governor may veto certain parts of a bill while approving others. Recently, the U.S. Supreme Court declared that our constitution prohibits the president from having this power.

Each state has its own court system to hear cases involving state law, the state's constitution, or disputes between citizens of the state. There are three levels in a state court system - the trial court, the appeals court, and the state supreme court. However, in some states, there is no separate appeals court and the supreme court serves as the court of appeals.

Most cases begin the legal process in the trial court. Both civil and criminal cases are brought before a judge and jury for a verdict. Both sides are given the opportunity to present evidence and bring witnesses before the court. Following all arguments, a jury decides the outcome of the case. In a criminal case, the jury decides the guilt or innocence of the accused party. In a civil case, the jury decides if a party has been wronged and if damages should be awarded. When the outcome of a case is unfavorable, the losing party may ask the state appeals court to review the decision. Again, if an unfavorable decision is reached, the state supreme court can review the case. Usually, the state supreme court has the final word in a case. However, if in the appeals process, a U.S. Constitutional or federal law question arises, the United States Supreme Court may be asked to review the case.

When our country was formed, thirteen fiercely independent colonies joined together to become a new nation. Over the next one hundred and seventy-two years, thirty-seven additional states chose to become part of the United States of America. Delaware was the first of the original thirteen colonies to decide to become part of the union. They joined on December 12, 1781. On August 21, 1959, Hawaii became the final state to join our country. Today, fifty separate territories each with its own citizens, laws, and government, make up our country.

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### Questions

- \_\_\_\_\_ 1. The federal government and the state governments have similar structures.  
A. false  
B. true

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2. Governors in some states are given a special veto power. What is this power called?

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- \_\_\_\_\_ 3. The highest law of a state is contained in \_\_\_\_\_.  
A. the state constitution  
B. the power of the governor  
C. the power of the legislature  
D. the United States Constitution
- \_\_\_\_\_ 4. The leader of a state is called \_\_\_\_\_.  
A. the legislator  
B. the government  
C. the president  
D. the governor
- \_\_\_\_\_ 5. Nebraska's legislative body is different from all other states.  
How does it differ?  
A. It only has a house of representatives.  
B. It only has a senate.  
C. The cities and towns run the state.  
D. It only has a governor.
- \_\_\_\_\_ 6. In some states, the state supreme court serves as the court of appeals.  
A. true  
B. false
- \_\_\_\_\_ 7. Legal cases from state courts are never reviewed by the U.S. Supreme Court.  
A. true  
B. false

- \_\_\_\_\_ 8. When a bill is passed in a state legislature the \_\_\_\_\_ reviews the bill and decides to approve or veto it.  
A. mayor  
B. judge  
C. governor  
D. president