

OUR STATE
and OUR NATION

Georgia Studies

UNIT **10**



State and Local Government

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GEORGIA EVENTS ▼

1732

Charter of the colony of Georgia granted by King George II

1752

Georgia becomes a royal colony

1758

Georgia divided into eight parishes

1777

First state constitution ratified; parishes replaced by counties; legislature names first governor

1789

New state constitution adopted creating a bicameral legislature called the General Assembly

1824

Georgia Constitution amended to allow popular election of the governor by voters

1845

General Assembly enacts legislation creating the Georgia Supreme Court

1868

Atlanta becomes the capital of Georgia; office of state school commissioner established

1874

Georgia Department of Agriculture, oldest in the nation, established

1932

Milton and Campbell counties merged into Fulton County, leaving Georgia with 159 counties

1943

Georgia first state to allow 18-year-olds to vote

1945

Office of Lieutenant Governor created in new state constitution

1953

Jury duty opened to women in Georgia

1964

Ten congressional districts reapportioned by act of General Assembly

1971

Columbus and Muscogee County join to become the first consolidated local government

1972

State government reorganized by Gov. Jimmy Carter; constitution amended to allow state debt

1983

New constitution for Georgia goes into effect

1992

First African American woman from Georgia elected to Congress

1998

Georgia sales tax on groceries completely eliminated

2002

Georgia adopts uniform touchscreen voting equipment

2005

Georgia's longest-serving state legislator retires

Chapter 26

Foreword

Georgia Standards of Excellence
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S8CG2

Chapter Outline

Powers of the General Assembly

Locating the Main Ideas

Membership

Organization

Committee System

The Lawmaking Process

Subject Matter

Application

The Bill

S8CG2

Analyze the role of the legislative branch in Georgia.

- a. Explain the qualifications for members of the General Assembly and its role as the lawmaking body of Georgia.
- b. Describe the purpose of the committee system within the Georgia General Assembly.
- c. Explain the process for making a law in Georgia.
- d. Describe how state government is funded and how spending decisions are made.



The speaker of the House presides over that body. When he calls a vote, the electronic display board on the wall shows how each of the 180 representatives has voted.

CHAPTER 26

AT FIRST GLANCE

This chapter examines the legislative branch of government, explaining how citizens are represented in the General Assembly and who gets elected to that body. Also discussed is why periodic reapportionment of legislative districts is necessary. Two long-serving members of the General Assembly are featured. The chapter covers the organization of the legislature and the importance of the committee system. It also summarizes the lawmaking process—the subject matter of bills and how a bill becomes a law. The chapter includes a brief look at the legislature’s important responsibility to enact a state budget each year.

State Government: The Legislature

[Powers of the General Assembly](#)

[Membership](#)

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All activities of state government are based on laws. Before a state patrolman can check your car’s speed with radar, there must be a law allowing it. Before the Department of Transportation can build a road or bridge, there must be a law authorizing it to do so. Before the Department of Natural Resources can build a state park, there must be law giving it that power.

Laws also affect Georgia citizens directly. Before you can be charged with a crime, the legislature must have passed a law declaring that action to be a crime. You are required to stay in school until age 16 because a law says so. You cannot drive until age 15—and then under strict conditions—because a state law says so. Much of your life is affected by laws that allow or prohibit your doing something because of your age.

Where do these laws come from? Who decides exactly what the laws will say? Are the laws of all states the same? Laws come from ideas. Anyone can have an idea for a new law. But the task of turning the idea into a law belongs to our state legislature. Each of the 50 states has its own legislature, and each legislature adopts laws it thinks are best for its citizens. As a result, laws in Georgia may be different from laws in Alabama, Tennessee, or any other state.

Georgia’s constitution provides for three separate branches of state government—legislative, executive, and judicial—each with a distinct role. Though the branches are independent of each other, the legislature is often called “the first branch of government.” It has broad lawmaking and funding powers over the other two branches. And it is the branch of government closest to the people—every legislator must seek reelection every two years.

Powers of the General Assembly

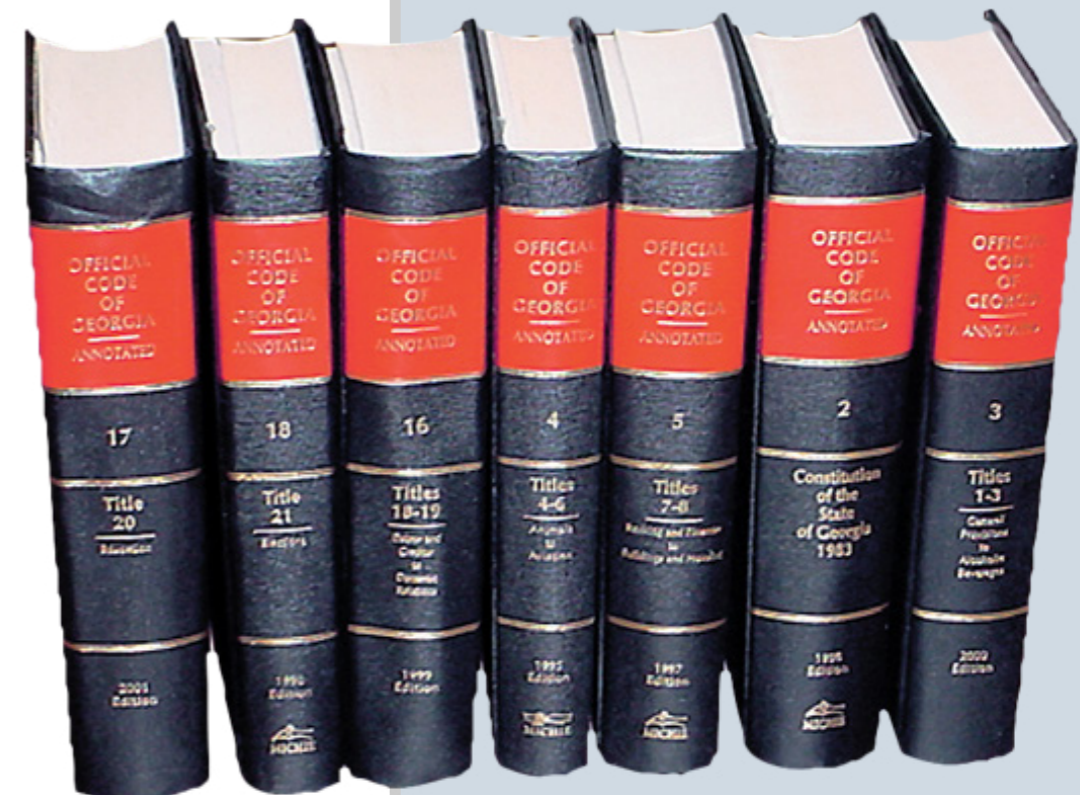
The primary power of the legislature is specified in the Georgia Constitution: “The legislative power of the state shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives.” Courts have defined legislative power as the power to make laws. These laws—known as **statutes**¹—may deal with practically any subject matter not prohibited by the U.S. or Georgia constitutions. No matter when **enacted**² (formally created), a law continues in effect unless ruled unconstitutional by a court or changed or **repealed**³ (abolished) by a future legislature. The entire body of statutory law in effect in Georgia can be found in a 54-volume set of books known as the Official Code of Georgia Annotated. Here, all laws are organized by subject matter such as education, juveniles, and crimes. Citizens can find and read the code online.

In addition to enacting laws, the General

Assembly has other important powers. One is to authorize all state spending in an annual appropriation act. An **appropriation**⁴ is an authorization to spend money. Each year, the governor proposes a state budget to the legislature, which must then pass an appropriation act to officially allow state agencies to spend money. Should the legislature fail to pass an appropriation act, state government could come to a standstill.

Another function of the legislature is to represent the people of Georgia. Because representatives and senators are elected by voters in their district every two years, the people rule indirectly through their representatives. Although there are more lawyers

A few volumes of Georgia’s official code





- ◀ With 56 members, the Senate is one-third the size of the House. The lieutenant governor serves as president of the Senate.

and people involved in business and professions in the General Assembly than in the general public, the legislature has a broad variety of legislators in terms of race, gender, age, and occupation.

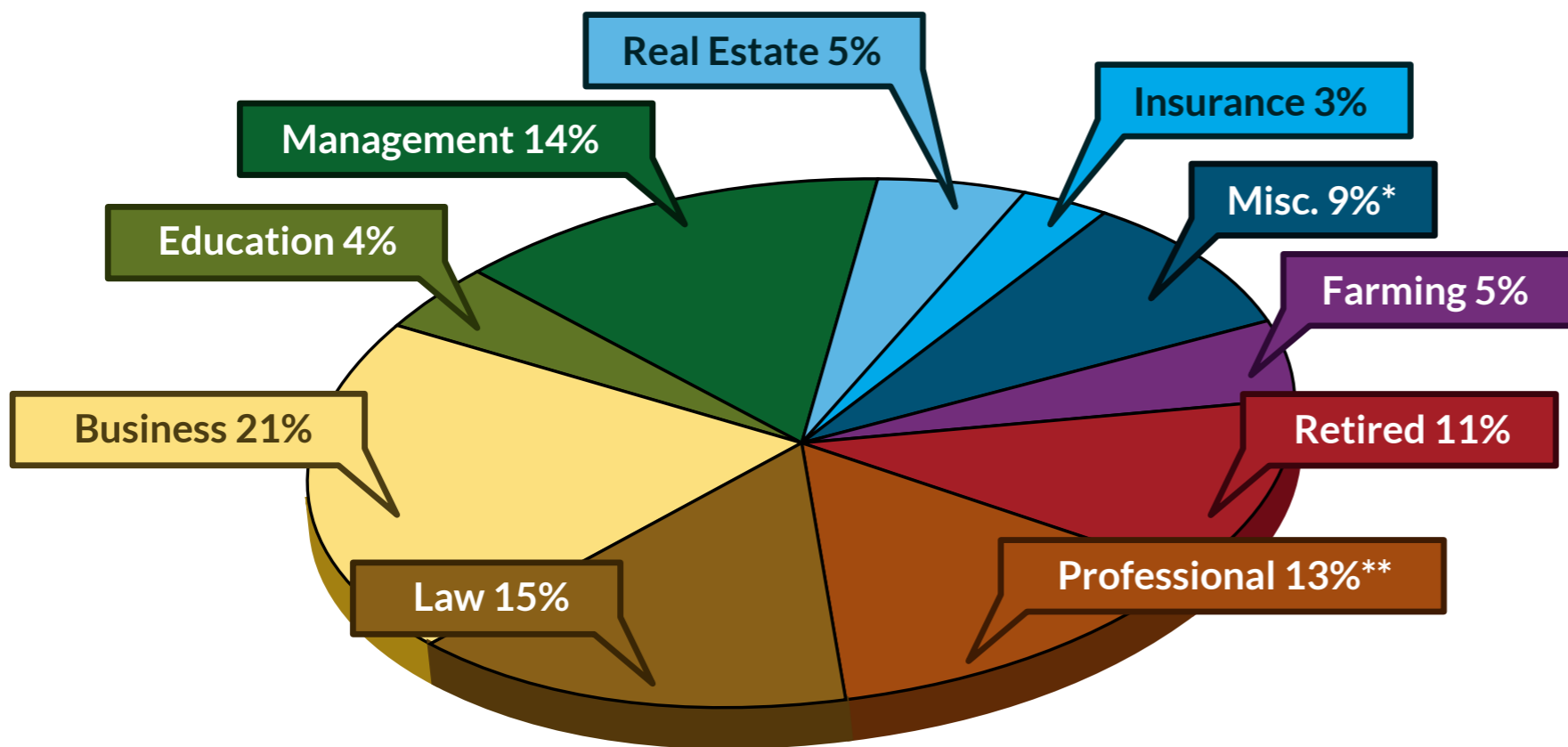
Legislators have the responsibility of overseeing the executive branch. The spending and powers of each executive agency are authorized by the legislature. Most agencies in the executive branch are created by acts of the General Assembly, which means they can be abolished if

legislators are not happy with the job they are doing. The General Assembly also oversees local governments in Georgia. Every city is created by an act of the legislature. City and county forms of government, taxes, and other matters are determined by state lawmakers.

The legislature is the custodian of the Georgia Constitution. That means no proposal to change the constitution can be made without approval by two-thirds of each house.

The people in each legislator’s district are called **constituents**⁵, and serving these constituents is one of the busiest jobs a legislator has. Legislators are on call 365

days a year to speak to a local group, help a constituent having problems with a state agency, or work with local government to get state help. ■



*Includes auto dealer, consultant, and community volunteer.

**Includes accountant, doctor, dentist, engineer, and pharmacist.

LOCATING *the* MAIN IDEAS

- 1 **Define:** statute, enact, repeal, appropriation, constituents
- 2 What must be in place before state government agencies or officials can take action?
- 3 How can a law no longer be in effect?
- 4 How do legislators serve or help the people in their districts?

GEORGIA LEGISLATORS OCCUPATIONS

Vocabulary

- 1 **Statute** - A law enacted by a legislature.
- 2 **Enact** - Make into law.
- 3 **Repeal** - Abolish, or take back, approval previously given.
- 4 **Appropriation** - An action by a legislative body to authorize the spending of public funds.
- 5 **Constituents** - Voters represented by an elected official.

Membership

The Georgia General Assembly is composed of a 56-member Senate and a 180-member House. In terms of other states, Georgia has the fourth-largest state legislature.

State legislators represent people, not cities or counties. To ensure that all people are represented fairly, election districts of both houses of the legislature are reapportioned or redrawn every 10 years on the basis of equal population. This process is called **reapportionment**¹. In other words, each legislator in the House should represent approximately the same number of people as any other member. Based on the 2010 census, each representative should have 53,820 people in his or her district, while senators should have 172,994. Obviously, it is impossible to draw district lines to these exact figures. But when reapportioning legislative districts, the General Assembly

is supposed to draw each district within a few percentage points of the ideal figure.

To serve, members of both houses must be U.S. citizens, Georgia citizens for at least two years, and legal residents of their districts for at least one year. The only difference in qualifications is that a senator must be at least 25 years of age while a representative need be only 21.

These are the only limitations on being a legislator. However, legislative service during and between sessions increasingly is becoming a year-round job. Because Georgia legislators are paid just over \$17,000 a year, many citizens cannot afford to serve in the General Assembly.

Vocabulary

- 1 **Reapportionment** - The redrawing of election districts every 10 years following the U.S. Census.

Organization

Each year, the General Assembly meets for a 40-day session beginning on the second Monday of January. Because of recesses, the actual length of the session can extend into April. Also, the governor can call legislators back into special sessions to handle emergency situations.

For a group of 236 persons to get anything done, they have to be organized. There are two houses, and legislators of both are elected for two-year terms. After the November general election, legislators elected to each house organize into party caucuses. Each house has a Democratic and Republican caucus. Each caucus elects a party leader and a party whip, and the House of Representatives chooses a speaker and speaker pro tem. Georgia’s constitution provides that the lieutenant governor serve as president of the Senate. But the majority party gets to name a president pro tem. On the opening day of the session, members are expected

to vote along party lines to formally elect officers in each house.

Another important office is determined not by legislators but by the governor. This

GENERAL ASSEMBLY LEADERSHIP

Position	How Filled
Presiding Officers	
Speaker of the House	<i>A member elected by the House majority party</i>
Speaker Pro Tem	<i>A member elected by the House majority party</i>
President of the Senate	<i>Lieutenant Governor</i>
President Pro Tem	<i>A member elected by the Senate majority party</i>
Party Leaders	
Majority Leader	<i>A member elected by majority party caucus in each house</i>
Majority Whip	<i>A member elected by majority party caucus in each house</i>
Minority Leader	<i>A member elected by minority party caucus in each house</i>
Minority Whip	<i>A member elected by minority party caucus in each house</i>
Governor’s Leaders	
Administration Floor Leaders	<i>A member in each house appointed by governor</i>
Committees	
Committee Chairmen	<i>Members appointed by the Speaker or Senate Committee on Assignments</i>

is the post of administration floor leader. The governor selects a legislator in each house to be responsible for introducing bills favored by the governor and then to push for their passage. Their role illustrates power sharing between the executive and legislative branches.

When the session convenes (begins), the first order of business is for each house to officially organize itself for the coming

two years. This includes adopting rules of procedure and electing leadership positions. Because there are only two real political parties in the General Assembly, the party with a majority of members in a house controls the rules and elected leaders.

One other important group of leaders is the committee chairmen. In the House, the speaker names the members and officers



Electronic Voting

[Transcript](#)

◀ In both the Senate and House, legislators vote by pushing a green or red button at their desks.

of each committee. In the Senate, this responsibility rests with the Committee on Assignments, which consists of the president (lieutenant governor), president pro tem, majority leader, and two senators appointed by the president. Committee chairmen are especially powerful because most of the real work of lawmaking takes place in committees.

COMMITTEE SYSTEM

Each year, the General Assembly responds to more than 1,000 proposals to enact, amend, or repeal laws. How can it carefully study and decide on so many proposals in 40 days? The answer is the committee system. The rules of each house provide for 25 or more **standing committees**¹. A standing committee



- ◀ A lot of discussion among lawmakers takes place on the floor of the House and Senate. Informed discussion comes to a stop when it is time for debate and voting on a bill.

is a group of legislators organized by subject area that continues from session to session. Each committee is organized into two or more subcommittees to allow greater specialization of expertise.

Each house has a similar set of standing committees. For example, both houses have an education committee to study bills that deal with public education. Each house has a transportation committee and a natural resources committee. These committees are important because a legislator cannot be an expert on every subject. But he or she can become a specialist in several subjects. Each senator and representative requests assignment to committees that deal with topics of interest to that legislator. ■

LOCATING *the* MAIN IDEAS

- 1 Define:** reapportionment, standing committees
 - 2** Why are election districts redrawn every 10 years?
 - 3** How do the governor's floor leaders contribute to power sharing by two branches of state government?
 - 4** What is the purpose of the committee system in the General Assembly?
-

Vocabulary

- 1 **Standing committees** - Committees organized by subject area that continue from session to session.

GEORGIANS IN HISTORY

Georgia Lawmakers Make History

Elected in 1960, Rep. Thomas B. Murphy of Bremen was a member of the House for 43 years. He was elected speaker of the Georgia House of Representatives in 1974 and served until 2003. Though calling himself a simple country lawyer, he is widely recognized for supporting Atlanta's growth as an international city. Speaker Murphy held the position under five different governors and holds the record of serving as speaker longer than any other person in Georgia history.

Sen. Hugh M. Gillis Sr. of Soperton was first elected to the General Assembly in 1941. Franklin D. Roosevelt was president, and America had not yet entered World War II. At the time of his retirement in 2005, Gillis had served longer than any state legislator in America.

Rep. Thomas B. Murphy of Bremen



Sen. Hugh M. Gillis Sr. of Soperton



The Lawmaking Process

The lawmaking process begins with an idea. Perhaps someone sees a problem—maybe child abuse, water pollution, or rural health care problems—and decides to solve it by passing a law. Most ideas for laws come not from legislators but from individual citizens and interest groups. Also, the governor and other executive departments, judges, and local governments may ask for new laws or changes in existing state laws. Sometimes the national government requires states to change their laws.

SUBJECT MATTER

Except for those subjects prohibited by the U.S. and Georgia constitutions, the General Assembly may enact laws on practically any subject. Generally, these laws fall into four subject categories.

- 1 *Laws that apply to state agencies and services.* Examples are laws which establish the state highway system, parks, hospitals, and colleges. Under such laws, social workers, state troopers, health inspectors, and other state employees provide services to the public.

Laws provide for the funding of education, the length of the school year, and mandatory school attendance.



2 *Laws that regulate conduct of individuals, groups, or businesses.*

Examples are laws against speeding, drunk driving, burglary, and other acts. Also, numerous laws regulate interest rates, advertising, and the practice of certain occupations.

3 *Laws that allow the state to raise and spend money.* Examples are laws that set up the state sales and income taxes. These laws allow the state to collect

money from the people. Other laws tell how much the state can spend each year on transportation, education, health, welfare, conservation, and other activities.

4 *Laws that provide for local government.*

Examples are laws that enable counties to collect property taxes, cities to provide water and sewerage services, and school districts to operate elementary and high schools. Local



◀ Chamber of the House of Representatives. In the late 1990s, both legislative chambers were restored to their original 1889 appearance.

governments get their general power to act from the General Assembly.

APPLICATION

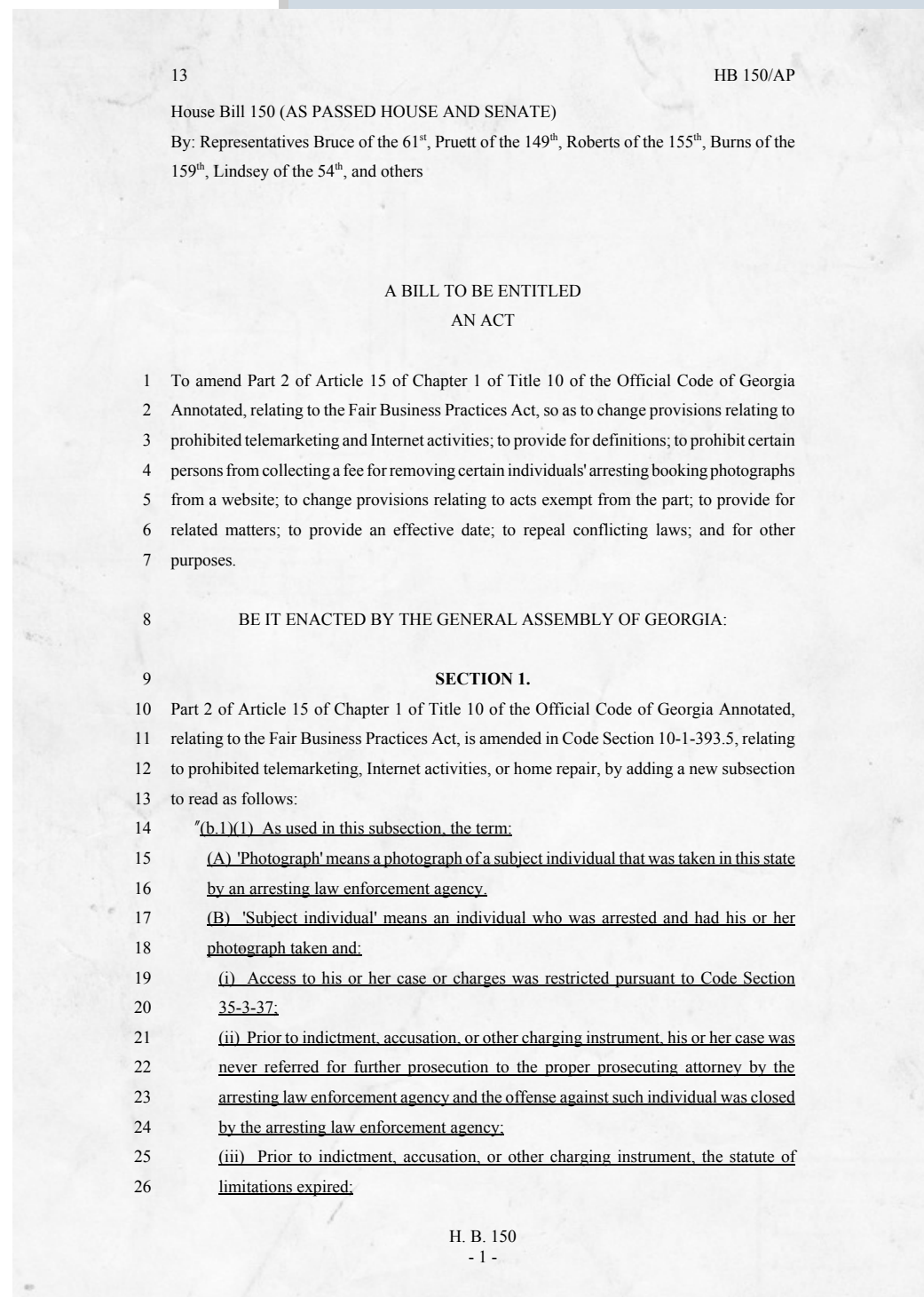
Who is affected by the laws? Laws passed by the General Assembly are either of general or local application. General laws apply throughout the state of Georgia. For example, the law requiring a license to drive a car on public roads applies everywhere in the state. A local law, however, applies only to a specific city or county. An example is a law setting the number of members on the Oconee County Commission.

THE BILL

The first step in the lawmaking process is to turn an idea into a bill. A bill is a written

proposal to enact, amend, or repeal a law. Anyone may **draft**¹ (or write) a bill. However, to be considered by the legislature, the bill must be written in a specific form. It must be introduced (formally presented to the legislature) by a legislator. By examining the bill’s title (the formal summary), you can usually tell its purpose and subject.

In each 40-day session, more than 1,000 bills are introduced. Some of them will focus on important problems and will be carefully thought out and well written. Some will not. It is just as important not to pass weak or unneeded bills as it is to pass strong and needed ones. That is why the General Assembly made the procedure for passing a bill very difficult.



House Bill 150 amended the Fair Business Practices Act relating to the publication of a photograph taken by an arresting law enforcement agency.

THE STATE BUDGET

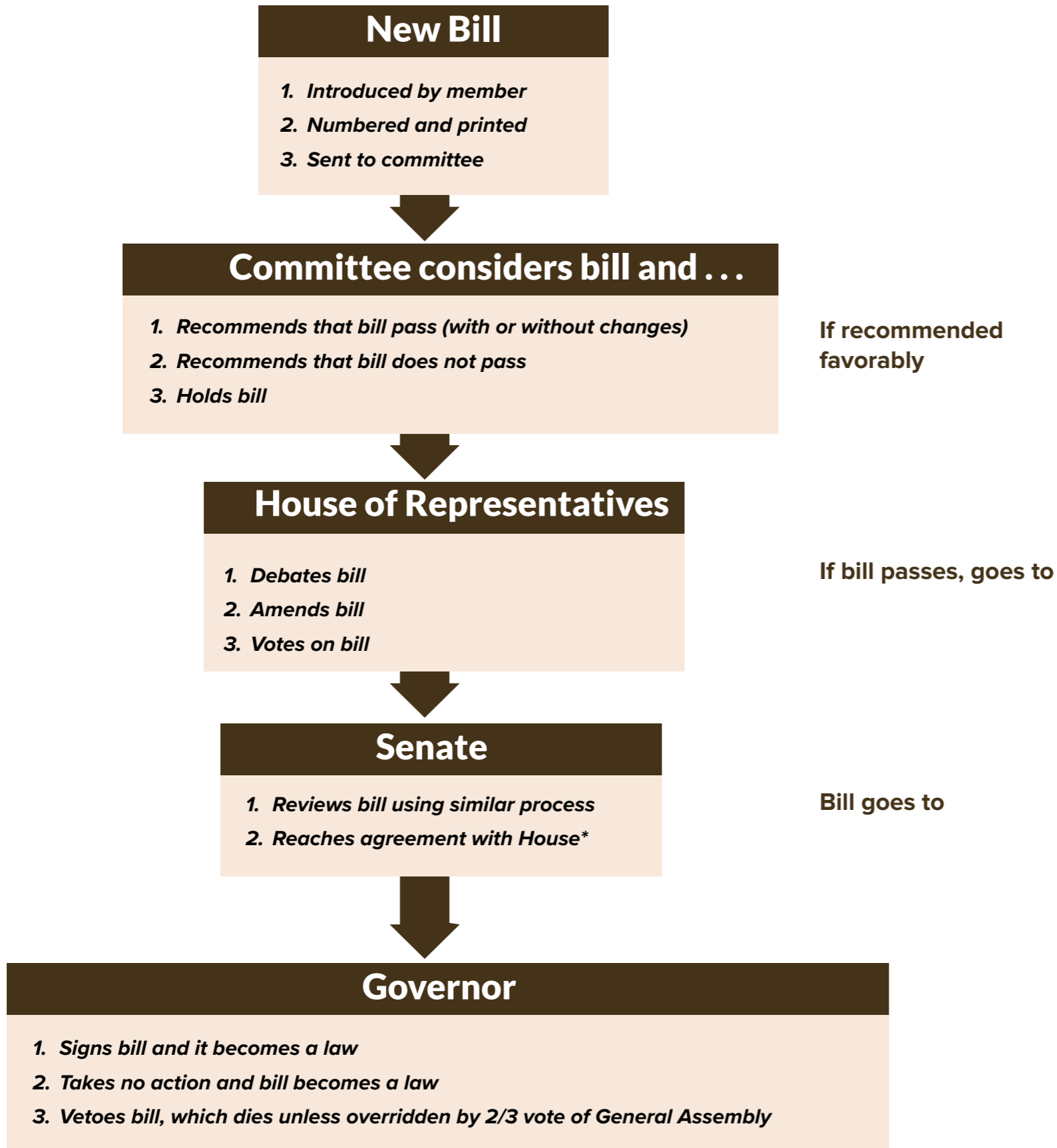
An Example of Power Sharing

The governor’s power to veto a bill is an example of power sharing by the legislative and executive branches. One bill in particular, the appropriations bill, clearly illustrates this power sharing.

Each year, the General Assembly must pass an appropriations bill, sometimes called the “budget bill.” It is a proposal to appropriate specific amounts of money for every program of state government.

Although it is introduced by a legislator, this bill is drafted by the governor’s staff. The legislature can make changes in the governor’s proposal, but if the governor does not approve spending for specific items in the bill passed by the legislature, he can veto those items. This action is called an **item veto**². The legislature has the right to override that veto.

The governor’s authority to draft the state’s budget bill and exercise the item veto are examples of legislative power exercised by the executive branch.



How a Bill Becomes a Law



[Transcript](#)

◀ Both houses must agree to identical versions of the bill. If they can't, a conference committee may be set up with representatives from both houses to resolve disagreements.

The procedure by which a bill becomes a law is outlined in the chart “How a Bill Becomes a Law.” It shows a bill originating in the House of Representatives, but bills may also originate in the Senate. However, bills to raise or spend money must originate in the House.

COMMITTEE ACTION

In the House, and again in the Senate, the bill is worked on by a committee. The committee may hold a public hearing and ask citizens for their opinions on the bill. It may pass a bill “as is,” change it, or kill it.

FLOOR ACTION

On the floor of the House and Senate chambers, the bill passed from the committee is debated and then voted on by all the members. Amendments may also be made at this point. Before the bill

can become law, a majority of members in both houses must approve the exact same version of the bill.

GOVERNOR’S ACTION

One last hurdle the bill must clear is the governor’s office. If the governor vetoes the bill, it does not become law unless both houses vote to override the veto. It takes a two-thirds majority of members in each house to override a governor’s veto. However, this rarely happens. ■

LOCATING *the* MAIN IDEAS

- 1 **Define:** draft, item veto
 - 2 Where do ideas for laws come from?
 - 3 On what subjects is the General Assembly not allowed to enact laws?
 - 4 Explain why a bill must go through the same steps twice before it becomes a law in Georgia.
-

Vocabulary

- 1 Draft** - 1: A law requiring civilians to join the military. 2: To write a proposal for a law or proclamation.
- 2 Item veto** - The power of the governor to reject specific spending items in an appropriations bill, while approving others



CHAPTER 26 QUIZ

Text Version

Chapter 27

Foreword

Georgia Standards of Excellence
Correlations ▼

[SS8H12](#)

[SS8CG3](#)

[SS8E1](#)

[SS8E2](#)

Chapter Outline

Organization of the Executive Branch

Governor
Lieutenant Governor
Constitutional Officers
Executive Departments and Agencies

State Government at Work

Education
Human Services
Public Safety
Transportation
General Government
Economic Development
Natural Resources

Financing State Government

The Budget
Taxes

SS8H12

Explain the importance of developments in Georgia since the late 20th century.

- e. Analyze Georgia's role in the national and global economy of the 21st Century, with regard to tourism, Savannah port expansion, and the film industry.

SS8CG3

Analyze the role of the executive branch in Georgia state government.

- a. Explain the qualifications for the governor and lieutenant governor and their role in the executive branch of state government.
- b. Describe how the executive branch fulfills its role through state agencies that administer programs and enforce laws.

SS8E1

Explain how the four transportation systems (road, air, water, and rail) of Georgia contribute to the development and growth of the state's economy.

- a. Evaluate the ways in which the Interstate Highway System, Hartsfield-Jackson International Airport, deepwater ports, and railroads interact to support the exchange of goods and services domestically and internationally.

SS8E2

Evaluate the influence of Georgia-based businesses on the State's economic growth and development.

- a. Describe how profit is an incentive for entrepreneurs.
- b. Explain how entrepreneurs take risks to develop new goods and services to start a business.



The office of Nathan Deal, Georgia's 82nd governor.

CHAPTER 27

AT FIRST GLANCE

This chapter details the organization and function of the largest branch of government—the executive branch. It examines the various types of jobs found in the executive branch and focuses on the duties of the governor as Georgia's leader and the head of the executive branch. A state government organization chart shows the most important officers and departments in the executive branch. The work of the executive branch is explained in terms of six major policy categories. Students also learn how state government is financed and how a budget is prepared for spending tax revenues each year.

State Government: The Executive Branch

[Organization of the Executive Branch](#)

[State Government at Work](#)

[Financing State Government](#)

In Georgia, the General Assembly sometimes passes laws that regulate what people or businesses can do. However, many laws authorize public services such as education, highways, and public assistance. Often such laws spell out in general terms what the legislature wants. But filling in the details of how the program will be conducted is left to an executive **agency**¹ named in the law. An agency is a unit of government such as a department, board, commission, or office. That agency studies the new program, holds public hearings, and adopts rules and regulations. These rules and regulations are similar to legislative statutes—and they have the force of law. In many cases, the executive branch becomes a partner in the lawmaking process. The role of the executive branch of state government is to administer state programs and execute (enforce) laws enacted by the legislature.

Vocabulary

- 1 **Agency** - General term for any department, board, commission, or other unit of government.

Organization of the Executive Branch

In the U.S. government, the president and vice-president are the only elected officials in the executive branch, and they are chosen as a team. All heads of executive departments and members of boards are appointed by the president. So in reality, there is only one single elected official in the federal executive branch—the president.

Georgia and most other states organize their government differently. There is a governor and a lieutenant governor, but they are elected separately. They may or may not work as a team and can be of different political parties. Additionally, Georgia has a number of elected executive department heads known as **constitutional officers**¹ because their positions are provided for in the state constitution. These officials are elected independently and may be of different political parties. Except for the power to

propose their budgets, the governor has little formal power over constitutional officers and their departments. But this does not mean that the governor has few powers.

The governor's office is on the second floor of the state capitol.



GOVERNOR

Georgia’s constitution places the “chief executive power” of the state in the hands of the governor. Because of this, the governor is often referred to as the chief executive.

Who can be governor? The Georgia constitution requires that a man or woman elected as governor be a U.S. citizen for 15 years, and a legal resident of Georgia for six years. Also, the governor must be at least 30 years of age. The governor has a term of four years at the time of taking office, with eligibility to serve one additional term. After eight consecutive years in office, a governor must wait at least four years before running again. So far, no former governor has ever sought a third four-year term.

The election for governor takes place every four years in the general election that is held between presidential elections.



◀ The governor’s mansion

This means Georgians will elect a governor in 2018, 2022, and every four years thereafter. The person elected is sworn in the following January during the first week of the legislative session.

the Senate are of the same political party as the governor. Likewise, a governor is less powerful when the presiding officers in the legislature are of a different party.

POWERS OF THE GOVERNOR

The governor is the most powerful official in state government. Some of the governor’s powers are formal—that is, they are written in Georgia’s constitution or state law. In terms of formal powers, Georgia is considered to have a strong governor—especially in terms of extensive power over the state budget.

Other powers are informal. They are not spelled out in law but arise from custom and tradition, from the personal abilities of the governor (such as leadership), and from the expectations of the people. A governor can play a stronger role when the speaker of the House and president of

POWERS OF THE GOVERNOR

Formal Powers	Informal Powers
<p>Chief Executive</p> <ol style="list-style-type: none"> 1. <i>Appoint executive branch officials and board members</i> 2. <i>Direct executive branch officials in their work</i> 3. <i>Manage the state budget</i> <hr/> <p>Chief Legislator</p> <ol style="list-style-type: none"> 1. <i>Propose laws and state budget</i> 2. <i>Sign or veto legislation</i> 3. <i>Present annual messages to the General Assembly</i> 4. <i>Call special legislative sessions to take up subjects determined by the governor</i> <hr/> <p>Commander-in-Chief</p> <ol style="list-style-type: none"> 1. <i>Call out national guard in emergencies</i> 2. <i>Send state troopers and GBI agents into communities when needed</i> 	<p>Chief of State</p> <ol style="list-style-type: none"> 1. <i>Meet with the president of the United States, federal officials, and other state governors</i> 2. <i>Lead trade delegations to other countries</i> 3. <i>Speak officially for the government and unofficially for the people of Georgia</i> <hr/> <p>Chief Politician</p> <ol style="list-style-type: none"> 1. <i>Propose policies for the state</i> 2. <i>Endorse candidates for public office</i> 3. <i>Hold press conferences and speak out on issues and problems</i> 4. <i>Serve as leader of governor’s political party</i> 5. <i>Head governor’s political party delegation to national party convention</i>

Most citizens expect the governor to be a leader. When an issue or a problem arises, they expect the governor to speak out and take action. They also expect the governor to take the initiative, recommend policies, and then work to get those policies enacted into law. Citizens expect the governor to propose legislation and to make changes in government operations when changes are needed.

It is often said that a governor wears several hats. This means that the office of governor has several different roles. In a single day, the governor may act as chief executive, chief legislator, and chief politician.

Georgia's governor is the one state official most citizens recognize by name. It is the governor's opinions and actions that are most widely reported in the news. Why? Because a governor's policies can affect every part of state government and, therefore, the lives of thousands of people. ■

LIEUTENANT GOVERNOR

Georgia's constitution provides that every four years Georgia voters also elect a lieutenant governor, who must have the same qualifications as the governor. Should the governor become temporarily disabled, the lieutenant governor performs the duties of governor until the disability is ended. There is no provision for the lieutenant governor to assume the powers of chief executive when the governor travels out of state or out of the country.

Should the governor die, resign, or become permanently disabled, the lieutenant governor becomes governor until the next general election. At that time, an election is held, with the winner serving as governor for the remainder of the original governor's four-year term.

Should both the governor and lieutenant governor be unable to serve, the speaker

LOCATING *the* MAIN IDEAS

- 1 **Define:** agency, constitutional officer
 - 2 What is the role of the executive branch of government?
 - 3 What are the qualifications for being elected governor of Georgia?
 - 4 What do citizens expect from the governor as the state's leader?
-

of the House serves as governor for up to 90 days. During that time, a special election for governor must be held. Since the office was created in 1945, only one lieutenant governor has ever been called on to assume the powers of governor. Georgia's first lieutenant governor, M.E. Thompson, was elected in Nov. 1946. In that election, Eugene Talmadge was elected governor but died before taking office. Following a Georgia Supreme Court ruling, Thompson assumed the powers of governor in 1947, serving until the next general election in 1948.

The state constitution does not list specific executive responsibilities for the lieutenant governor. The constitution does state that executive duties may be assigned the lieutenant governor by the governor or General Assembly. The legislature has made the lieutenant governor a member of several executive boards and has also provided that the lieutenant governor

appoint a portion of the members of some boards. The lieutenant governor's main role in state government is not in the executive branch, however, but the legislative. The constitution prescribes that the Lieutenant governor serve as president of the Senate, presiding over sessions of the Senate. Historically, the lieutenant governor had the exclusive power to preside, name committee officers and members. That power now rests with the Committee on Assignments chaired by the Senate president.

Lieutenant governor Casey Cagle also serves as president of the Georgia Senate and presides over its sessions.



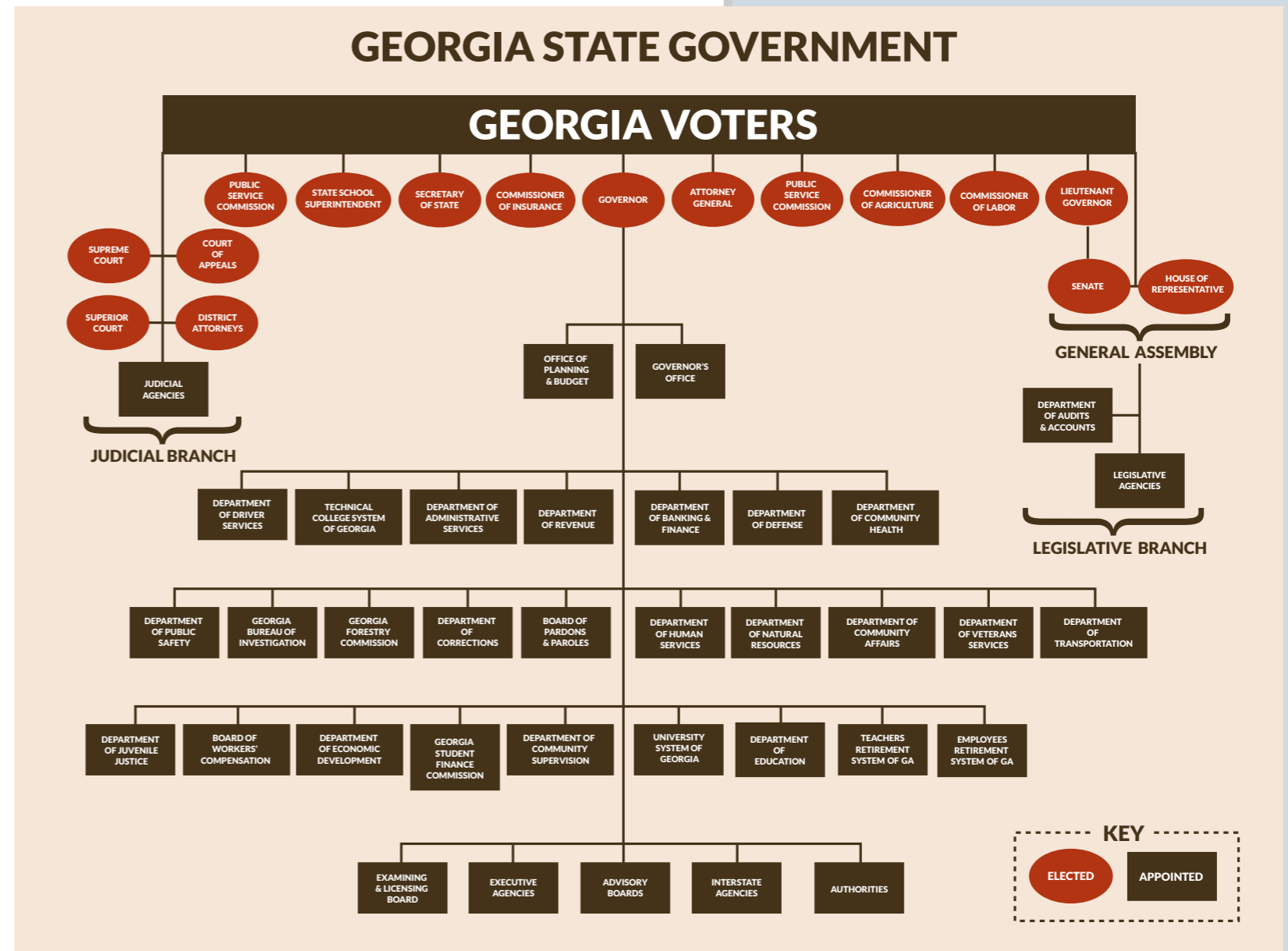
CONSTITUTIONAL OFFICERS

In addition to electing a governor and lieutenant governor every four years, Georgia voters also elect a number of other constitutional officers in the executive branch. These are the secretary of state, attorney general, state superintendent of schools, commissioner of agriculture, commissioner of labor, and commissioner of insurance. Qualifications to run for these offices are U.S. citizenship for 10 years and legal residence in Georgia for four years. The candidate must be at least 25 years old at the time of assuming office. Additionally, the attorney general must have been an active member of the State Bar of Georgia for seven years.

Constitutional officers are elected for a term of four years, with no limit on how many terms they may serve. Because their offices are provided for in the state constitution, rather than by statute, constitutional officers cannot be removed

by the governor or legislature. The only way to abolish a constitutional office is to pass a constitutional amendment. As a result, constitutional officers enjoy a degree of independence from the governor—unlike most executive department heads.

Voters are shown at the top of this chart of Georgia’s state government because they elect the top officials of the executive, legislative, and judicial branches of government. About 99 percent of all state government employees work in the executive branch, in departments that report directly or indirectly to the governor. Not shown in this chart are almost 200 small agencies, boards, and commissions.



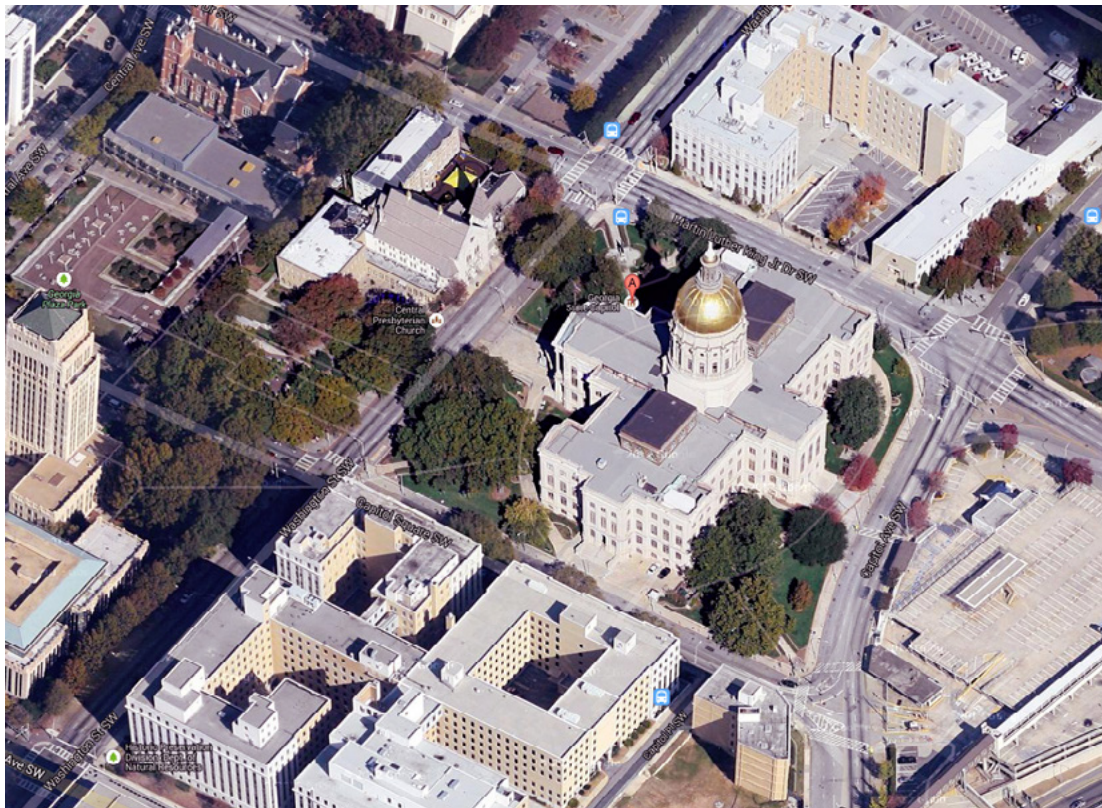
EXECUTIVE DEPARTMENTS AND AGENCIES

The Georgia State Government chart is a simplified view of the organization of state government. There are over 40 major executive departments. Most are headed by directors or commissioners appointed by departmental governing boards. Because the governor appoints

most department board members, they usually follow the recommendations of the governor as to who should head a department.

In addition to executive departments, there are numerous smaller boards, commissions, and other agencies not shown on the chart. Examples include the Georgia Emergency Management Agency, Criminal Justice Coordinating Council, and Georgia Council for the Arts.

Also found in the executive branch are a number of public corporations with government like powers. For example, Stone Mountain and Jekyll Island are run by state authorities. Authorities are used for special functions and activities for which flexibility to act like a business is needed. ■



LOCATING *the* MAIN IDEAS

- 1 **Identify:** president of the Senate
- 2 What are the qualifications to be elected lieutenant governor?
- 3 Describe what would happen if the governor were to be temporarily disabled. Permanently disabled?
- 4 How are constitutional officers different from other executive department heads?



The Executive Branch

[Transcript](#)



Most state agencies have their headquarters in the state capitol complex in Atlanta.

Vocabulary

- 1 **Constitutional officer** - Any of the elected executive officials in state government whose office is specifically provided for by the Georgia Constitution.

State Government at Work

As you might guess, operating a government for Georgia’s 9.5 million citizens is an enormous task. There are over 110,000 employees in Georgia state government, and 99 percent of these work in the executive branch. Each year, over 90 percent of the state budget goes to the executive branch.

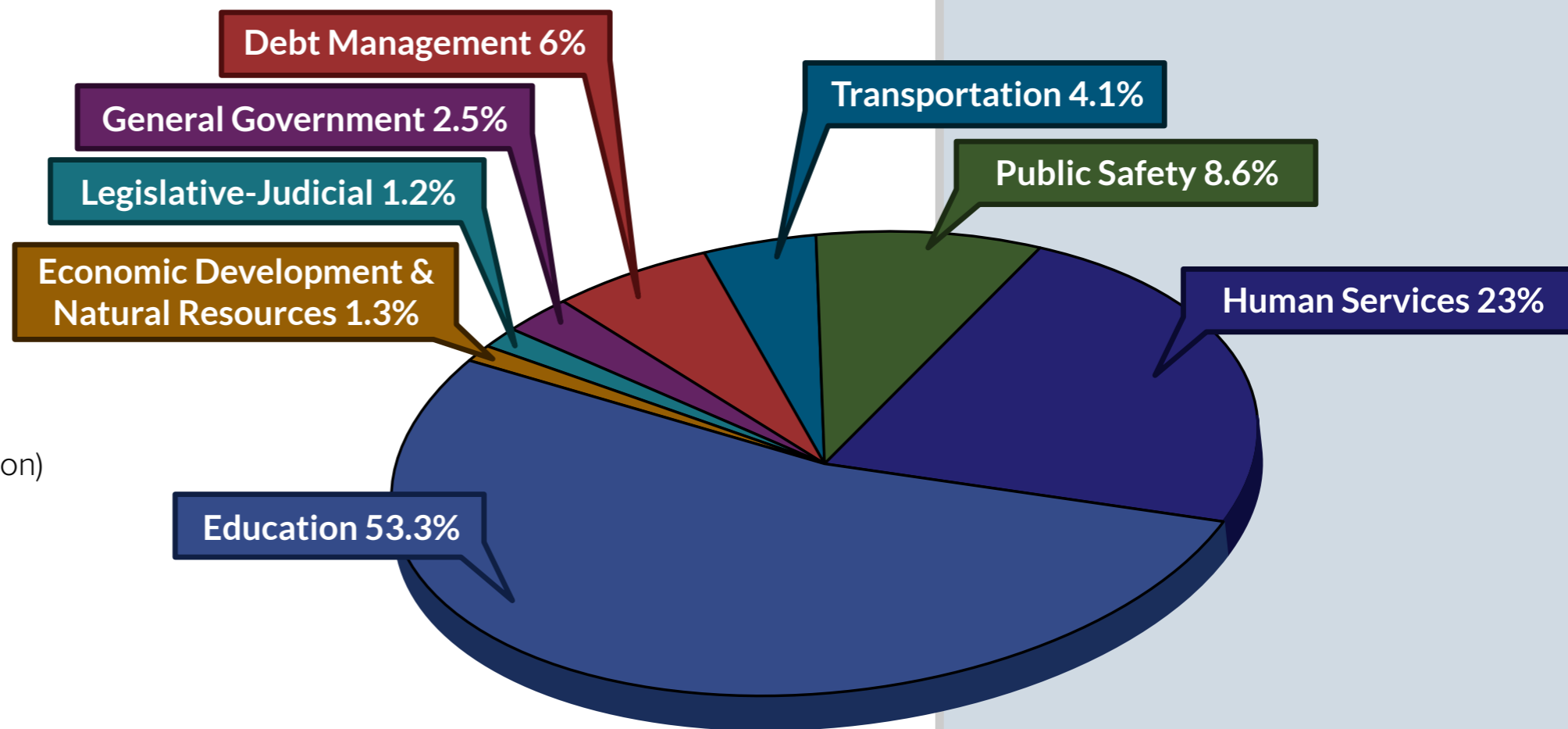
To better understand what state government is doing to improve the life of Georgia citizens, state budget makers have identified six major policy areas. Ranked in terms of total budget, these areas are

- 1 Educated Georgia (education)
- 2 Healthy Georgia (human services)
- 3 Safe Georgia (public safety)
- 4 Mobile Georgia (transportation)

- 5 Responsible and Efficient Government (general government)
- 6 Growing Georgia (economic development and natural resources)

As the chart “*Where State Money Goes*” shows, there is a considerable difference in the amount of money spent in the different areas. The chart also includes spending for the legislative and judicial branches (separated from general

WHERE STATE MONEY GOES



Fiscal year 2014 budget

government) and to pay the state's debts.

As you can see, over 53 percent of the FY 2014 state budget went to education, while just over 1 percent was allocated to economic development and natural resources. Does this mean that education is 50 times as important as our economy or environment? Not at all. In many cases, spending for a function is mandated (required) by law on the basis of a formula. For example, Georgia's constitution requires that the state provide a quality basic education to all young people—from pre-K to grade 12. Funding education is not optional but mandatory. Moreover, there is a formula for how much the state spends that is based on enrollment. If Georgia's population is growing (and it is), then more and more money has to be spent. Each student is entitled to a free education in Georgia, including transportation and textbooks. As a result, the governor and legislature have little discretion in how much of the state budget goes to education.

The same is true in the second-largest area of spending—human services. Numerous types of public assistance to the young, poor, and needy are mandated by state and federal law. Georgia has little choice when it comes to protecting abused children. So the amount of spending on many human service programs is based on how many people are entitled to the service by law. There are many other programs about which neither the governor nor legislature has a choice when it comes to spending money.

As a result, the great majority of the state budget each year is reserved for entitlement programs and other mandatory spending items. Relatively little money is left for other programs. When the economy is bad and state revenues are low, spending on optional services in the executive branch—such as state parks, historical markers, public television, and technical colleges—often is cut.



Where Does Your Tax Money Go?

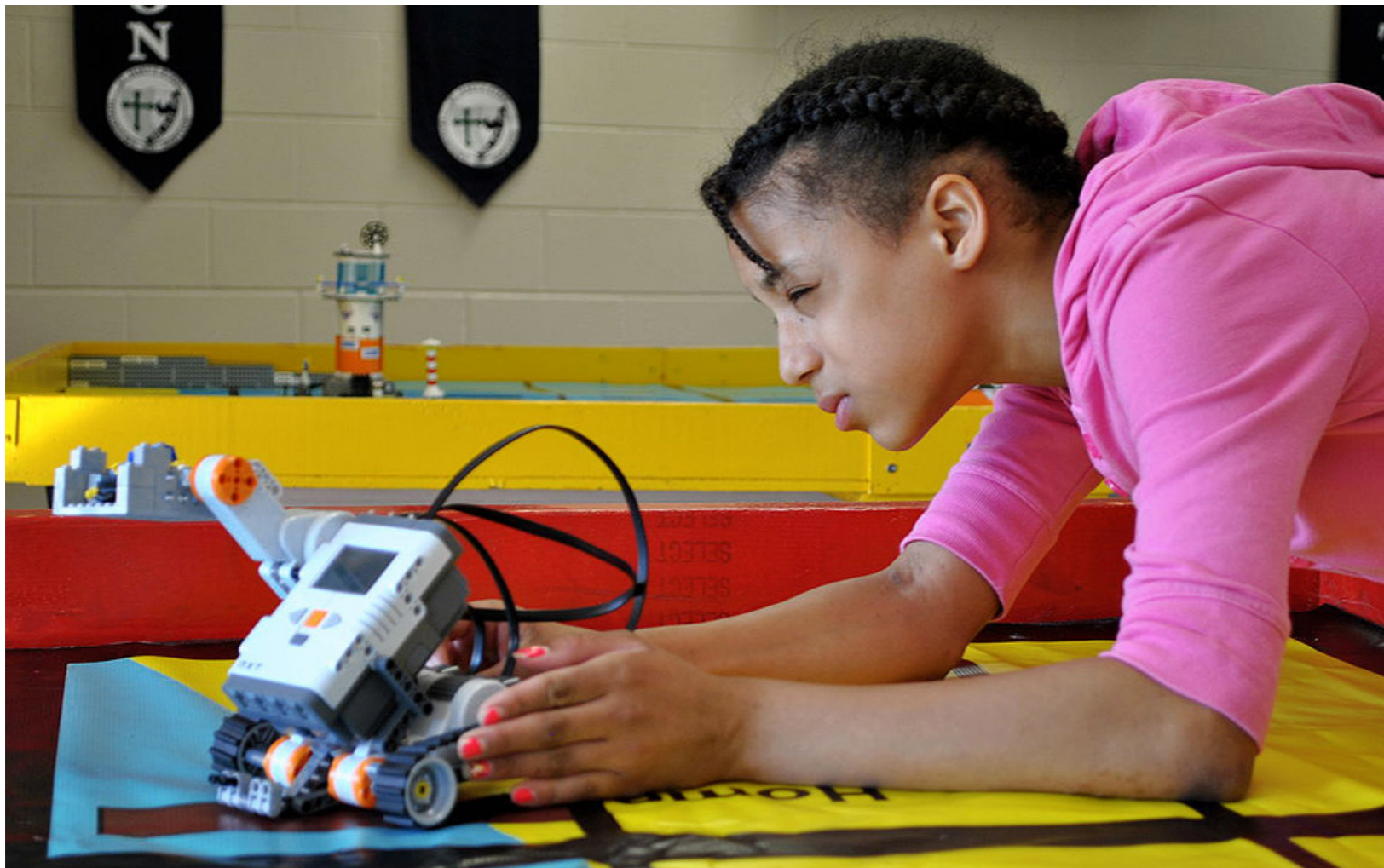
[Transcript](#)

EDUCATION

Education is the biggest responsibility of state government. Why? Successful self-government depends on having educated and well-informed citizens. Also, a strong

economy depends on the availability of an educated workforce. More and more jobs require workers who are able to use computers and high-tech equipment.

For many decades, schools were primarily the responsibility of local communities. In each county, a local school district



◀ Information technology plays a big part in educating today's students for tomorrow's jobs.

was established, with schools funded mainly through local property taxes. Over the years, state government has played a larger and larger role in education—especially with regard to funding.

Public school teachers are not considered employees of the Georgia Department of Education. Rather, teachers are employees of their local school system. But most of their salaries come from the state, which also funds school systems based on attendance and other factors.

Counting Georgia’s public schools, state colleges and universities, and technical colleges, more state funds go into education than all other services and programs combined. There are six principal executive agencies involved in education in Georgia.

The Department of Education is headed by the state superintendent of schools (who is elected by the voters). But policy for the department is set by the State Board of Education. The department’s

primary responsibility is to administer state education laws. It has many powers over local school systems (such as setting the curriculum), but local school districts also have many powers (such as hiring teachers and setting the school calendar). Teacher salaries, however, are set by the governor and General Assembly. As you can see, responsibility for public education is divided in Georgia.

The Bright from the Start: Department of Early Care and Learning oversees Georgia’s pre-kindergarten program. Through this agency, the state works to meet the childcare and early education needs of children ages birth through five.

The state’s role in public colleges and universities is less complicated. One agency—the

A wide variety of programs from auto mechanics to health care to graphic design are available at Georgia’s technical colleges.



◀ The North Georgia Technical College is the oldest technical college in the state of Georgia, and is part of the Technical College System of Georgia.

University System of Georgia—operates 31 state universities and colleges. The system is governed by the State Board of Regents, which is appointed by the governor. In turn, the board appoints a president to manage each of the 31 institutions of higher education.

Many students graduating from high school do not want to go into a traditional college or university. Rather, they want a technical education that will lead to a skilled and high-paying job. Also, adults sometimes lose their jobs or desire to change jobs or careers. To serve these types of students, Georgia has 25 technical colleges across the state administered by the Technical College System of Georgia.

Administering HOPE and other scholarship, grant, and loan programs for college students is the responsibility of the Student Finance Commission. The sixth state agency involved in education is the Teachers Retirement System. Its

responsibility is not students but retired public school and college teachers.

HUMAN SERVICES

Human services involve programs designed to promote the physical health, mental health, and welfare of Georgia citizens. Spending for human services takes the second-biggest chunk of the state budget.

The largest state agency dedicated to human services is the Department of Community Health (DCH). This agency seeks to ensure that quality health care services are available to all Georgians—no matter where they live. Its largest function is to administer Medicaid, a program that

The departments of Human Resources and Community Health sponsor many programs to help children and families in Georgia.



provides health care for people who are poor, aged, blind, or disabled. DCH also manages the PeachCare health insurance program for Georgia children.

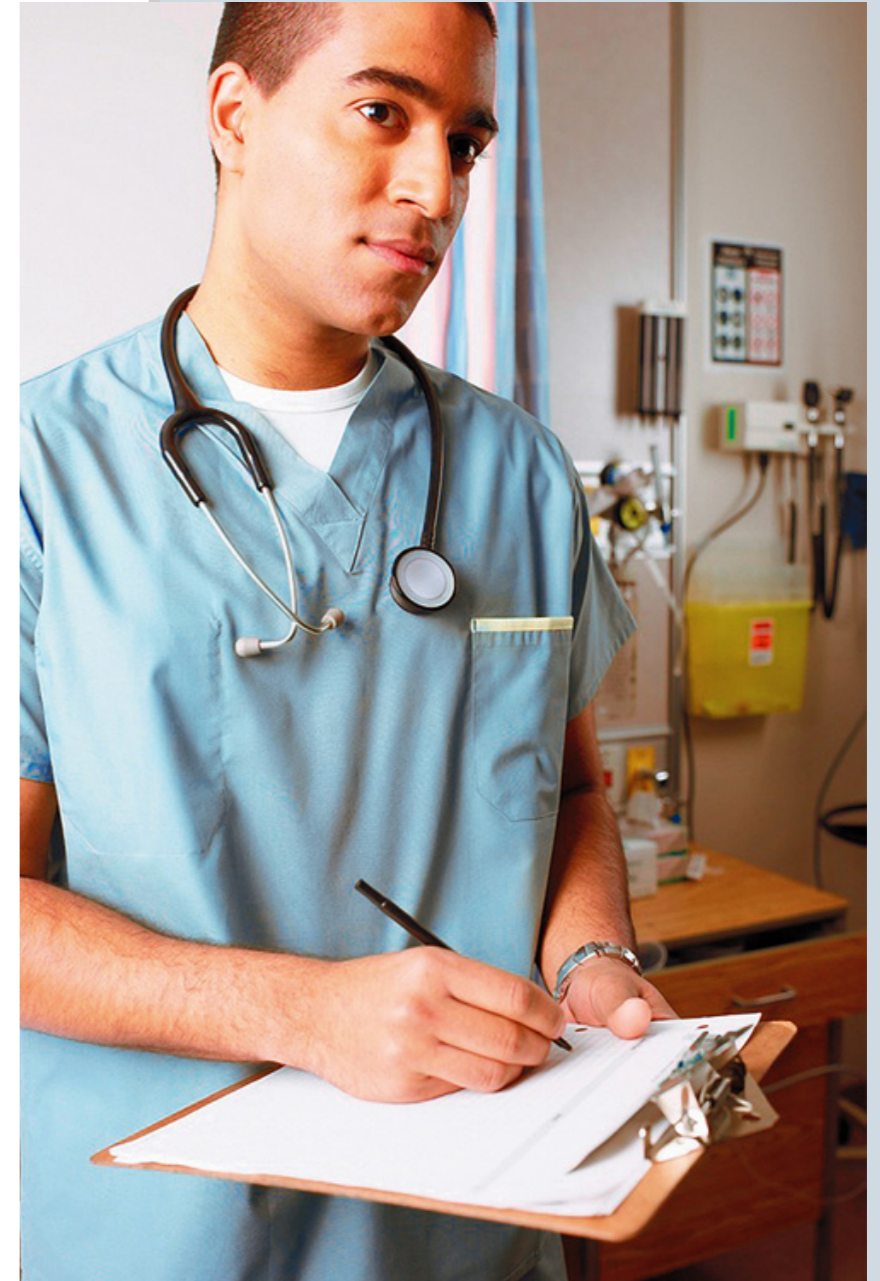
Georgia's Department of Behavioral Health and Developmental Disabilities (DBHDD) serves Georgians who are poor, retarded, disabled, very young, or very old. For example, DBHDD operates hospitals and treatment centers for people of all ages who have mental retardation, severe mental illness, developmental disabilities, or substance addiction. The department also provides help through community centers, group homes, or to families caring for a relative in their home.

The Department of Human Services (DHS) delivers services such as child protection, family assistance, family violence prevention, aging services, and regulatory inspections. One of DHS's most visible units is the Division of Family and Children Services (DFCS). This agency administers

the Temporary Assistance for Needy Families (TANF) program. More commonly known as welfare, this cash assistance program is for poor families with children under 18. Its goal is to give recipients experience in finding work and becoming self-sufficient within a four-year period.

The Department of Public Health (DPH) is responsible for ensuring the health of Georgia communities. Programs such as disease control and immunization, emergency preparedness, and environmental health monitoring help Georgians stay safe and healthy. The department oversees 159 county health departments

Medicaid and TANF are good examples of how federalism works today. These are joint federal-state programs carried out at the state or county level, overseen by a state agency, and funded through a combination of federal and state funds.



The Department of Public Health (DPH) is responsible for ensuring the health of Georgia communities

PUBLIC SAFETY

According to Georgia's constitution,
*"Protection to person and property is the
paramount [first] duty of government."*
Numerous state agencies have the

responsibility to ensure that Georgians
can live safely and without fear of harm to
them or loss of their possessions.

In many cases, agencies protect citizens
by regulating what individuals and
businesses can and cannot do. The Office

of the Secretary of State is responsible
for licensing and regulating many
professions and occupations, such
as accountants, architects,
cosmetologists, dentists, engineers,
and pharmacists. The Department of
Community Health inspects hospitals
and nursing homes. Doctors are
licensed and regulated by the Board of Medical



◀ A GBI crime scene specialist dusts a van for fingerprints.

Examiners. The Department of Labor enforces child labor laws and conducts various safety inspections.

One executive agency almost every teenager deals with sooner or later is the Department of Driver Services. This agency issues driver licenses, makes sure that drivers have adequate insurance, and administers the registration of motor vehicles.

Many agencies are involved in protecting consumers from unfair or illegal business and financial practices, including the Office of Consumer Protection, Secretary of State, Department of Agriculture, and Department of Banking and Finance. The Department of Insurance is responsible for insurance and small loan regulation as well as fire safety across the state.

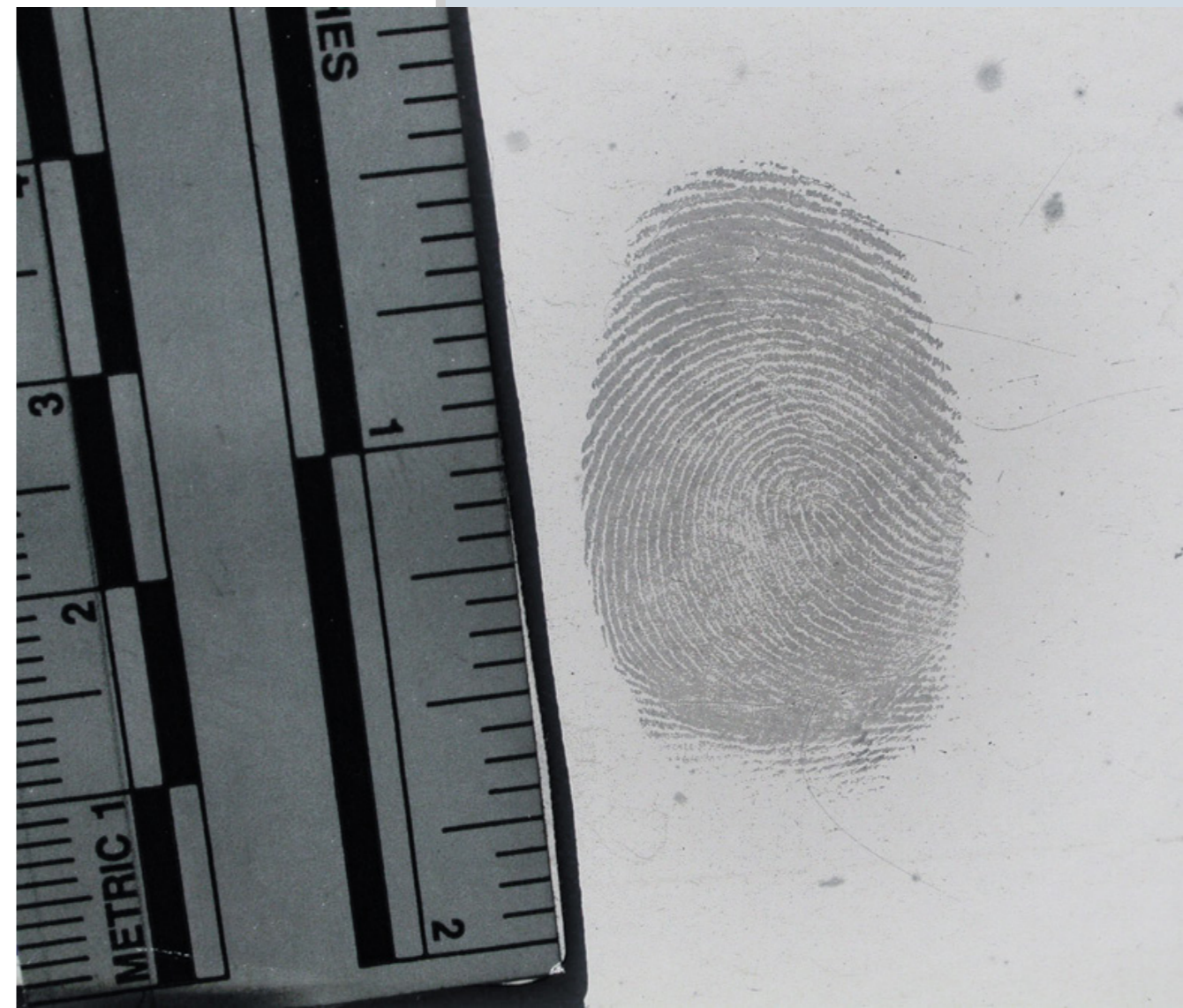
The Georgia Emergency Management Agency and Georgia National Guard can be called upon to protect persons and their property from hurricanes, tornadoes, flooding, and other natural disasters.

Should rioting or civil disobedience occur, the governor can call out the Georgia State Patrol, Georgia Bureau of Investigation (GBI), and National Guard to maintain order and prevent violence.

The Department of Public Safety's main division, the Georgia State Patrol, focuses on enforcing traffic laws and preventing accidents, injuries, and deaths on public highways. State troopers may investigate criminal acts committed on the highway. The department also enforces truck and trailer size and weight restrictions and motor vehicle safety standards.

The GBI assists local police agencies

Dusted fingerprint from a crime scene.



on many kinds of criminal cases. These include stolen autos, burglary, forgery, gambling, arson, controlled substances (drugs), and murder. It can bring to an investigation trained experts and special equipment that many local police forces do not have. Usually, the GBI enters a case at the request of a police chief or sheriff, or at the order of the governor.

Two units within the GBI that help other agencies are the State Crime Lab and the Georgia Crime Information Center. The crime lab conducts 100,000 tests a year on all manner of evidence, such as bloodstains and bullets. The Crime Information Center operates 24 hours a day, seven days a week. In just a few minutes, law enforcement officers can find out whether someone they picked up is wanted for committing a crime or if a car they stopped has been stolen.

Protection of persons and property also involves dealing with those convicted of criminal offenses. In some cases, this

means sending them to state prison or other detention facilities. In other cases, a convicted offender may be sentenced to a specified period of **probation**¹. Probation, determined by the judge at the time of sentencing, is an alternative to jail. During probation an offender must follow strict rules as to activities and movement and report regularly to a probation officer. Responsibility for imprisoning convicted criminals and supervising those on probation belongs to the Department of Corrections. That agency operates correctional institutions for adult offenders. Juvenile offenders (persons under the age of 17) are generally handled by the Department of Juvenile Justice. ■

TRANSPORTATION

Every Georgian depends on transportation to meet a variety of needs. Access to transportation is essential to getting Georgia foods, products, and raw

LOCATING *the* MAIN IDEAS

- 1 **Define:** probation
 - 2 Why is education the main responsibility of state government?
 - 3 List at least five different programs that are administered by departments in the human services area.
 - 4 List five state agencies involved in public safety.
-



◀ The Sidney Lanier Bridge, Georgia's longest, opened in 2003 in Brunswick.

materials to domestic and foreign markets. The same is true for getting processed food, finished goods, and services delivered to Georgia business retailers and consumers. The world has become increasingly interdependent, and it is common to find Georgia poultry being sold in Russia and Chinese clothing for sale in Georgia.

Transportation availability affects where people live and where businesses locate. The history of Atlanta is a good example. At first, Atlanta grew because it was a rail center. Arrival of air transportation helped

it grow even more. Highways also played a big role—especially with construction of three different interstate highways through downtown Atlanta in the 1960s and 1970s.

Of the four principal modes (forms) of transportation—highway, rail, air, and water—highways are the most visible and utilized. The Georgia Department of Transportation (DOT) is responsible for planning, building, and maintaining state, U.S., and interstate highways in Georgia. Each year, citizens can get a free, updated official state highway map from DOT.



Another important transportation agency in the executive branch is the Georgia Ports Authority (GPA). It operates Georgia's ports, which are key to international imports and exports.

Both DOT and GPA cooperate to promote intermodal transportation in Georgia. This means efficient use of multiple forms of transportation to get an item to its ultimate user. For example, an electric pump may be manufactured in China, placed in a 40-foot metal shipping box known as a container, loaded aboard a large ship and sent to the port of Savannah, unloaded at the dock and placed directly on a truck

bed, driven to Macon, delivered to a Home Depot store, and sold to a Georgia consumer.

GENERAL GOVERNMENT

Rather than serving citizens, some agencies have the function of serving other agencies in state government. For example, the Department of Administrative Services provides computer, printing, purchasing, insurance, and motor vehicle services to other state agencies. The University System of Georgia maintains

◀ The Department of Transportation is responsible for signage that enables travelers to move efficiently and safely on Georgia roadways.

The Port of Brunswick and the Sidney Lanier Bridge. The Port of Brunswick is an Atlantic seaport located in Brunswick, Georgia. It is one of four ports operated by the Georgia Ports Authority.



the state archives for the storage of state records. The Georgia Building Authority has responsibility for construction and maintenance of buildings in the state capitol complex.

ECONOMIC DEVELOPMENT

In one sense, promoting Georgia's economy is one of the most important things state government can do. A healthy economy gives people jobs, stimulates business profits, and generates tax revenue that supports governments. On the other hand, when the economy suffers, everybody feels the impact.

Throughout Georgia history, trade has been an essential activity. At the time of its settlement in 1733, Britain hoped the new colony would be a source of silk, wine, and other products. Instead, Georgia proved more suitable for rice and indigo. White traders brought guns, tools, and other

manufactured products to Georgia Indians, exchanging them for deerskins, which were sent to Britain for use as leather. Later, cotton became the dominant crop in Georgia. There was always a need for cotton to make clothing, blankets, sheets, and other items.

Except for encouraging railroad building, state government historically played little role in promoting economic development. Rather, efforts to recruit industry and investment to Georgia were primarily done by Atlanta business and civic leaders. Georgia-based businesses such as Coca-Cola, Delta Air Lines", Southern Railway, and Georgia-Pacific developed into nationally and internationally known companies. But it was a result of the efforts of private entrepreneurs, not state government.

The motive of entrepreneurs is to develop a successful business. For this to happen, a business must eventually be able to sell

goods or services at a price that exceeds what it costs to produce the goods or provide the services. If price exceeds cost, the difference is known as profit. If cost exceeds price, the difference is known as loss. No one goes into business to lose money. Thus the desire to make a profit is the primary incentive that motivates most entrepreneurs. Profit is important for another reason—it allows businesses, their employees, and their stockholders to pay taxes, which help cover the cost of state and local government in Georgia.

Of course, risk comes with any new product or service. It may take several years for a new business to break into the market and generate a profit. Over 95 percent of all Georgia businesses have fewer than 50 employees. Because many small businesses fail in their first years after startup, a special program was launched in 2004—the Georgia Entrepreneur and Small Business Coordinating Network. This program

coordinates the efforts of all state agencies and universities in Georgia that assist small businesses.

Prior to the 1960s, Georgia's state government did not play a major role in promoting economic development. But since then, things have changed. For example, the General Assembly has passed a number of laws that encourage businesses and entrepreneurs to take the risks necessary to start up or expand a business. Since the mid-1970s, Georgia governors have become the leading economic promoters of the state. They lead

Gov. **George Busbee** welcomed a trade delegation from Japan in the late 1970s. He was the first governor to travel extensively trying to encourage foreign investment in Georgia.



trade missions of state officials and businessmen to Europe, Japan, and other places around the world seeking foreign investment in Georgia as well as markets for Georgia exports. If an international company is considering where to build a manufacturing plant in the Southeast, the governor plays an active and visible role in offering a package of incentives to encourage the company to locate in Georgia.

While many state agencies are involved in economic development, there are two executive agencies that have economic development as their sole mission. The Department of Economic Development (DED) promotes Georgia as a location site for new industries. Any company thinking about building or expanding an existing facility can get extensive information and assistance from the agency. DED also promotes the export of Georgia manufactured and processed products and helps foreign businesses that want

to import into the state. Tourism is one of Georgia's leading industries, and DED has an extensive program to encourage visitors to come see Georgia's many scenic and historical sites. The agency also operates welcome centers on interstate highways near our borders with

The Garden City Terminal, located in Savannah, is the largest single-container port in the nation.



GEORGIA INTERNATIONAL TRADE

EXPORTS

paper products
forest products
kaolin
farm products (peanuts, tobacco, cotton, soybeans, corn, wheat)
processed poultry
autos
transportation equipment
chemicals
computers and electrical equipment
manufactured goods
carpet

IMPORTS

furniture and other wood-related products
autos
toys
clothing
plastic products
manufactured goods
machinery
chemicals
stone and mineral
iron and steel

City Terminal—is the fourth-busiest container port in the nation. The Port of Brunswick has three different terminals, one of which is the busiest port of entry in the United States for autos imported from Europe and Asia. Georgia’s ports and related industries are responsible for

neighboring states. A number of famous movies and television shows have been filmed in Georgia, and DED promotes Georgia as a site for films and videos.

The other major agency promoting economic development is the Georgia Ports Authority. This agency operates deepwater ports in Savannah and Brunswick, plus barge ports in Bainbridge and Columbus. The Port of Savannah consists of two different terminals on the river. One of these—the Garden

over 350,000 jobs—about 8 percent of Georgia’s total employment. They also generate over \$66.9 billion in sales each year, which is 9.5 percent of total sales in the state.

In addition to imports and exports, many international companies are involved in trade and investment in Georgia. As an indication of Georgia’s heavy involvement in world trade, 78 countries have consulates or trade offices in Georgia.

NATURAL RESOURCES

Where should solid waste landfills be located? Should factories be allowed to dump chemical wastes in a river? Should a river be dammed up to make a reservoir to ensure that a city has a source of water during droughts?

We all depend on the same limited supply of natural resources for our health and well-being. But we all do not

agree on how to use them. Therefore, we have given government the job of seeing that resources are used in the best interest of all people. This responsibility begins with the legislature. At each session of the General Assembly, numerous bills are introduced that affect resource use. They may concern such activities as water use for irrigation by farmers, building near wetlands, erosion control, or water wells in coastal areas.

Increasingly in Georgia one of the main issues is water availability and usage.

Vogel State Park is located at the base of Blood Mountain in the Chattahoochee National Forest.





Georgia is one of the fastest-growing states in the nation. Most of the population growth is north of the Fall Line—an area where bedrock prevents the occurrence of underground aquifers. Thus, communities must depend on rivers and lakes for their public water supply. Because of the

growth, land development leads to runoff into the rivers. Runoff, sewage, and other wastes have an adverse effect on people living downstream.

The most important executive agency with a responsibility for protecting Georgia's environment and natural resources is the Environmental Protection Division (EPD) in the Department of Natural Resources (DNR). EPD is involved in water and air protection, water resource management, hazardous waste management, land protection, and enforcement of various environmental protection laws. DNR operates the state parks and oversees hunting, fishing, and boating. It operates fish hatcheries, stocks inland waters, and helps manage wildlife in Georgia's forests.

The main responsibility for forest resources, however, belongs to the Georgia Forestry Commission. This agency manages state forests and tree nurseries, assists the forest industry, and protects forest lands against fire. ■

LOCATING *the* MAIN IDEAS

- 1 How does transportation affect where people live? Why?
- 2 Name a state agency that does not serve citizens directly. What is its function?
- 3 Why is promoting economic development one of the most important things government can do?
- 4 How are the availability of clean water and growth of the state related?

◀ The Department of Natural Resources operates state parks, recreation areas, and historic sites where people can relax and enjoy the outdoors and Georgia's heritage.

Vocabulary

- 1 **Probation** - A sentence by a judge allowing a convicted offender to avoid imprisonment if the offender follows certain rules and regularly reports to a supervisor during the probation period.

Financing State Government

As can be seen, state government—particularly the executive branch—is involved in many programs that affect our lives and future. To serve Georgia citizens, executive agencies have to spend money. They must pay salaries to their employees and purchase goods and services just as a business does. An amount of money spent by government for some purpose is called an **expenditure**¹.

Government is not in the business of making a profit, but like a business it must have income. Businesses generate income by the sale of goods and services. Georgia state government's income is derived from taxes—primarily income and sales taxes. The state also receives substantial amounts of money from the federal government to carry out joint federal-state programs, such as welfare and highway construction. Small amounts of money come from various fees and licenses. The Georgia Lottery generates

over \$3.5 billion in sales each year, but 58 percent of this is returned to players as prizes. However, 30 percent of proceeds goes to state educational programs, such as HOPE Scholarships. Whatever the

HOPE scholarships have been awarded to more than 1.6 million students attending Georgia colleges and universities.



source, money that government receives is called **revenue**².

The size of government expenditures is limited by Georgia's constitution. The state cannot spend more than the amount of revenue it will receive. Unlike the federal government, which can spend more than it receives—thus creating a deficit—Georgia must balance spending with revenue. If the economy is bad and revenue is down, the state has to cut spending or raise taxes. One exception to the rule that the state government cannot spend more than it will take in is that Georgia can borrow money to finance certain expensive projects. But the constitution imposes restrictions on state debt. Currently, less than 5 percent of the state budget goes to paying off existing debt.

THE BUDGET

A budget is a plan for spending money. Without it, state agencies would not know

how much money they could spend during the year. Each year, the governor and legislature work out a budget for state government. The state's budget covers a 12-month period called a **fiscal year**³. Georgia's fiscal year begins on July 1 and ends on June 30.

Most of the state budget involves mandatory spending for programs such as

Nearly 30 percent of the state budget comes from sales tax collected on individual purchases.



education and Medicaid. However, there is money left over for discretionary (open to choices) spending. Here, the governor's priorities can shape the budget. The six major policy areas of state programs do not change greatly from year to year. But a governor who believes that certain activities—such as education—should get more attention may propose more spending in those areas and less in others.

The governor has the responsibility to predict how much revenue the state will collect during the coming fiscal year. Based on this estimate, the governor then develops a budget detailing how this money will be spent. To help make these difficult decisions, the governor turns to the Office of Planning and Budget (OPB)—a unit of budget specialists in the governor's office. Once that estimate is set, the governor and OPB assign every dollar in the budget to a specific agency and program. There is no miscellaneous category in the budget. If \$18 billion

is expected in revenue in the coming year, all \$18 billion is divided among the different agencies. This means that should legislators later wish to fund a new program, the money has to be taken from the budget of another program.

Once the General Assembly convenes in early January, the governor addresses both houses in a joint session to explain his or her budget. Then the budget is formally introduced in the Georgia House of Representatives by the governor's floor leader. After that the legislature takes over. While lawmakers cannot change the governor's revenue estimate, they are free to either agree to or propose changes in the governor's budget. The House appropriations committee begins hearings, after which the appropriations bill is considered by the full House. The governor's budget is always amended by the House. The bill is then sent to the Senate, where it undergoes a similar process. The version of the budget

bill approved in the Senate will always differ from that adopted in the House. Because both houses must agree to the budget in identical form, a conference committee is appointed to iron out differences. Eventually, often on the last day of the session, the two houses come to agreement. Usually the final budget is pretty much like that originally proposed by the governor.

The new budget goes into effect on July 1st following the session. The governor's

budget staff is then responsible for keeping track of state spending and revenues to make sure they do not get out of balance.

TAXES

Where does the money come from to run state government? Georgia's personal income tax is the largest source of state revenue. It is imposed on a person's salary

GEORGIA'S TAX DOLLAR



Income Tax
Personal 50¢
Corporate 5¢



Sales Tax



Other Tax



**Motor Fuel,
Tobacco, and
Alcohol Tax**

◀ **Source:** Georgia Department of Revenue, 2014 Statistical Report

or wages as well as on any profits, rents, interest, dividends, or other sources of taxable income. In addition, there is a corporate income tax imposed on the profits of all corporations doing business in the state.

The general sales tax is the second-largest state revenue source. It is imposed on retail sales, rentals, or the use of goods and certain services. This tax covers the sale of clothing, automobiles, furniture, building materials, sporting goods, and many other items. Groceries, prescription drugs, and a few other items are exempt from the state's sales tax.

How is the sales tax paid? The consumer pays the tax at the time of purchase. Currently, Georgia's state sales tax is four percent. So, for each dollar spent, four cents goes toward the cost of operating government. However, because counties can levy additional sales taxes, individuals will probably pay a total of six, seven, or

eight cents total sales tax on each dollar spent. Merchants collect the sales tax at the time of purchase and once each month send the total tax collected to the Georgia Department of Revenue.

Taxes are levied on motor fuel, tobacco and alcohol sales and are collected at the time of purchase. Also, the state collects other taxes on property, on motor vehicles including tags, titles, and fees and from other miscellaneous sources. ■

LOCATING *the* MAIN IDEAS

- 1 **Define:** expenditure, revenue, fiscal year
 - 2 What is the primary source of revenue for state government?
 - 3 Why is a budget necessary to operate state government?
 - 4 Who has to pay income tax in Georgia?
 - 5 How are sales taxes collected by the Department of Revenue?
-

Vocabulary

- 1 **Expenditure** - Money spent by a government for a certain purpose.
- 2 **Revenue** - Money that government receives from taxes, fees, and other sources.
- 3 **Fiscal year** - The 12-month period for financial record keeping. For Georgia state government, the fiscal year runs from July 1 to June 30.



CHAPTER 27 QUIZ

Text Version

Chapter 28

Foreword

Georgia Standards of Excellence
Correlations ▼

[SS8CG4](#)

[SS8CG5](#)

Chapter Outline

The Courts and the Law

Court Cases: Civil and Criminal
Felonies and Misdemeanors

Georgia's Court System
Jurisdiction

The Criminal Justice Process
Superior Court Personnel
Judicial Procedures

The Juvenile Justice System
Juvenile Courts
Juvenile Cases
Juvenile Procedure
Avoiding Trouble

SS8CG4

Analyze the role of the judicial branch in Georgia state government.

- Describe the ways that judges are selected in Georgia.
- Analyze the dual purpose of the judicial branch: to interpret the laws of Georgia and administer justice in our legal system.
- Explain the difference between criminal law and civil law.
- Explain the steps in the adult criminal justice system beginning with arrest.

SS8CG5

Explain how the Georgia court system treats juvenile offenders.

- Explain the difference between delinquent and unruly behavior and the consequences of each.
- Describe the rights of juveniles involved in the juvenile justice system.
- Explain the steps in the juvenile justice system when a juvenile is first taken into custody.



“FIAT JUSTITIA, RUAT CAELUM”



The Georgia Supreme Court consists of seven justices. The court motto is translated, “Let justice be done, though the heavens may fall.”

CHAPTER 28

AT FIRST GLANCE

This chapter describes the judicial branch of state government and introduces students to different types of law—both in terms of hierarchy (e.g., constitutional, statutory, and administrative law) and subject matter (e.g., civil and criminal law). Georgia’s court system is explained in the text and in chart format; the jurisdiction of each court is summarized. Also detailed is the operation of Georgia’s adult and juvenile justice system, including the procedures from arrest through trial and sentencing or release.

State Government: The Judicial Branch

[The Courts and the Law](#)

[Court Cases: Civil and Criminal](#)

[Georgia’s Court System](#)

[The Criminal Justice Process](#)

[The Juvenile Justice System](#)

In our society, we live by rules. The purpose of rules is to regulate how we interact with one another and thereby manage conflict. Rules establish the rights and duties—or obligations—we have as members of society. Some are *social* rights and duties. They are set down by families, churches, schools, businesses, and other social institutions. They are the rights and duties we have as family and church members, students, and employees. Such obligations as feeding the family dog or attending church are matters for our family and church to settle.

We also have *legal* rights and duties. These are established by the laws of our government. For example, a person has a legal right to own private property, such as an automobile. On the highway, that person has a legal duty to obey the traffic laws and a legal duty not to harm other persons. Legal rights and duties are ones that can be enforced by government.

The task of enforcing our legal rights and duties is not an easy one. Disputes over legal rights and duties are part of everyday life. Consider the following situation.

A landowner discovers that a construction company has bulldozed valuable trees on his property. He demands payment from the company. The company claims the landowner’s neighbor directed it to clear away the trees for a new building. The neighbor says the company made a mistake and went onto the wrong land.

The landowner has a legal right not to have his property damaged. Has that right been violated? Does he have a legal right to compensation (payment) for the damage? The neighbor has a legal duty not to damage someone else’s property. Has he carried out that duty? Does he have a legal obligation to pay for the landowner’s loss of his trees? Does the construction company have legal obligations in this situation?

Because disputes like this one involve legal obligations, government has a role in settling them. That role is filled by the judicial branch at the federal, state, and local levels—the courts.

The Courts and the Law

Originally, the court was a government chamber (or room) where a person went to seek justice—or fairness—in settling a dispute. Today, the court is still a place where citizens take legal disputes to be resolved. You may read in the newspaper that so-and-so “appeared in court.” But when the newspaper says “the court ruled,” it is referring to a decision made by a judge.

Unlike legislatures and executive agencies, the courts generally do not initiate government action. Instead, the courts wait for cases or issues to be brought to them by private citizens or other government agencies.

There are thousands of courts in the United States. All of them have the same basic function: to interpret and apply the



- ◀ Courts provide a forum where citizens can resolve disputes according to the laws of Georgia and the United States.

law to settle conflicts. There are four kinds of law:

- 1 Constitutional law: written provisions of U.S. and state constitutions
- 2 Statutory law: written laws enacted by legislative bodies
- 3 Administrative law: written rules and regulations of executive agencies
- 4 Case law: court interpretations of

written law and common law (legal rights and duties that courts have decided exist in situations not covered by written law)

The conflicts may be over

- 1 Rights and duties of citizens, businesses, or governments;

Determining who was at fault in an accident and obtaining compensation from insurance companies are two common reasons that citizens go to court.



- 2 Questions of guilt or innocence; or
- 3 Constitutionality of laws.

Settling that last type of conflict is a very important power of the court. It is called the power of **judicial review**¹ because it involves reviewing rules or laws (in cases brought to the court) to determine if they violate the Constitution. Sometimes the court substitutes its judgment of what is lawful policy for that of the legislature or executive. Judicial review is part of the system of checks and balances by which the three branches of government share power.

Not every court in the country has the authority to settle issues of constitutionality. Only higher-level state courts and federal courts exercise this power. Neither do all courts have exactly the same authority to settle conflicts over private rights and duties or guilt and innocence. We have different courts to settle different kinds of legal matters.

The federal courts function as an important part of our system of justice. But state courts settle most disputes because most disputes are covered by state law.

In this chapter, we will focus on Georgia's state courts. The work of two of those courts—the superior court and the juvenile court—will get special attention. ■

LOCATING *the* MAIN IDEAS

- 1 **Define:** judicial review
 - 2 How do courts differ from legislatures and executive agencies in taking action on an issue?
 - 3 What are the four kinds of law that courts may be called on to interpret and apply?
-

Vocabulary

- 1 **Judicial review** - The power of the court to review the constitutionality of actions by the legislative and executive branches.

Court Cases: Civil and Criminal

State courts handle two general classes of legal disputes: civil and criminal.

In a **civil case**¹, the court acts as a kind of referee to settle disputes between two or more parties. The parties may be individual citizens or businesses. Sometimes the government is one of the parties. A typical civil case begins when one party sues (brings legal action against) another. Auto accidents, divorces, and violations of business contracts are common subjects of many civil suits.

The party who brings legal action is called the **plaintiff**². The party against whom the action is brought is called the **defendant**³.

The plaintiff may complain to the court that the defendant failed to meet some legal obligation. An example might be a bank (plaintiff) suing a customer (defendant) who has stopped paying off a loan.

Or one person may complain that another has violated his or her rights. In an auto

accident, for example, the person who caused the accident might be sued for causing harm to the injured person.

Most civil cases do not result in a trial (a formal examination and decision by

Exceeding the speed limit is a common example of lawbreaking.



the court). They are usually settled “out of court” by the two parties reaching an agreement before the trial begins.

If a civil case goes to trial, the court decides whether the evidence presented is stronger on the side of the plaintiff or on the side of the defendant. The court decides which side prevails. A civil court does not find anyone guilty or not guilty.

In a **criminal case**⁴, the state prosecutes (takes legal action against) someone charged with committing a crime. A crime is the commission of an act prohibited by law. In some cases, omission of (failure to perform) an act required by law can also be a crime. Stealing a car is a crime of commission. Failing to pay a required tax is a crime of omission.

Not all harmful acts are crimes. For example, a driver may harm another person in an auto accident but not commit a crime. To be a crime, an act must

be defined as such by law. Generally, crimes are considered to violate the public’s rights. They offend the whole community, not just the individual victim. Therefore, in a criminal case, one party is the government (sometimes referred to as the state or the people). Acting on behalf of the public, the government files charges against a person believed to have committed a crime. The government, not the individual victim of the criminal act, is the **prosecution**⁵. The person arrested and charged with the crime is the defendant.

In a criminal case, the court decides whether the evidence presented by the prosecution proves beyond a reasonable doubt the case against the defendant. It may find the defendant guilty as charged or not guilty.



Felonies are serious crimes that are punishable by a year or more in prison and/or a fine set by the law.

FELONIES AND MISDEMEANORS

Crimes are classified, according to their seriousness, as felonies or misdemeanors.

A **felony**⁶ is a very serious crime. A felony is a crime that is punishable by a year or more in prison and/or a fine set by law or the court. Arson, burglary, kidnapping, motor vehicle theft, murder, robbery, rape, and selling certain drugs are examples of felonies under Georgia law. A **capital felony**⁷ is a crime punishable by death.

A **misdemeanor**⁸ is a less serious crime. A misdemeanor is punishable by 1 to 12 months in jail and/or a fine of \$1,000 or less. Carrying a concealed weapon without being licensed to do so, criminal trespass, cruelty to animals, and shoplifting are examples of misdemeanors under Georgia law. Most traffic violations are misdemeanors.

Some types of crimes may be treated as felonies or misdemeanors, depending on how severe they are. Assault and battery (threatening and carrying out a physical attack on a person) are examples. ■

▶▶ FAST FORWARD



▲ [Transcript](#)

LOCATING *the* MAIN IDEAS

- 1 **Define:** civil case, plaintiff, defendant, criminal case, prosecution, felony, capital felony, misdemeanor
- 2 How are civil cases usually resolved?
- 3 Why does that state act on behalf of the public in prosecuting a criminal case?

◀ To help find the best STEM-related jobs in Georgia, we get a little help from Georgia's top investigative unit—the Georgia Bureau of Investigation. We take an old-school detective approach, and discover Teachable Moments on DNA and Latent Prints. And we even learn what it takes to turn a former cheerleader into a crime scene investigator. Case closed!

Vocabulary

- 1 Civil case** - Any legal dispute involving citizens, groups, businesses, or governments that does not involve a violation of criminal law.
- 2 Plaintiff** - The person or party filing a suit against another in a civil case.
- 3 Defendant** - The person or party against whom legal action is brought in a civil or criminal case.
- 4 Criminal case** - A case in which the state charges that someone has violated the criminal laws of the state.
- 5 Prosecution** - The role the government takes in a criminal case, by filing charges against a defendant and then attempting to convict that person in court.
- 6 Felony** - A serious crime punishable by one year or more in prison, a fine, or both.
- 7 Capital felony** - Punishable by death.
- 8 Misdemeanor** - A crime less serious than a felony, carrying a punishment of less than one year in jail, a fine of \$1,000 or less, or both.

Georgia's Court System

Each of the 50 states has its own court system. These courts resolve legal matters covered by state law. Courts at the local level of government also settle matters covered by local laws (called ordinances).

The Georgia court system is depicted on the next page. The courts are positioned according to the kind of jurisdiction (or authority) they have.

JURISDICTION

Jurisdiction is the power or authority of a court to hear and settle particular kinds of disputes and other legal matters. There are various categories of jurisdiction, but two basic kinds are original and appellate.

Legal actions, such as a lawsuit, originate in a court that has **original jurisdiction**¹. This is the authority to be the first court to hear a case. Georgia courts that have

original jurisdiction are labeled “trial courts” in the chart because they can hold trials.

There are jury trials and nonjury trials for both criminal and civil cases. In a jury trial, a group of citizens, called a **jury**²,

Historically, the county courthouse where trials were held was one of the most important buildings in the county. The Colquitt County courthouse stands in the center of the town of Moultrie.



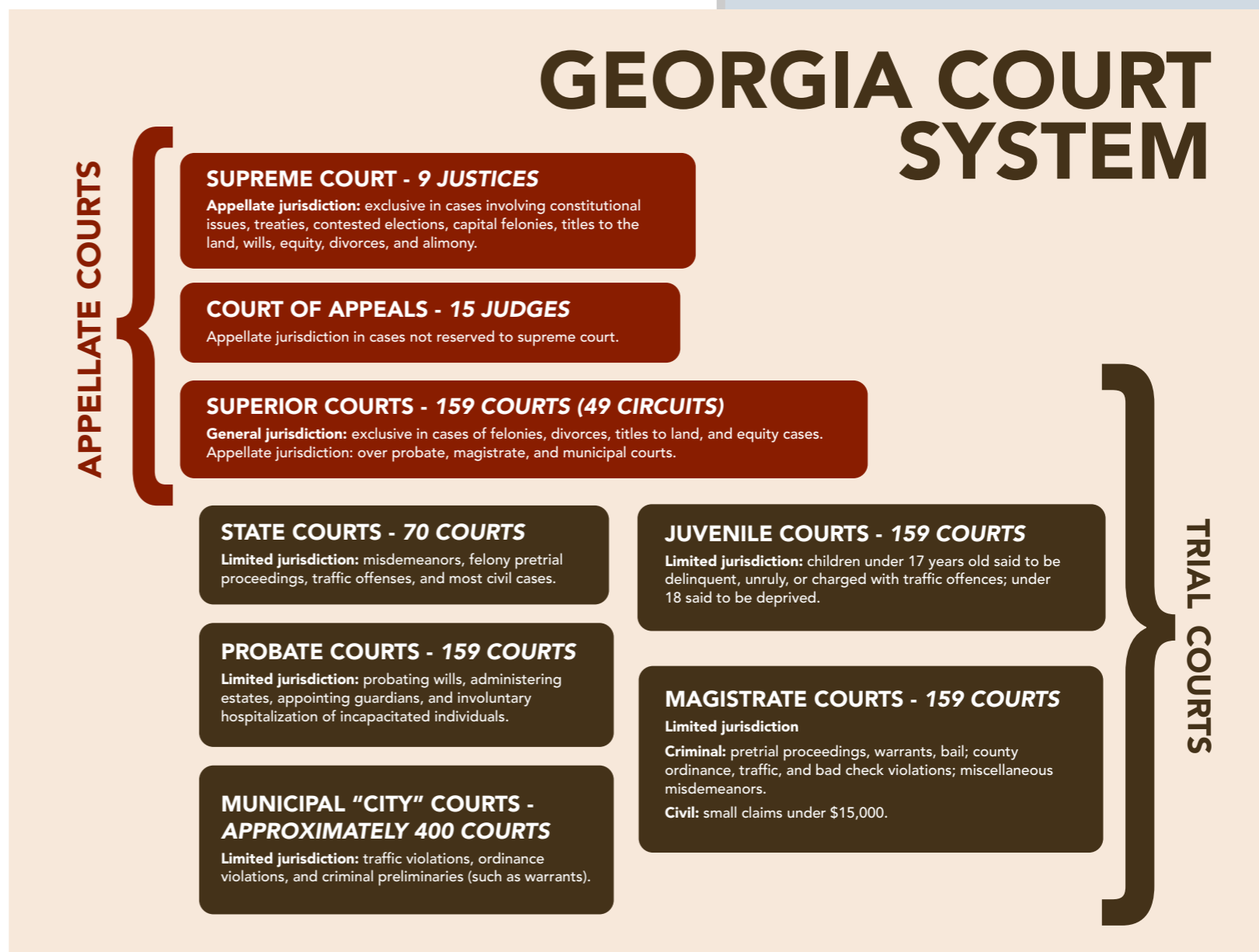
is selected to decide the outcome of the trial. In a nonjury trial, the judge alone hears the case and makes the decision.

At the bottom of the court system are trial courts of limited jurisdiction. Generally, they settle relatively minor criminal matters such as violations of traffic laws and civil matters involving small amounts of money. However, these courts play an important part in the criminal justice system. They may issue arrest and search warrants. One of these, the magistrate court, regularly handles pretrial proceedings that determine whether a person arrested in a felony case will be tried in superior court.

At the center of the court system is the **superior court**³ —Georgia’s general trial court. It has original jurisdiction over almost every kind of criminal and civil matter covered by Georgia law. It has exclusive authority to try felony cases (except those involving juvenile offenders, in which jurisdiction is shared with the juvenile court). The superior court also has

the power to review actions of some lower courts.

Located in each of Georgia’s 159 counties, superior courts are organized by judicial



circuits—regions of one or more counties. Each of the 49 circuits is made up of one to eight counties. Circuits with fewer counties are generally located in or near metropolitan areas. The superior court holds sessions in each county in the circuit at least twice a year. Superior court judges are elected to four-year terms in circuitwide, nonpartisan elections.

Most cases brought to superior court end there. However, by the process of appeal, a case may be taken to a higher court. A court with the authority to review decisions of lower courts is said to have **appellate jurisdiction**⁴. These courts can decide whether a decision made by a trial court should be upheld or overturned.

The Cherokee County Justice Center in Canton, the county seat, functions as the courthouse today.



Georgia’s appellate courts do not hold trials; their function is to hear appeals that errors were made during a trial in a lower court. Unlike trial courts, which have one judge (and often a jury), appellate courts have several judges who hear cases and make decisions as a body.

The Georgia Supreme Court is the highest court in the state. It has exclusive appellate jurisdiction for certain kinds of cases. For example, it is the only state court that hears appeals involving felonies punishable by death. Also, it reviews cases that concern state constitutional questions. If a superior court case questioned whether a law passed by the General Assembly was constitutional, the supreme court would make the final decision in the matter.

There are nine judges—called justices—on the Georgia Supreme Court. They are elected to six-year, staggered terms in statewide, nonpartisan elections.

The justices choose one of their number to be chief justice and preside over the court. Supreme court decisions are determined by a majority vote of the justices.

The Georgia Court of Appeals has appellate jurisdiction over cases in which the supreme court does not have exclusive appellate jurisdiction. There are 15 appeals court judges elected to six-year, staggered terms in statewide, nonpartisan elections. ■

LOCATING *the* MAIN IDEAS

- 1 **Define:** original jurisdiction, jury, superior court, appellate jurisdiction
- 2 Why are superior court judges elected from a judicial circuit? Why are Georgia Supreme Court justices and Court of Appeals judges elected statewide?
- 3 Why is it appropriate to call Georgia’s superior courts the main trial courts in the state?

Vocabulary

- 1 **Original jurisdiction** - A court's authority to be the first to hear a case.
- 2 **Jury** - A group of citizens chosen to decide the outcome of a trial.
- 3 **Superior court** - Georgia general trial court with original jurisdiction over most criminal and civil matters.
- 4 **Appellate jurisdiction** - A court's authority to review decisions of lower courts.

LOWER TRIAL COURTS

Courts of Limited Jurisdiction

In addition to the superior court, Georgia's court system includes several other trial courts with jurisdiction limited to specific kinds of civil and criminal matters.

In more heavily populated counties, the legislature created a state court to take some of the workload off the superior court.

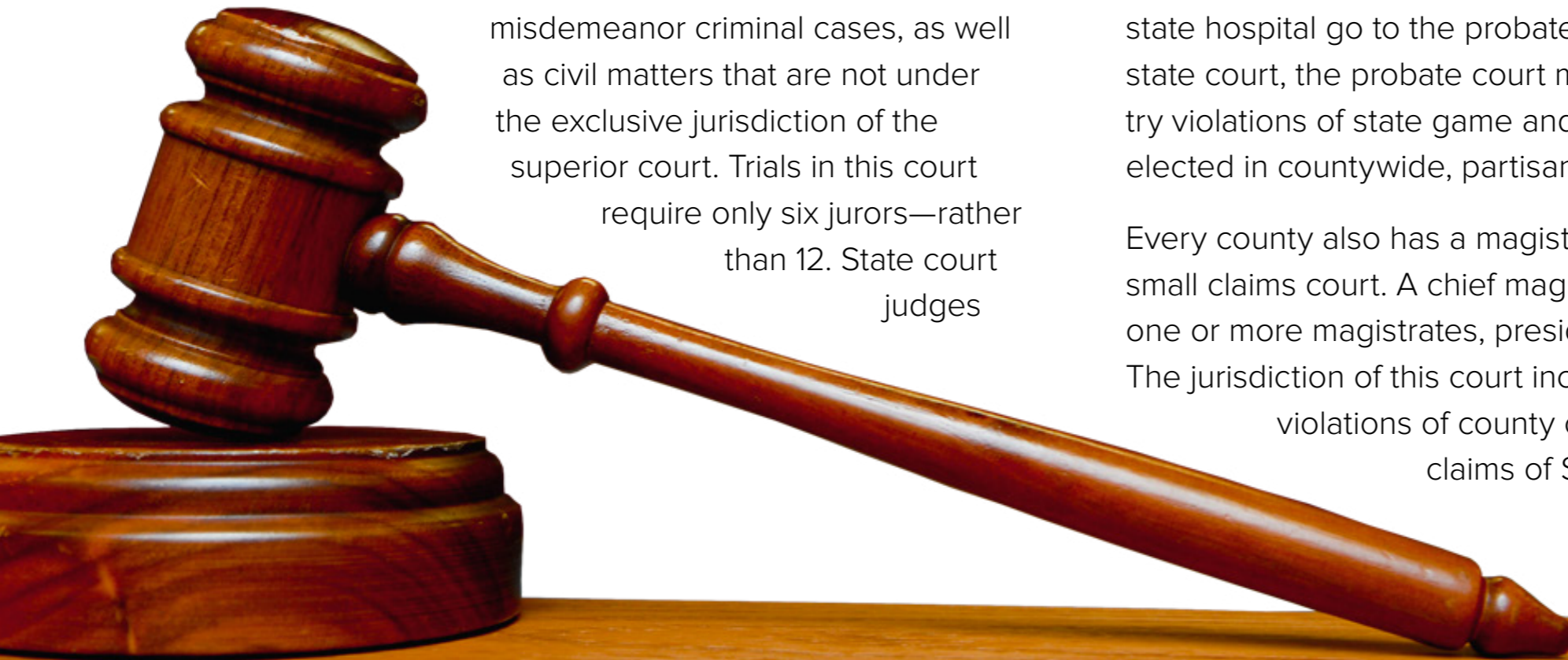
A state court's jurisdiction includes misdemeanor criminal cases, as well as civil matters that are not under the exclusive jurisdiction of the superior court. Trials in this court require only six jurors—rather than 12. State court judges

are elected to four-year terms in countywide, nonpartisan elections.

Every county has a probate court. Its name comes from its authority to probate (or prove the validity of) wills and dispose of the estates of deceased persons. Cases involving mentally ill persons who may require a guardian or commitment to a state hospital go to the probate court. In counties that have no state court, the probate court may also hear traffic cases and try violations of state game and fish laws. Probate judges are elected in countywide, partisan elections to a four-year term.

Every county also has a magistrate court, which is also called small claims court. A chief magistrate, who may be assisted by one or more magistrates, presides over each of the 159 courts. The jurisdiction of this court includes trials for traffic violations, violations of county ordinances, and civil trials for claims of \$15,000 or less. A magistrate

A gavel is a symbol of the authority and right to act officially in the capacity of a chair or presiding officer.



may issue arrest warrants and search warrants, hold preliminary hearings, and set bail in criminal cases that will later go before the superior court. The chief magistrate, who is either appointed or elected in a countywide, partisan election to a four-year term, may appoint other magistrates.

City governments have municipal courts. They also are called mayor's, city council, or police courts. Their jurisdiction is limited to violations of city ordinances, traffic violations, and preliminaries (such as issuing warrants) in criminal cases. Municipal court judges may be either appointed or elected.

The Criminal Justice Process

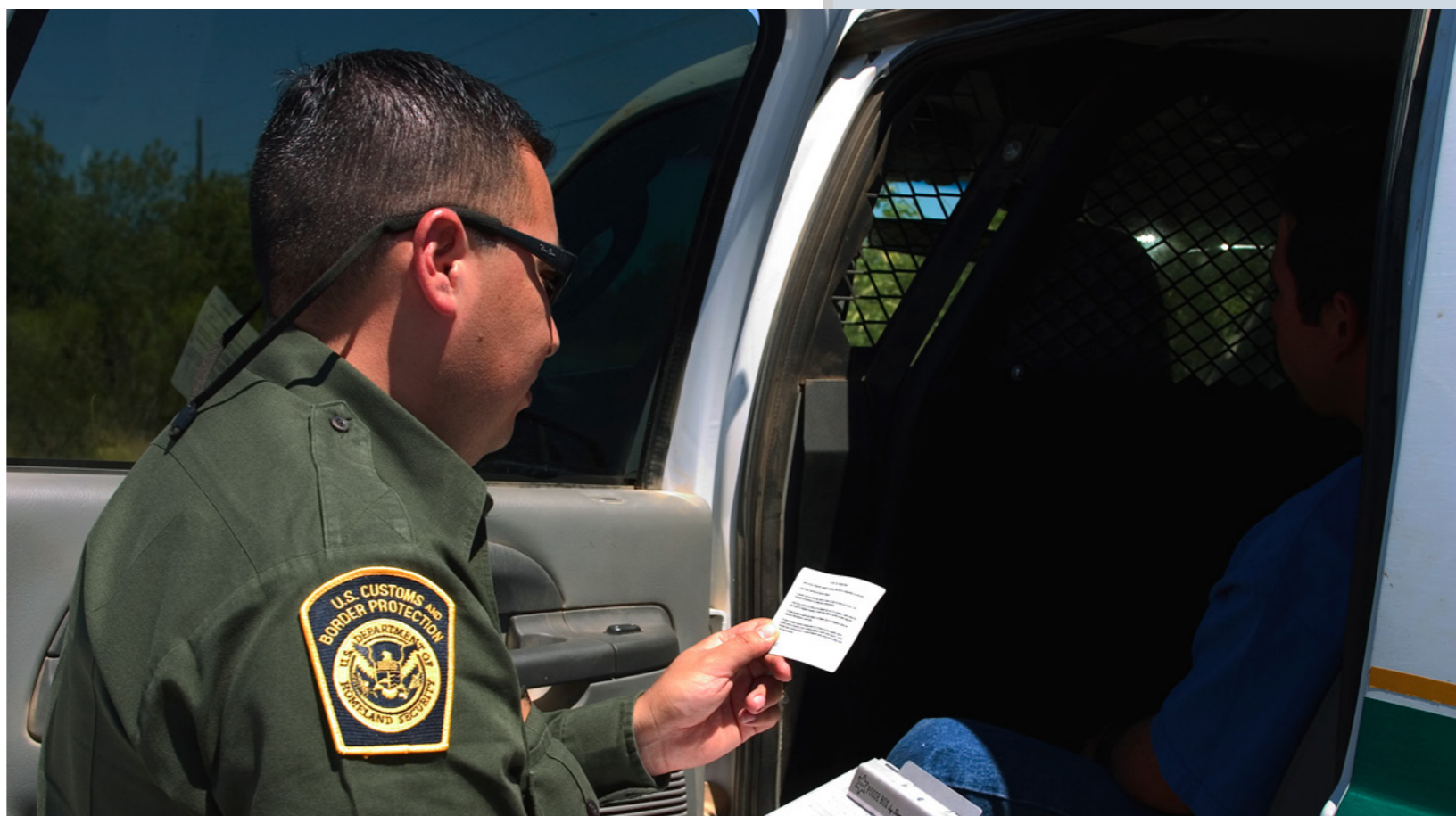
No State shall . . . deprive any person of life, liberty, or property, without due process of law.—Fourteenth Amendment, Constitution of the United States of America

What is **due process**¹ of law? It is all the rights and procedures—written in our constitutions and laws, plus those established by the courts—by which we obtain fair treatment under the law.

Examples of rights and procedures guaranteed by due process in criminal matters include the right to:

- 1 be notified of charges against you,
- 2 be provided a speedy and public trial,
- 3 be able to confront and cross-examine witnesses,
- 4 be represented by a lawyer,
- 5 have an impartial judge and jury, and
- 6 remain silent (not be a witness against yourself).

How is due process applied in a felony criminal case in Georgia? Because it involves a felony, the case must be tried in superior court—the main trial court in the Georgia court system. Let's look at the persons and procedures involved in making due process work.



Before questioning him, the officer must read the suspect his rights. This part of due process—the Miranda warning—is named after a case involving a person named Miranda.

MIRANDA WARNING

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

◀ Miranda warning is a type of notification customarily given by police to criminal suspects in police custody.

SUPERIOR COURT PERSONNEL

It takes many persons to make the criminal justice system work. Some of them are employed in executive branch agencies, such as the Georgia Bureau of Investigation and the Department of Corrections. Some work in local police departments. Others are employed in the courts, and some are private citizens. The top official in the superior court is the superior court judge.

Each judicial circuit also has a **district attorney**² who prosecutes or represents the state in criminal cases tried in superior court. District attorneys are elected by the voters of the circuit for a term of four years.

Some circuits also employ a public defender. This is an attorney who provides legal assistance to persons charged with crimes who have no money to hire a lawyer. Where there is no public defender, the court arranges for other lawyers to defend such persons.

Other government personnel who serve the superior court are:

- 1 a clerk of the court to maintain court records and oversee calling citizens to jury duty,
- 2 a sheriff to serve court papers on persons who must come before the court,

To handle hundreds of civil and criminal cases brought to it each year, the court has a team of judges, attorneys, clerks, and other personnel.



- 3 a probation officer to investigate the backgrounds of defendants and persons on probation and to collect fines and payments ordered by the court,
- 4 a bailiff to assist in maintaining order in the courtroom, and
- 5 a court reporter to record trial proceedings.

Juries are an important part of the criminal justice system. They are made up of ordinary citizens. Names are selected from a list of county residents holding drivers' licenses or personal identification cards, a list of registered voters in the county, or any other list of county residents that is appropriate. If called, citizens are required to serve on jury duty unless they have good reason to be excused. Jurors are paid for each day they serve. This pay helps to make up for wages a person may lose while serving on a jury.

In each county, the superior court is

served by grand juries and trial juries.

A **grand jury**³ is made up of 16 to 23 citizens. In criminal matters, it has the responsibility to determine whether or not persons charged with an offense should be indicted (formally accused of the charges) and required to stand trial. The grand jury hears evidence and testimony, presented in secret, by the district attorney, law enforcement personnel, and witnesses.

The **trial jury**⁴ in a felony case is made up of 12 citizens. As many as 40 potential jurors may be notified to appear for jury duty. In order to select a fair and impartial jury, the attorneys for the prosecution and for the defense ask questions of those called and then select the members of the jury. This process is called **voir dire**⁵.

During a criminal trial, the jury's task is to hear evidence presented by the prosecution (the district attorney or assistants) to prove its case. It also hears evidence presented by the defense

attorney. It then decides whether the defendant is guilty or not guilty. To convict someone charged with a crime, the jury's decision must be unanimous. Juries do not interpret law or determine its constitutionality, nor do they decide if correct procedures have been used.

JUDICIAL PROCEDURES

Here are the general procedures in a felony case. Not all cases would follow exactly the same steps.

PRETRIAL PROCEEDINGS

These precede a trial.

- 1 Arrest:** Law enforcement authorities take the suspect into custody.
- 2 Booking:** Authorities make an official record of the arrest and place the suspect in a cell.

- 3 Initial Appearance:** The magistrate court judge sees that the suspect is given due process, including the right to an attorney, bail, and explanation of charges.
- 4 Preliminary Hearing:** Magistrate determines if there is probable cause to believe that a crime has been committed and that the person should be tried.
- 5 Grand Jury Indictment:** Grand jury decides if there is enough evidence to

Georgia's Supreme Court and Court of Appeals are located in the Judicial Building across the street from the state capitol in Atlanta. Neither court holds trials, but rather each hears appeals from trial courts.



charge the suspect with a crime. If so, the grand jury issues an **indictment**⁶ (a formal charge).

6 Arraignment (calling before the court): Superior court judge reads charges and accused pleads guilty or not guilty. (If the plea is guilty, the next step would be sentencing.)

7 Plea Bargaining: Accused agrees to plead guilty to a less serious charge. (If a plea bargain is made, there would be no trial. Plea bargaining is what usually happens in order to avoid trial. The next step is sentencing.)

TRIAL

The judge conducts trial proceedings according to legal rules.

1 Jury Selection: Twelve jurors and at least one alternate are selected to hear the case.



◀ If a defendant feels that he or she did not receive a fair trial, he can appeal the decision to a higher court. Depending on the type of case, appeals are heard by the Georgia Supreme Court or Court of Appeals.

- 2 Opening Statements:** Prosecution and defense state what they expect to prove to the jury.
- 3 Presentation of the Case:** Prosecution presents evidence and witnesses to prove its case. Defense presents evidence and witnesses to discredit prosecution's case.
- 4 Closing Statements:** Defense and prosecution make final arguments to the jury.
- 5 Jury Deliberation and Verdict:** Jury considers evidence and makes a decision. If verdict is not guilty, defendant is freed.
- 6 Sentencing:** If verdict is guilty, judge determines (within limits set by law) what the sentence will be.

APPEAL

The defense asks that the verdict be overturned, citing errors in the trial. The district attorney argues that the verdict should stand. The appellate court examines the trial record for errors. If the verdict is overturned, the case goes back to superior court. If the verdict is upheld, the sentence is carried out. ■

LOCATING *the* MAIN IDEAS

- 1 Define:** due process, district attorney, grand jury, trial jury, voir dire, indictment
 - 2** What function does the grand jury serve in the criminal justice process?
 - 3** At what two steps in the pretrial proceedings could the accused agree to be sentenced without a trial?
-

Vocabulary

- 1 Due process** - Rights and procedures guaranteed by the Constitution to ensure that citizens are treated fairly by government.
- 2 District attorney** - The elected official who represents the state in criminal cases tried in superior court.
- 3 Grand jury** - A group of 16 to 23 citizens that decides whether or not someone charged with an offense should be formally accused and stand trial.
- 4 Trial jury** - A group of 12 citizens who hear evidence at a trial and decide whether a defendant is guilty or innocent.
- 5 Voir dire** - The pretrial process in which opposing lawyers question potential jurors to select an impartial jury.
- 6 Indictment** - The formal charge that a grand jury makes against a criminal suspect so that a trial can be held.

The Juvenile Justice System

Generally, our system of justice treats **juveniles**¹—persons under the age of 17—differently from adults. A special set of state laws—the juvenile code—covers matters involving children. A special court—the juvenile court—has jurisdiction in cases involving them. In Georgia, juvenile courts have concurrent jurisdiction with superior courts over any child under age 17 alleged to have committed a delinquent act that would be considered a crime if tried in a superior court and for which the child may be punished by loss of life or by life imprisonment with or without the



possibility of parole. After an indictment, the superior court may investigate and transfer any child’s case to the juvenile

court if the offense was not punishable by death or life imprisonment.

However, Georgia law identifies seven specific delinquent behaviors—sometimes referred to as the “seven deadly sins”—that can subject juvenile offenders age 13 to 17 to the adult criminal

justice process. Those behaviors are murder, voluntary manslaughter, rape, aggravated sodomy, aggravated child

◀ Children who break the law are held accountable by the juvenile court.

molestation, aggravated sexual battery, and armed robbery if committed with a firearm. Within 30 days of a conviction of any of the seven deadly sins by a juvenile, the superior court must provide written notification of the conviction and specific criminal offense to the juvenile's school.

It was not until the nineteenth century that social reforms aimed at improving the treatment of children began. During the Progressive Era at the end of that century and into the next, child labor laws and compulsory school attendance laws were enacted. Reformers at the time also urged that juveniles be treated differently than adults in the criminal justice system. They thought that children may not be fully responsible for their actions or able to take care of themselves. Many believed that children who committed criminal offenses should not be judged and sentenced in the same manner as adults, and certainly they should not be jailed with adults. Children needed to be protected rather than punished.

In 1899, Illinois established the first juvenile court, which became a model for courts in the rest of the United States. Georgia's first juvenile court was created in Fulton County in 1911. Recognizing that children and adults should not be imprisoned together, the legislature created the Georgia State Reformatory in 1905 to house convicted children aged 16 or younger.

In 1950, the General Assembly established a statewide system of juvenile district courts, and in 1971 the Juvenile Court Code of Georgia was enacted to standardize juvenile court procedures. In 1992, responsibility for juvenile justice programs was moved from the Department of Human Resources to the Department of Children and Youth Services. This move meant state government was focusing more attention on the needs of at-risk youths and on those already in trouble. In 1997 that department was renamed the Department of Juvenile Justice.

Throughout its history, the aim of the juvenile justice system has been to do what is in the best interest of the child while considering the best interests of society.

Juveniles must obey all laws that adults must obey—including traffic laws. In addition, juveniles have to comply with several laws that do not apply to adults. Juveniles must:

- 1 obey reasonable and lawful commands of parents or guardians.
- 2 attend school regularly or have a proper excuse.
- 3 not run away from home.
- 4 not wander or loiter in the streets or in any public places between midnight and 5 a.m.
- 5 not enter any bar where alcoholic beverages are sold without a parent or guardian.
- 6 not possess or use any alcoholic beverages.

Like adults, juveniles have rights. Among the legal rights of juveniles when taken into custody are these:

- 1 to be notified in writing of the charges against them,
- 2 to be represented by an attorney,
- 3 to call witnesses,
- 4 to confront and cross-examine witnesses against them,
- 5 not to be found guilty solely on the basis of a confession, and
- 6 not to have their names or photographs made public on a first offense (unless being tried as an adult).

JUVENILE COURTS

Each of Georgia's 159 counties has a juvenile court. The purpose of having separate juvenile courts is to:

- 1 protect the well-being of children,

In Georgia's criminal justice system, juveniles are given special protections.



- 2 provide guidance and control in the interests of the child as well as of the state, and
- 3 secure care for any child removed from his or her home.

Who comes under the jurisdiction of the juvenile courts? Generally, any person under the age of 17 who has committed:

- 1 a **delinquent act** (any act that would be a criminal offense if committed by an adult),
- 2 a **status offense** (an offense that would not be a crime if committed by an adult), or
- 3 a traffic offense.

Also, those under 18 who are said to be deprived, abused, or in need of treatment come under its jurisdiction. In some cases, the juvenile court may retain jurisdiction over delinquent youth until they reach the age of 21. The juvenile court also has jurisdiction over cases involving enlistment in the military services and consent to marriage for minors.



- ◀ Minors are not allowed to drink alcohol until they are 21 years old. If a minor is found trying to purchase alcoholic beverages by any means, then he or she is breaking the law and will be taken into custody.

Juvenile courts share jurisdiction with the superior courts in capital offenses, custody, and child support cases. The superior court has authority to preside over adoption proceedings.

Like adult courts, juvenile courts have judges. In some counties, the juvenile court has its own judge who is appointed by the judge of the superior court. In others, the superior court judge also hears juvenile cases in special sessions. Some juvenile courts also have associate judges who are appointed to assist the juvenile or superior court judge in handling cases.

JUVENILE CASES

Juvenile courts hear cases in which young people are alleged to be delinquent, unruly, or deprived.

1 Delinquent juveniles are children and youth under 17 who commit acts which would be criminal offenses if committed

by an adult. Examples are burglary, robbery, and auto theft.

2 Unruly juveniles or **status offenders** are children who commit acts that would not be offenses if committed by adults. Unruly juveniles include those who refuse to go to school, run away from home, or are otherwise unmanageable by their parents.

3 Deprived juveniles are children and youth under 18 who are neglected or abused by parents or who have no parents or guardians. They are considered to be in need of some kind of supervision by the court.

JUVENILE PROCEDURE

Like other trial courts, juvenile courts must follow a set of rules that governs their procedure. However, because juvenile procedure is intended to protect children, it is somewhat different from adult criminal procedure.



▲ The Georgia Department of Juvenile Justice operates both short - and long-term facilities for youth awaiting trial or who have been committed to the department's custody by the juvenile courts.

The steps in juvenile procedure are not the same in all cases. However, the following steps would generally apply in cases where a juvenile commits a delinquent act.

1 Taking Into Custody: Legal authorities apprehend juvenile. Parents are notified. Juvenile court officer decides whether to place child temporarily in a juvenile detention center or release the child to parents.

2 Intake Decision: Juvenile court officer investigates charges and juvenile's family situation. Results of investigation determine the course of action, which will be one of the following:

- No further action. Case is dropped or juvenile is counseled and released from the juvenile court's jurisdiction.
- Informal adjustment. Juvenile court requires youth to have counseling, attend school, pay for damages caused,



◀ After a minor has been taken into custody, a juvenile court officer will investigate the case and make a recommendation to juvenile court.

or have other experiences aimed at changing juvenile's behavior. The period of informal adjustment is three months and can be extended for three more.

- Filing of petition for formal hearing. Petition requests legal proceedings against juvenile.
- 3 Formal Hearing:** Juvenile and parents or guardians are issued a summons to appear before the juvenile court to answer the charges in the petition. Witnesses are also notified to appear. A juvenile may be represented by an attorney. A juvenile court judge conducts the hearing. Unlike an adult trial, a juvenile hearing is not open to the public.

The hearing has two separate parts: adjudication (judgment) and disposition. In the first part, if the court finds the juvenile is not delinquent, he or she is released. If it finds the charges to be true, the court—in the second part—looks for a way of treating the delinquent child. It may:

- 1** release the juvenile to the custody of parents or guardians, or foster care;
- 2** place the juvenile on probation, allowing the juvenile to live at home and attend school under the supervision of a juvenile probation officer; or
- 3** commit the juvenile to the Department of Juvenile Justice. The goal of this agency is to prevent delinquent juveniles from becoming adult criminals. It is responsible for detention and rehabilitation programs for juvenile offenders. The department also provides specialized treatment for juveniles with abuse problems and supervises probation and parole if requested by the courts. Its facilities are more like schools, less like adult prisons.

AVOIDING TROUBLE

While the state has a system in place for handling juveniles who are unruly or commit crimes, there are ways individuals

Georgia's Department of Juvenile Justice operates regional detentions centers for problem juveniles.



can manage their behavior and avoid trouble. Disputes or conflicts can arise anytime people are together, and there are ways to resolve them peaceably. It requires skills such as listening, speaking, problem-solving, negotiating, and understanding other points of view.

Peer mediation² is one process that is effective in helping to resolve conflicts. When used in the school setting, students trained as mediators help their classmates identify the problems that caused the conflict and help them develop solutions. The mediator helps keep the discussion focused and determines if the dispute needs outside intervention. It is the job of the mediator to remain neutral and not make judgments. Students who seek peer mediation should be willing to solve the problem, tell the truth, listen respectfully to the other side, take responsibility for carrying out the solution, and keep the situation confidential.

The mediation process is a series of steps that may include all of the following. Before the mediation, both parties agree on the ground rules for the process. Each student tells his or her side of the story uninterrupted and the stories are verified. Next, the involved parties discuss the stories and, with the help of the mediator, brainstorm solutions. The solutions are discussed and one is agreed upon by the parties in conflict. Sometimes the parties sign a contract agreeing to follow the chosen solution.

The value of conflict resolution is that disputes can be resolved when they first arise before they turn into problems and result in actions that require outside intervention by law enforcement personnel or the courts. The skills required for solving problems are valued in a society that requires many people to live and work together. ■

LOCATING *the* MAIN IDEAS

- 1 **Define:** juvenile, delinquent act, status offense, peer mediation
- 2 Why are juveniles treated differently from adults by the justice system?
- 3 What type of problems or offenses are handled by the juvenile court?



Criminal Justice and the Juvenile

[Transcript](#)

Vocabulary

- 1 **Juvenile** - Any person under the age of 17.
- 2 **Peer mediation** - The process for resolving disputes constructively using a neutral mediator.



CHAPTER 28 QUIZ

Text Version

Chapter 29

Foreword

Georgia Standards of Excellence
Correlations ▼

SS8CG6

Chapter Outline

Three Kinds of Local Government in Georgia

Counties

Cities

Special-Purpose Governments

Working with Other Governments

City-County Consolidation

SS8CG6

Analyze the role of local governments in the state of Georgia.

- a. Explain the origins and purposes, of city, county, and special-purpose governments in Georgia.



In Georgia, the courthouse is the symbol of county government. The Bleckley County courthouse in Cochran is typical of many older courthouses.

CHAPTER 29

AT FIRST GLANCE

This chapter discusses local government, particularly the functions of and differences between counties, cities, and special-purpose governments. Charts show students how county governments are typically organized and the basic forms of city government organization. Additional attention is given to a type of local government that students may not know exists—the special-purpose government. Local authorities and special-purpose districts are the most widespread type of local government in America today. The chapter concludes with a look at how and why local governments are increasingly finding ways to cooperate among themselves.

Local Government: Cities, Counties, and Special Districts

[Three Kinds of Local Government in Georgia](#)

[Working with Other Governments](#)

Local government is the level of government closest to the people. It affects you directly more than any other level of government. It serves you personally—in your home, in your school, as you travel through your neighborhood. Local government affects the safety and comfort of your daily life.

Local government comes to you as streets and streetlights, roads and stop signs, and pipelines that carry drinking water. It appears as fire trucks racing to a burning house, storm sewers that drain rainwater off the streets, and tank trucks that spray for mosquitoes. The bulldozers that bury the garbage and the sewer system that takes away wastewater are part of local government, too.

Local government is also the workers who build and maintain streets and roads. It is the people who make decisions about how all the work of local government is to be done. The police and building inspectors who protect people and property and the sanitation crews who take away tons of garbage and trash are all part of local government.

Because local government is so close at hand, it is the level of government that you can most easily influence. Knowing about local government can connect you to its people, equipment, and services. It can help you get things done and make life better in your community.

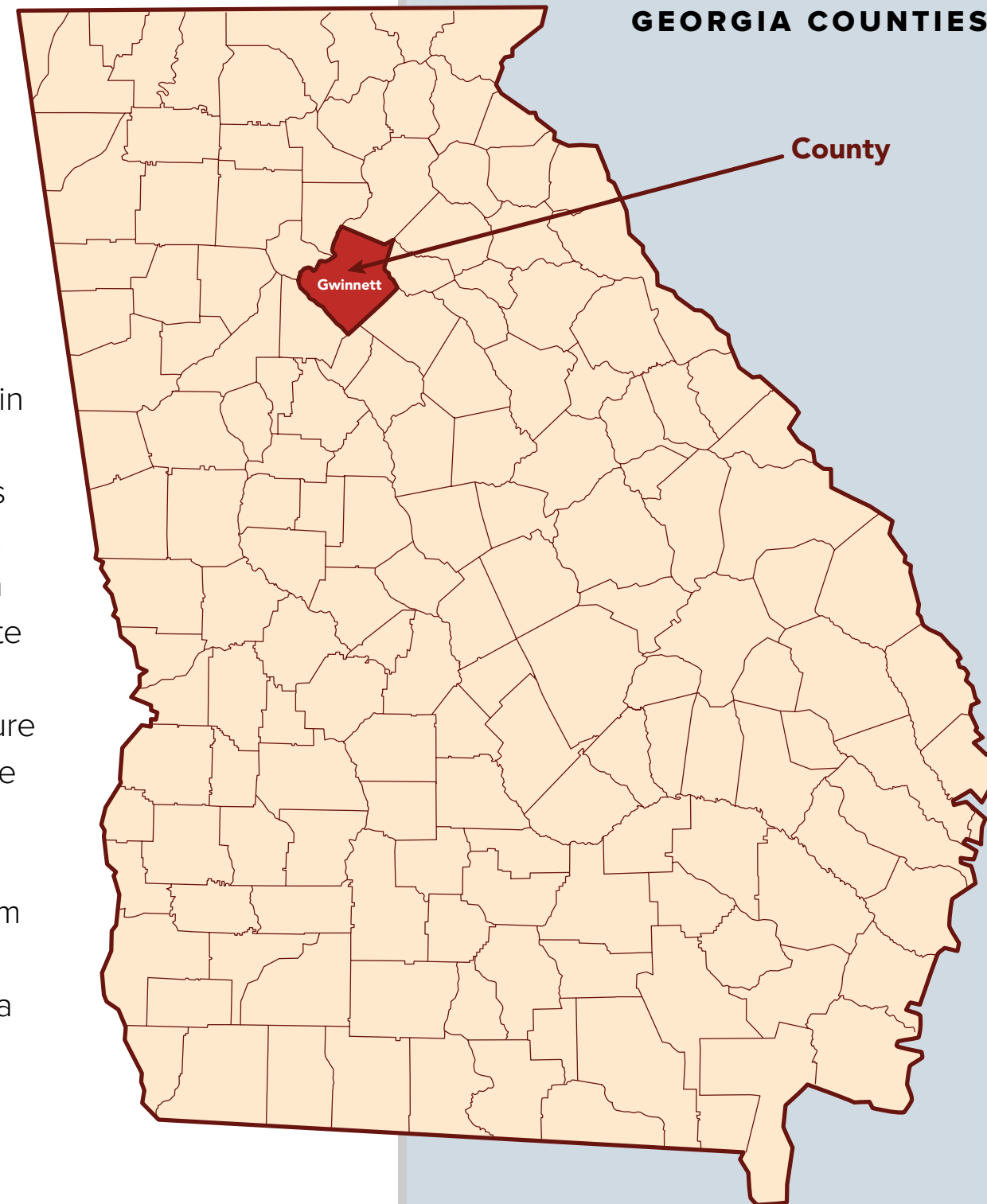
Three Kinds of Local Government in Georgia

In the state of Georgia there are only three kinds of local government: counties, cities, and special districts. Georgia, therefore, is unlike many other states that have additional subdivisions of local government (such as villages and townships). This makes local government in Georgia easier to understand.

COUNTIES

Everyone living in Georgia lives in a **county**¹. Counties were created by the state legislature to serve as districts for carrying out state laws and programs. The state created each county and set its boundaries. At the center of county governments is the county courthouse or county government complex. The city in which the county courthouse is located is referred to as the **county seat**².

In 1777, Georgia adopted its first state constitution, which established eight counties. These eight original counties were located on the Atlantic Coast and up the Savannah River. These early counties had three main responsibilities. They were to operate courts of law, protect citizens, and build and maintain local roads. As the state grew and developed westward, the legislature created more and more counties. Since 1932, Georgia has had 159 counties—the maximum number of counties allowed by the Georgia constitution.



◀ A county is a political and geographic subdivision of a state, usually assigned some governmental authority. As of 2013, the United States has 3,007 counties and 137 county equivalents for a total of 3,144 counties and county equivalents.



Georgia has more counties than any other state except Texas (which has 254). This state's counties serve relatively small physical areas when compared to counties in other states. The smallest county, Clarke County, is only 121 square miles. Ware County, the largest, has 906 square miles—but less than half as many

people as Clarke County. The majority of Georgia counties have between 10,000 and 50,000 people living in them. Only 24 counties have more than 100,000 people. The more populated counties have larger governments with more employees to help provide services for all of their people.

◀ Glover Park, donated to the city of Marietta by the first mayor, was the original site of Cobb County's first courthouse. The square park symbolizes the city that serves as Cobb's county seat.

THE COUNTY GOVERNING BODY

The governing body of a county is its **county commission**³, whose members are elected by county voters. The size of the commission varies from one county to another. A majority of counties have a five-member governing body. Some have only one commissioner, while other counties elect as many as 11 commissioners.

The commission has a combination of legislative power and executive power. But it does not decide all county policies. The state constitution provides for other county officials who are elected by the voters and have specified constitutional powers. They are the sheriff, judge of probate court, clerk of superior court, and tax commissioner. The superior court judge and judge of the magistrate court also are elected. More than half of Georgia counties have a county administrator or county manager who is appointed by the



commission to carry out the day-to-day administrative work of government.

County commissions are empowered by Georgia's constitution to enact reasonable laws regarding local property and affairs. These laws, called county ordinances, may establish a new recreation program, a traffic regulation, or other policy of the county. Commissioners can also adopt county **resolutions**⁴, which are informal statements expressing the commission's opinion on a public matter. Examples are a



Local governments provide the opportunity for citizens to express opinions and make a difference in the community.

resolution supporting paper recycling in a community, or a resolution to honor the fire department during fire prevention week.

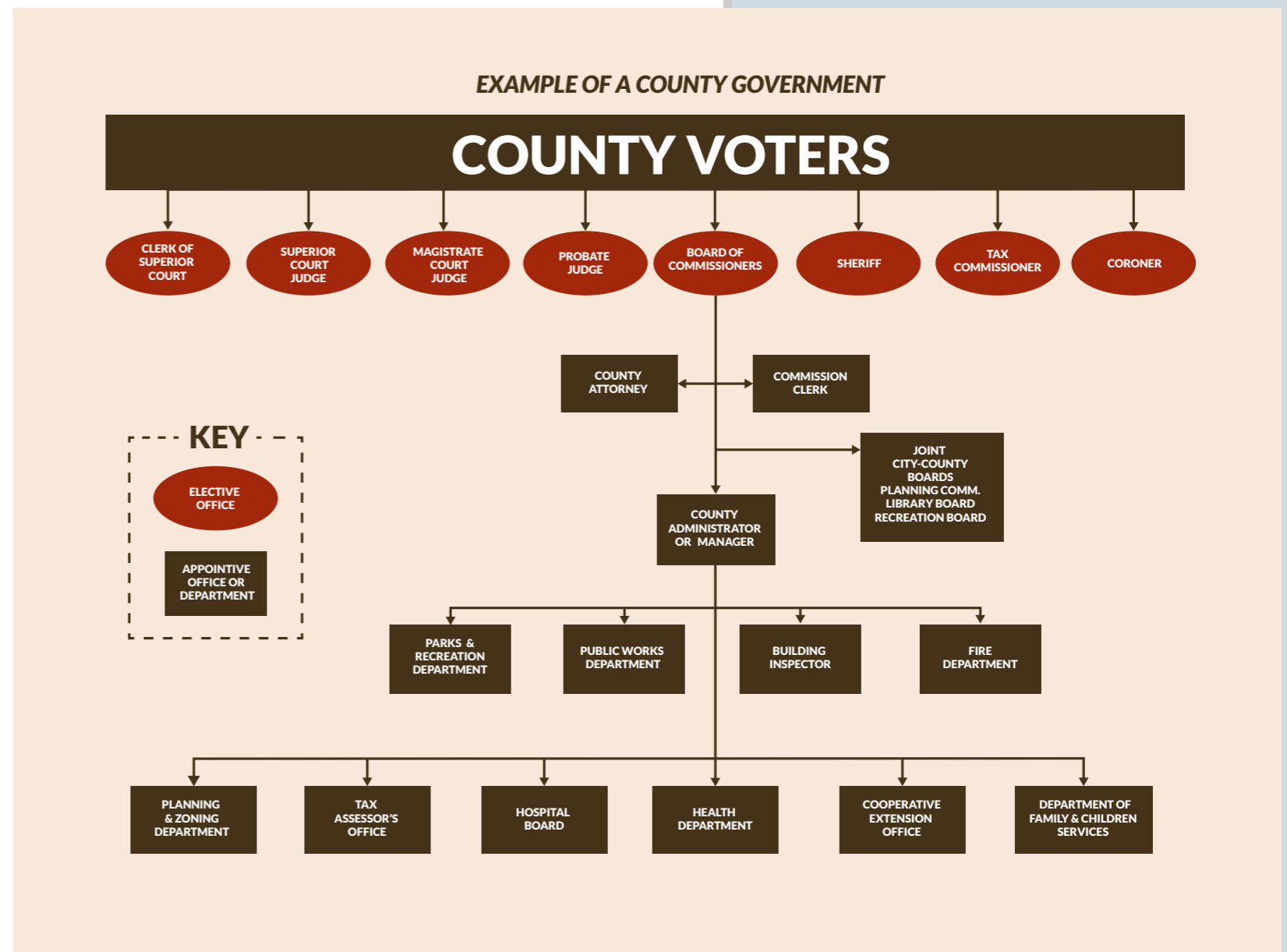
POWERS OF COUNTY GOVERNMENT

As an “arm” of the state, a county government carries out many basic activities and services for state government. It provides trial courts for the state judicial system, carries out state health and welfare programs, and conducts voter registration and state elections. Counties build and repair roads and bridges. Counties also are responsible for recording important information for the state, such as property ownership, births, deaths, and marriages.

Registering automobiles is another way that counties carry out state programs. When you purchase state automobile tags, you go to a county office. There, you fill out forms to register your car with the

Georgia Department of Driver Services. But you do so through your county tax commissioner. That office actually records the car and owner, collects the tax, and forwards the record and registration fee to the state.

Larger counties containing metropolitan areas have more departments, appointed officials, and workers than shown in the example below.



However, counties do much more than serve as agents of the state. They provide self-government for the people living within their boundaries. Under the Georgia constitution, counties have powers to provide selected local services ordinarily provided by cities to help make life safer and better for county citizens. These services include fire protection, sewer system, public transportation, parks,

libraries, police department, recreation facilities, and public health facilities. ■

CITIES

A city is a community that has been **incorporated**⁵—that is, officially created by the state legislature. Once incorporated, a city or town legally is



LOCATING *the* MAIN IDEAS

- 1 **Define:** county, county seat, county commission, resolution
- 2 What powers does the county commission have?
- 3 Give two examples to show how the county is an “arm” of state government.
- 4 In addition to serving as an agent of the state, what other purposes does a county serve?

◀ **Mayme Dennis**, standing in the back left, is a member of the Sandersville City Council. She was elected 16 years ago and was the first African-American woman and the youngest person to be elected to the council. After helping get sewer lines into a black neighborhood, she decided to run for office to see if there were ways she could help people in the community. One of her accomplishments has been to make playgrounds safer for children.

known as a **municipality**⁶. Cities come about because people want certain services not provided by the county. To be eligible for incorporation, a community must (1) have at least 200 people living in the area to be incorporated; (2) have an average resident population of at least 200 people per square mile for the total area; and (3) be 60 percent developed and divided into tracts designated for residential, commercial, industrial, governmental, or institutional purposes.

If these qualifications are met, the people of a community desiring to be a city must work through the state representatives and senators who represent that community. If the legislators approve the idea, they draw up a proposed **charter**⁷ for the city.

The charter is something like a city constitution. It creates the city, gives it an official name and defines its boundaries. The charter also describes the city’s form of government, and defines its powers.

Once a charter has been granted, the city can provide various services. Those services might include police protection, garbage pickup, and streetlights.

The final step in becoming a city is to submit the proposed charter to a vote of the General Assembly.

If the charter is passed into law, the community becomes a municipality, with its own government. Thereafter, the people who live in the new city elect city officials. But they also continue to be citizens of the county in which they live and can vote in county elections, too.

All land within a county is considered either incorporated or unincorporated.

CITY (COUNTY)	POPULATION
Edge Hill (Glascock)	24
Riverside (Colquitt)	35
Rest Haven (Gwinnett)	62
Talking Rock (Pickens)	64
Tarrytown (Montgomery)	87
Gay (Meriwether)	89
Lone Oak (Meriwether)	92
Manassas (Tattnall)	94
Riddleville (Washington)	96
Aldora (Lamar) & Bluffton (Clay)	103

2010 U.S. Census

GEORGIA’S 10 SMALLEST CITIES

Land inside city boundaries is classified as incorporated. Because city residents are also county residents, they receive both city and county services, and

they also have to pay both city and county taxes.

Citizens living in the unincorporated areas of the county pay less in taxes, but they also receive fewer services than city residents.

Some cities have grown and developed across county lines.

The people in one part of the city may be residents of one county, while people in another part of the city are residents of another county. One example is Atlanta. Most residents of Atlanta live in Fulton County, but those who live in one eastern portion are in DeKalb County.

When we compare cities and counties, we find that cities are the older form of local government. Some cities, such as Savannah and Augusta,

were established before there were counties, when

Georgia was still a colony. Commonly, cities developed around rivers or railroads as access to



transportation brought people in to settle an area. But the great majority of Georgia cities were formed after the counties in which they are located.

Remember that counties are established by the state legislature to serve as administrative districts for the state

◀ Residents in the city of Alma, like those in any other Georgia city, pay for extra services through higher taxes. Can you guess what Alma is known for from this logo?

government. Cities, on the other hand, are formed on the initiative of people in a local area so they can have additional local self-government and services.

Most Georgia cities are small. The 2010 census showed that the state has 236 cities with fewer than 1,000 people. Of the 535 cities in Georgia, 77 have populations larger than 10,000, and four of those are cities that are consolidated with the county. The top 10 cities in population range from Atlanta with 420,003 to Johns Creek with 76,728 people.

Cities can change their boundaries and grow in size through a process called **annexation**⁸. Annexation is an action to extend a city's boundaries by adding land from adjoining unincorporated areas. People living in an area adjacent to a city boundary may want it to be annexed so that they can have the services the city offers. Another reason for annexation is that the city may want to acquire businesses that will contribute to its revenues.

There are several ways in which land can be added to a city. One common way is to hold a referendum of the voters in the area to be annexed. If a majority approves the annexation, the land becomes part of the city.

Can a city cease to exist? Yes, the legislature can abolish a city by repealing its charter. Sometimes citizens may vote in a referendum or the city council may vote to give up the city's charter and ask the legislature to repeal it for financial reasons. The city government may not have enough money to provide the services citizens want or need. If a city is abolished, the county takes over providing services to its residents.

THE CITY GOVERNING BODY

A city is governed by an elected **city council**⁹ (sometimes called the city commission). The council's legislative powers to adopt ordinances and

resolutions for the city are similar to the county commission’s powers in the county. Cities also have an elected **mayor**¹⁰, who is usually the leader of the city and may or may not have much power in that role.

Executive power varies with the form of city government. The three forms found in Georgia are listed here with key features.

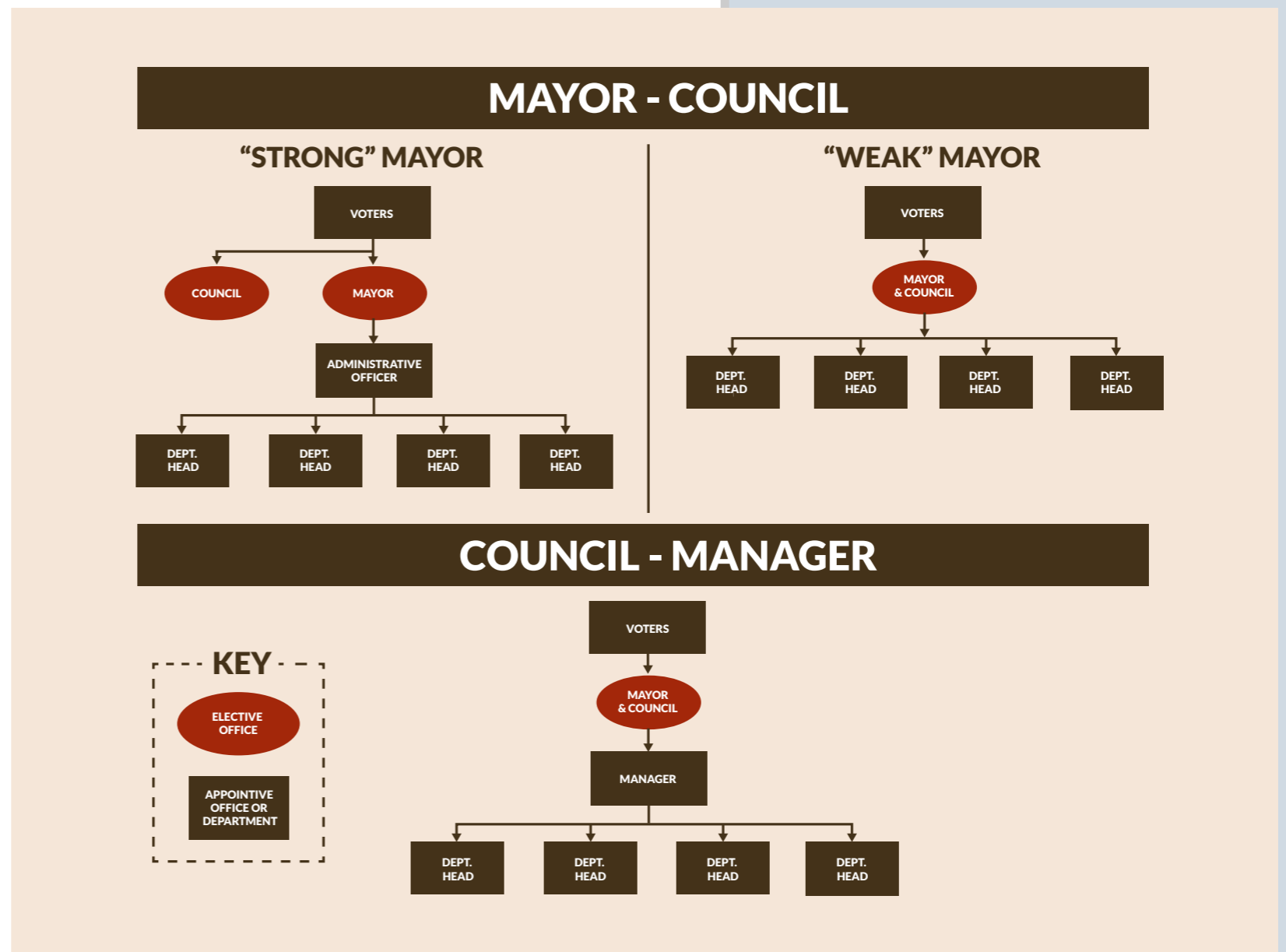
1 Mayor-Council Government with a “Strong” Mayor

- Mayor has strong executive power to carry out policies—prepares the budget, makes appointments, and manages the daily operations of the city.
- Mayor may have an administrative assistant who helps oversee departments that provide city services.
- Mayor may veto council legislation.
- Mayor serves as ceremonial head of government at public functions—public speeches, ribbon cuttings, dedications.
- City council decides on policies of the

city but has no administrative power.

- City council has limits set on its power.
- 2** Mayor-Council Government with a “Weak” Mayor

BASIC FORMS OF MUNICIPAL GOVERNMENT IN GEORGIA



- Mayor may preside over council meetings and recommend ordinances.
- Mayor appoints department heads with council approval.
- Mayor serves as ceremonial head of government at public functions—public speeches, ribbon cuttings, dedications.
- City council decides policies and makes laws.
- City council committees review how departments carry out programs.

3 Council-Manager Government

- Mayor may preside over council meetings but has little or no executive power.
- Mayor serves as ceremonial head of government at public functions—public speeches, ribbon cuttings, dedications.
- City council decides policies and makes laws.
- **City manager**¹¹—usually a professional

trained in conducting the city’s business—is appointed by the city council to administer the government and can be removed by it.

- City manager draws up the agenda for



◀ The roles and powers of a mayor are determined in the city charter and can be changed only by the state legislature.



council meetings, prepares the budget, and appoints and dismisses department heads.

Most of Georgia’s 535 cities have a mayor-council form of government. But most larger cities also hire a professional manager or administrator. Cities are generally governed by part-time elected councils. City councils have found that running a city has become a full-time business. The city manager is there daily to supervise the work of the departments and respond to requests from local citizens. ■

SPECIAL-PURPOSE GOVERNMENTS

Cities and counties are general-purpose forms of local government. That is, they exist for a number of different purposes. But there is a third type of local government—the **authority**¹² or **special district**¹³. These are small governmental

LOCATING *the* MAIN IDEAS

- 1 **Define:** Incorporate, municipality, charter, annexation, city council, mayor, city manager
- 2 How is a city officially established in Georgia?
- 3 Compare the “strong” mayor and the “weak” mayor forms of the mayor-council governments.

◀ Completed in 1930, Atlanta’s 15-story city hall is located one block from the state capitol.

units set up by the legislature or by city or county ordinance for a special purpose. That is to say, they are created to provide a single service.

As of 2013, there were over 1,136 local government authorities in Georgia.

The most common functions of these authorities are to provide for hospitals, industrial development, downtown development, housing, public transportation, airports, water and sewers, and solid waste management.



- ◀ The Gwinnett County Airport near Lawrenceville was built to boost business in the county and for use by the public. The airport handles light aviation and most corporate jets. It is operated by the Gwinnett County Airport Authority.

Two well-known local government authorities are MARTA and Grady Hospital—both in Atlanta. But throughout the state you will find local authorities set up to operate a city or county hospital. Most counties have industrial development authorities to recruit industry. Many cities have downtown development authorities to bring new life and business to the downtown area. Public housing facilities are usually operated by an authority in Georgia cities.

School districts are another type of special-purpose government. They were formed by the state to provide elementary and secondary education. Each county has a school district, and there are 21 independent city school systems. School districts rely on property taxes for most of their local revenue. The state pays more than half the cost of running the districts, including funds for textbooks and teachers' salaries.

Some special-purpose governments are

organized with the same boundaries as the county or city. Some are located in a part of a city or county. Others are set up across city or county lines. The boundaries depend on the purpose of the district and the people it is designed to serve.

Few people notice the special-purpose governments. That may be because members of most governing boards are appointed rather than elected, so any issues that arise may not get much public attention. In fact, these separately governed special districts and authorities are sometimes called “hidden governments.”

Why do we have special-purpose governments? They have advantages that encourage local governments to create them. One, they offer an efficient way to respond to an urgent problem. Second, the special-purpose government can readily borrow money for its projects. Although the state limits the amount of money cities and counties can borrow,



these limits do not apply to the special-purpose government.

A third advantage of special-purpose governments is that they can charge fees to users and in that way raise money to pay back the funds borrowed. This allows the development of a specific service, such as a new water treatment plant, without the city or county needing to borrow more money than state law allows. In addition, by setting up a special-purpose government, the city or county can add a service without doing something that is often unpopular—raising taxes.

There are some disadvantages to these nearly invisible governments. Because they receive little publicity and their governing boards are seldom elected, they may not be responsive to public opinion. Also, if a community has many special-purpose governments, each with its own narrow concern, the result can be a hodgepodge of uncoordinated activities.

- ◀ Like many counties, Toombs County has an authority to operate its water and sewer system.

Vocabulary

- 1 **County** - A subdivision of the state set up to carry out certain state laws as well as function as a general-purpose unit of local government.
- 2 **County seat** - City in which a county's government is located.
- 3 **County commission** - Governing body of a county.
- 4 **Resolution** - A proposal, similar to a bill, expressing an opinion or the will of a legislative body.
- 5 **Incorporate** - To officially bring a city (municipality) into existence through passage of an act in the state legislature.
- 6 **Municipality** - The legal name in Georgia for a city or town.
- 7 **Charter** - 1: A legal document that grants certain rights or privileges. 2: A document passed by the state legislature creating a city and spelling out its boundaries, form of government, and powers.
- 8 **Annexation** - Extending a city's boundaries by adding land from adjoining unincorporated territory.
- 9 **City council** - Governing body of a city.
- 10 **Mayor** - Chief executive of a city.
- 11 **City manager** - An official appointed by the city council to administer such city business as hiring, promotions, purchases, and finances.
- 12 **Authority** - A special-purpose public corporation set up by government to provide a specific function or service, such as hospital care or public housing.

- 13 Special district** - Special-purpose local government set up by government to provide a single service (such as public schools, water, or recreation) within a defined area.

PRIMARY SOURCE

People in Local Government

RICHARD CROWDIS

1 What do you do as the county administrator?

I am hired by the Dougherty County commissioners and am responsible for the day-to-day operation of our county government. A major responsibility of my office is developing and presenting a balanced budget to the commission every year.

2 What services does the county provide its citizens?

The easiest way to describe services is to look at departments. In Dougherty we have the departments of Finance, Elections and Voter Registration, Public Works, Emergency Medical Services, Taxes and Tags, Human Resources, Facilities Management, Solid Waste, and County Police.



Name: Richard Crowdis
Title: County Administrator
County: Dougherty

3 What is most important about your job?

For me it is knowing that public administration does make a difference at the local level—every day. It is very rewarding to make things happen that help people.

4 Would you recommend local government service as a career to young people?

I would encourage young people to investigate local government opportunities. It is a field that is never dull or boring because there is a new challenge each day. There are always interesting people to meet, and sometimes they are very important people.

O.D. NETTER JR.

1 Why did you run for office?

I was a member of the Hospital Authority Board. As my term on that board was ending, the chairman urged me to run for the county commission. I was elected to fill a vacancy, and I've now served four terms.

2 How do you keep in touch with your constituents?

I keep busy. I get 15 to 20 phone calls a day and many emails. I respond to everyone. I check in with the clerk of the commission every day and when I can, I speak to civic clubs

and at churches. We also schedule a time at the beginning of our meetings to hear from citizens.

3 What do citizens ask about?

Generally they have concerns about roads in the county, garbage service, and of course taxes. Sometimes they are having problems with the county constitutional officers [such as the sheriff], and we can serve as liaisons for them.



4 What is the most important part of your job?

I believe that government as a whole needs to represent the people. As an elected official, I work hard to make decisions that are the best for the county and its citizens.

JUDY MCCORKLE

1 What are your responsibilities?

I wear many hats in my job, and that keeps it interesting. I supervise several city departments—personnel, purchasing, utilities, records management, and finance. I also serve as the acting city manager when the manager is away from the city for a long period of time, and I am the clerk to the council, and the election superintendent.

2 How did you begin working in city government?

After college, I thought I would go to law school, but I got married and began working in a bank. I thought I might like to work in government, so I went back to school for a master of public administration degree and went to work at City Hall. I've been here 12 years.

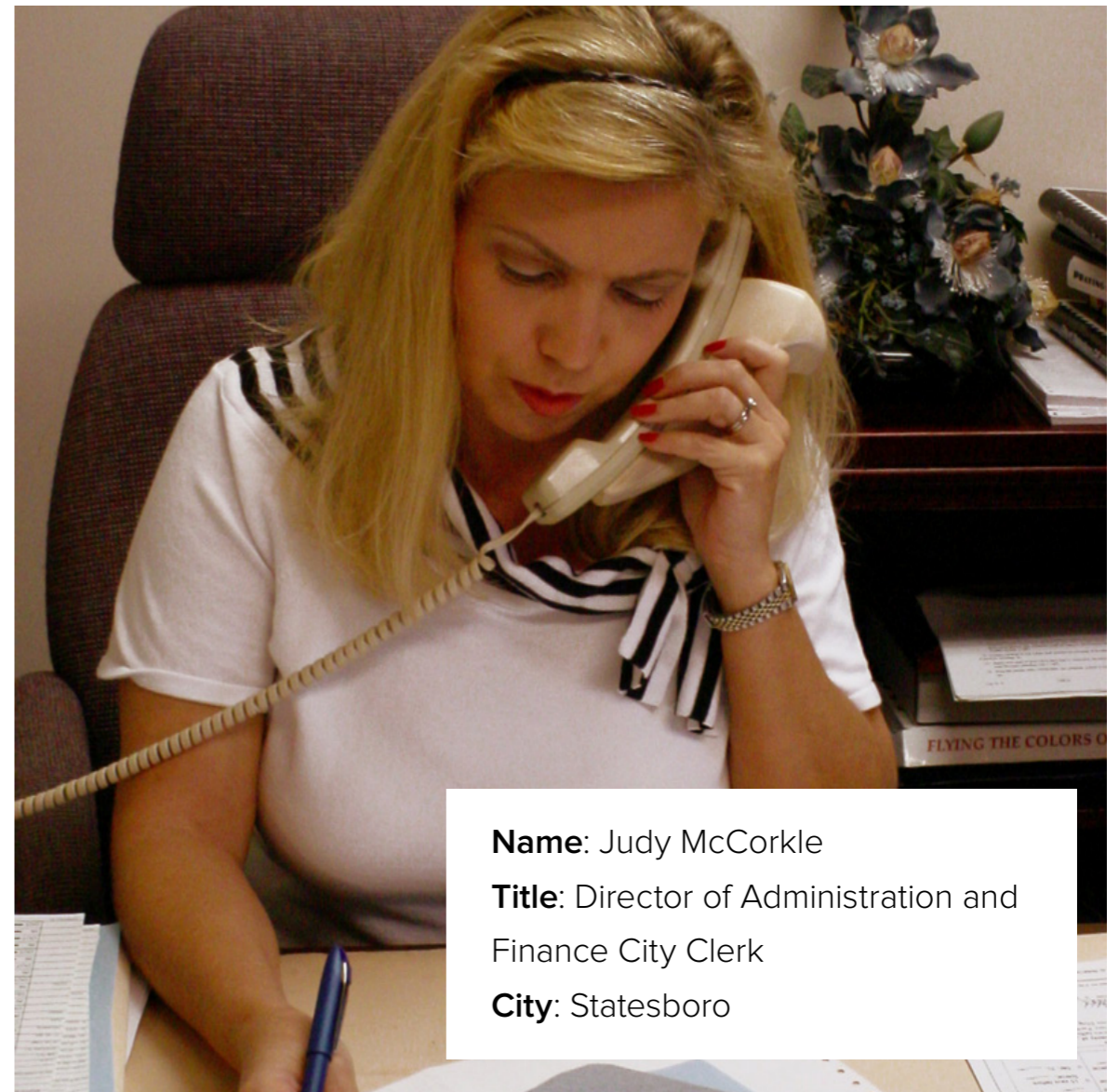
3 What is important about your work?

My work and the work of everyone here is to answer the needs of citizens and serve the community. If there are

streets that need paving or sewer lines to run, that is what we do. We also need to be good stewards of the citizens' money.

4 Are students involved in any activities of city government?

Our city was a test site for the new voting equipment, and some of our high school students were poll workers. They were able to explain and demonstrate the computerized



Name: Judy McCorkle

Title: Director of Administration and
Finance City Clerk

City: Statesboro

equipment to all our registered voters. They enjoyed that job, and some of them have continued to work for us on election day.

ABDUL AKBAR

1 Why did you run for office?

I ran for office after speaking to the city council about the consequences of a zoning change. Several people suggested that someone like me was needed on the council, so I ran for office. I've been elected to a second term.

2 Do you need any special skills to serve in government?

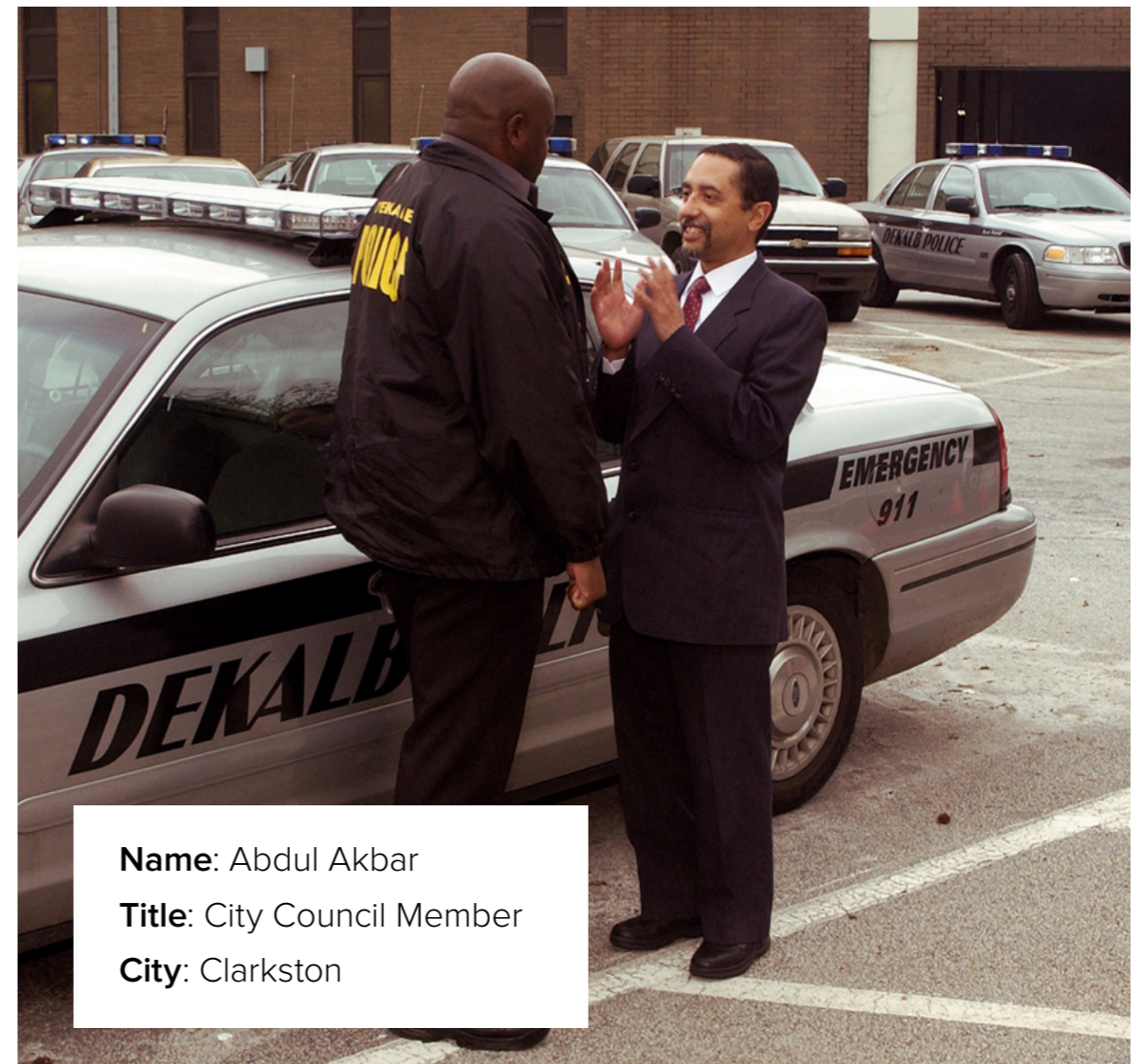
To do a good job you have to be a “permanent” student. I have taken courses to learn more about government, and I am always reading books and magazines about government.

3 What do the citizens expect of city government?

Citizens here expect that services we promise will be delivered, such as clean water and trash collection. They expect police protection and that the roads are safe and in good condition. It is our responsibility to develop a budget that meets their needs.

4 What have you accomplished on the council?

I spearheaded an effort to revitalize an abandoned park. With the help of citizens, the park now has nature trails, and it is used by many people. We hung different birdhouses to attract a variety of birds, and now it is a bird sanctuary.



Name: Abdul Akbar
Title: City Council Member
City: Clarkston

Working With Other Governments

Many activities of local governments overlap or are similar. Different counties have some of the same needs. They provide some of the same services and have some of the same expenses. They also levy some of the same taxes. Consequently, counties sometimes find that they can benefit by working together.

Counties often work cooperatively to

provide a service on a regional basis. A regional library, hospital, or landfill might be built to serve several counties. These counties then share the bill and all of their citizens benefit from the common service that is provided. Fulton and Cobb counties, for example, share the costs and work of keeping up a bridge over their common boundary, the Chattahoochee River.



- ◀ The outgoing city council of Athens and board of commissioners of Clarke County celebrated unification of the two governments in January 1991. They tied a ribbon linking the county courthouse and the city hall.

County and city governments frequently work together, too. It is not unusual for a city to furnish a service jointly with the county government. Brantley County and the cities of Nahunta and Hoboken share the costs of animal control. Coweta County and the city of Newnan jointly support an airport. Albany and Dougherty County jointly provide many services, with city and county governments sharing the same office building. In all parts of the state, cities and counties work together (intergovernmental cooperation) to furnish ambulance service, develop parks and recreation programs, and build water or sewer systems.

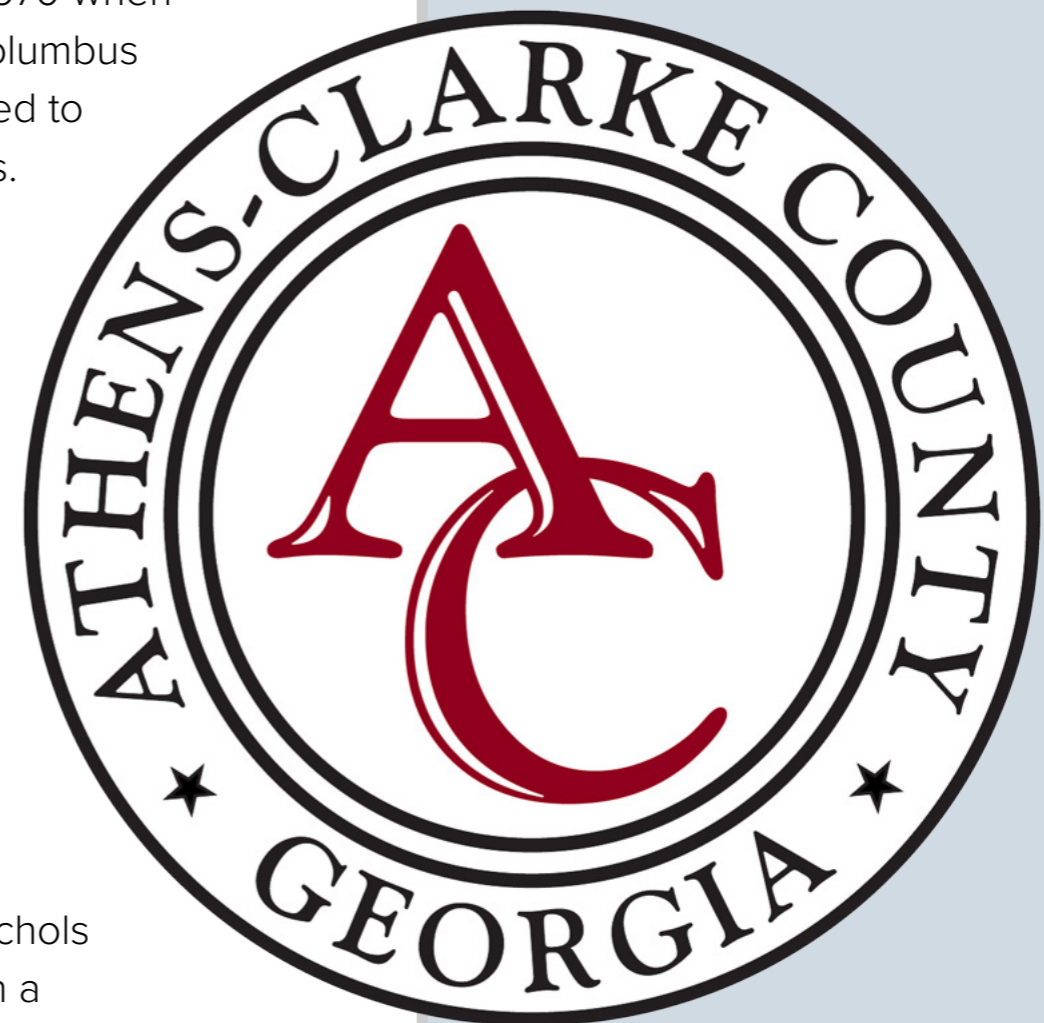
CITY-COUNTY CONSOLIDATION

In some cases, the cooperation of a city and a county government has led to **consolidation**¹, a formal merging of the two governments decided by a vote of

the people. When community leaders encourage consolidating city and county governments, they usually want to combine services, eliminate duplication, increase efficiency, and reduce costs.

In Georgia, the first city-county consolidation occurred in 1970 when the people of the city of Columbus and Muscogee County voted to combine their governments. Two decades later in 1990, citizens of Clarke County and the city of Athens voted to unify. In 1995, the people of Augusta and Richmond County voted to consolidate. The city of Cusseta and Chattahoochee County consolidated in 2003, followed by the city of Georgetown and Quitman County in 2007. In 2008, Echols County citizens vote yes on a

Athens-Clarke County unified government logo



referendum to become a consolidated government because there is no city within the county. In 2009, Webster County and the cities of Weston and Preston consolidated. Residents of Macon and Bibb County voted in 2012 to consolidate. Georgia now leads the nation with the most consolidated governments (eight) in a state.

There have been other efforts to combine city and county governments, including attempts in Baldwin, Candler, Columbia, Dougherty, Floyd, Glynn, Lanier, Lowndes, Pulaski, Rockdale, Schley, Spalding, Stephens, and Ware counties. As yet, these have not been successful. Still, interest in this approach to eliminating duplication and holding down costs continues. ■

LOCATING *the* MAIN IDEAS

- 1 Define:** authority, special district, consolidation
 - 2** What are three ways a special-purpose government can be created?
 - 3** Why are special purpose governments and authorities called “hidden governments”?
 - 4** Give two examples of how counties work together. Give two examples of how a city and county can cooperate.
-

Vocabulary

- 1 **Consolidation** - A formal merging of two governments (such as a county and city) that must be approved by the voters of each government.



CHAPTER 29 QUIZ

Text Version

Chapter 30 Foreword

Georgia Standards of Excellence
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SS8CG6

Chapter Outline

The Big Eight Local Government Services

- Public Safety
- Public Works
- Public Utilities
- Community Development
- Human Services
- Leisure Services
- Judicial Services: County and City Courts
- Record Keeping

Paying the Bill for Local Government

- Costs of Services
- Local Government Revenue
- Understanding Property Taxes
- The Cost Crunch

SS8CG6

Analyze the role of local governments in the state of Georgia.

- b. Describe how local government is funded and how spending decisions are made.



Firefighters have a dangerous job and provide a service that citizens hope they never have to use.

CHAPTER 30

AT FIRST GLANCE

This chapter continues the study of local government with an examination of the types of services provided to the people. Students can read about the many ways in which local government affects their daily lives in the areas of public safety, public works, public utilities, community development, human services, leisure services, judicial services, and record keeping. The chapter also describes how local governments are funded, including an explanation of how property taxes are calculated. A special feature about student involvement in local government is included.

Local Government: Serving the People Close to Home

[The Big Eight Local Government Services](#)

[Paying the Bill for Local Government](#)

Local governments were created to serve the people living within their boundaries. The earliest local governments in Georgia offered only very basic services—courts, law enforcement, and building and maintenance of roads. To pay for these, county and city governments had to collect taxes. The process is the same today, but local government does much more. Since Georgia became a state more than two centuries ago, local governments have expanded their role to provide people with fire protection, garbage collection, recreation, traffic lights, and many other services.

There are many services that counties, cities, and special-purpose districts provide. In some communities, particularly large ones, citizens want numerous public services and are willing to pay for them. In many smaller communities, people want low taxes and are satisfied with only a few basic services. The result is a variation in services from one county to another and from city to city.

The Big Eight Local Government Services

Most local government services can be grouped together into eight categories: public safety, public works, public utilities, community development, human services, leisure services, judicial services, and public record keeping. In your community, specific services may be provided by the county, the city, a special-purpose government, or a combination of these local governments.

PUBLIC SAFETY

The services that we categorize as “public safety” are the government activities that protect people’s lives and property. This includes such things as police and fire protection, animal control, traffic regulation, disaster preparations, and building codes.

Probably these are the most visible things that local governments do. We see and hear a fire engine racing to save a blazing

building. We hear and recognize a police car or the sheriff rushing to the scene of a crime or pulling a speeder over. While



◀ Police motorcycles are commonly used for patrols and escorts.

walking or in a car, we are conscious of traffic lights and stop signs. We notice when a siren signals a practice warning for a disaster. Public safety gets the attention of the people.

Protection of people's lives and property is a top priority in local communities. It is also one of the most expensive services of local government. This is because public safety really requires two types of efforts: preventing new problems and dealing with existing ones. For instance, prevention of fires is a main goal of the fire department. Fire inspectors check buildings to see that fire safety regulations are followed. They encourage people to be careful with wood stoves and space heaters, to install smoke detectors, and to consider adding sprinklers. Such fire-prevention education can reduce damage and deaths.

Special training is required for most public safety workers. Police must be able to respond quickly in cases of crimes and accidents. They must be skilled in keeping

peace and order and helping prevent or control situations that lead to crime. Police officers must have basic training of more than 400 hours. Then they must take 20 hours of additional training each year.

Firefighters must pass a course of study approved by the Georgia Public Safety Training Center in Forsyth. Preventing

Local government building inspectors make sure that contractors meet all safety codes both during and after construction.



and fighting fires have become more and more demanding. For example, fighting chemical fires, electrical fires, and fires that break out in high-rise buildings requires special training. Paid firefighters must get at least 320 hours of training each year. Volunteers must meet basic certification requirements of either 60 or 120 hours, as set by their local government.

The inspectors who enforce local building codes (the ordinances that set construction requirements) also must have special training. They must have the skills for checking the safety of construction and the installation of gas lines, plumbing, air conditioning, and electrical wiring. These inspections can help save lives and protect property from fires, building collapse, flooding, and other damage.

PUBLIC WORKS

Public works departments in cities and counties take care of the basic physical

facilities of the community known as the **infrastructure**¹. These facilities include roads and streets, water and sewer lines, storm drainage systems, and public buildings. Collection and disposal of solid waste is also a public works activity. In many small counties and cities, public works departments take on additional functions, such as repair and upkeep of parks and other public recreational facilities.

Engineers and road crews work to maintain safe and durable streets and roads. Streets and roads are inspected for cracks, bumps, potholes, and other effects of weather and use.

On average, each person in the United States makes 4.6 pounds of trash per day. In Georgia, the **per capita**² (per person) amount of waste generated is about 5.5 pounds per day. Disposing of solid waste has become a big public works problem. Every community has to get rid of its garbage. Homes, factories,



Fire Fighting - Star Wars Style

[Transcript](#)

restaurants, gas stations, and stores all produce quantities of solid waste. Local governments must determine what to do with food and other garbage, as well as old autos, furniture and appliances, used plastic containers, tree limbs, and grass cuttings. Local governments must also find ways to dispose of hazardous substances, such as oil, caustic chemicals, and radioactive waste material.

The sanitation department of a city or county is often responsible for collecting and disposing of waste material. The most common disposal method is use of a **sanitary landfill**³. A landfill is an area of land where solid waste is buried. Landfills must follow standards set by state and federal environmental regulations. But landfills all around Georgia are filling up quickly.

A method of reducing solid waste is to burn it at high heat in a special furnace. But this burning must be carefully controlled so that it does not pollute the air.

Some materials can be recovered for reuse by recycling. Aluminum cans, newspapers, and glass jars and bottles can be collected, broken down to their basic substances, and used again to make the same or different materials. Through recycling, many communities have greatly

Public works programs include street and curb repairs, solid waste operations, and recycling services.



reduced the amount of waste that must be carried to the landfill.

PUBLIC UTILITIES

Public utilities are publicly run enterprises that provide utility services for a fee to residents of a local community.

Waterworks, sewage treatment plants, and electric power companies are three common examples.

Residents of a community need water that is safe to drink and easily available for bathing, cooking, flushing toilets, and washing clothes. They also need to have wastewater removed from houses and businesses.

Typically, cities have provided water for the people who live there by establishing a water plant or waterworks. Water is pumped from a river or other source, purified, and then pumped to residences and businesses. After water is used,



◀ Many tests are done at water treatment plants to ensure that drinking water is safe for the community.

sewage plants receive the wastewater, treat it to remove sludge and disease-causing bacteria, and return it to rivers and streams. Although the laying and repair of water and sewer pipes is usually done by the public works department, public utilities operate the plants that treat the water.

Slightly more than 40 Georgia cities run their own electric power companies, purchasing electricity from large power companies and reselling it to local residents. Also, about 84 cities own natural gas distribution facilities, which function in the same way as electricity utilities. ■

COMMUNITY DEVELOPMENT

To ensure that a community grows and develops in an orderly, safe, and healthful manner, planning for the future is an important function for local government. The county commission or city council appoints a committee of citizens to the planning commission to

study community needs. The commission reviews the existing conditions of the land and prepares a land-use plan. Professional planners are hired to work out the details of a **land-use plan**⁴ for the community. They divide the community into areas known as zones. Each zone has a designated use, such as residential, industrial, commercial, or agricultural. This process is known as **zoning**⁵.

Local officials and professional planners work together to determine land-use regulations that will serve the community. Ordinances are passed that regulate for each zone what types of activity may take place. They specify the kinds of buildings that can be built, how much park area or open space is to be preserved, and the density of population. In addition to local regulation, a number of state and federal standards apply to the use of land (for example, in cases that affect wetlands).

How and where traffic will flow through a city must also be planned and regulated.

LOCATING *the* MAIN IDEAS

- 1 **Define:** infrastructure, per capita, sanitary landfill
- 2 **Identify:** public safety, public works, public utilities, solid waste
- 3 Why is public safety one of the most expensive services of local government?
- 4 What kinds of jobs are generally performed by the public works department in a community?



Rufus, the
Potbellied Pig

[Transcript](#)

Traffic engineers determine where stop signs, directions signs, and traffic lights should be placed. They also recommend one-way streets or regulations to help the traffic flow.

HUMAN SERVICES

All counties and some cities carry out public health programs and public assistance programs, called human

services. These include hearing and eye tests for schoolchildren, spraying for mosquitoes, and community immunization to prevent the spread of disease. Every county operates a health department that offers checkups, counseling, and clinics for needy people including newborn babies, children, and pregnant women.

Public assistance programs, sometimes called welfare, are designed to promote the well-being of people in need. These

programs help neglected children and people who are poor, disabled, or elderly. Assistance may include providing food, job training, child care, and social programs. Help may also be available for heating, electricity, and other needs.



◀ Every county operates a health department that offers check-ups, counseling, and clinics.

Most local human services are supported by a combination of state and federal funding. These health and welfare programs are guided by two agencies of state government, the Department of Human Services and the Department of Community Health.

The oldest and most common example of recreational services is a city or county park. These generally include picnic areas, playgrounds, hiking trails, and sometimes even bike paths. If the park has a lake, swimming, boating, and fishing can be popular activities. Many communities also

Children use local government services when they play in a city park.



LEISURE SERVICES

Increasingly, citizens are asking local governments to provide a variety of recreation and leisure services. The size and extent of a recreation program depends on the size of a community, what the people want, and how much they are willing to pay. It also depends on natural features. Cities such as Albany, Athens, Augusta, Columbus, Macon, and Roswell have built parks along rivers that flow through these communities. A number of communities have built nature centers at nearby wetlands.



operate public swimming pools in the summer. Citizens are also asking local governments to build community sports complexes that include baseball and softball fields, tennis courts, and soccer fields.

In addition to recreational facilities, many local governments offer summer day camps and other activities for students while school is out. Larger communities may offer arts and crafts classes and

other activities for youth, adults, and seniors. Local libraries are also popular for residents of all ages.

JUDICIAL SERVICES: COUNTY AND CITY COURTS

A main purpose that state government had for establishing counties was to organize a system of justice throughout the state.



- ◀ Part of the job of a probate court judge includes performing civil ceremony marriages and probating wills.

Each county built a courthouse in order to hear and try local cases. In fact, the earliest administrators of Georgia counties were judges who presided over court proceedings and also managed county affairs.

Today, local courts still connect the people to the state and national system of justice. Local governments and courthouses bring that judicial system to the people.

Each county has a superior court. It is the trial court for the more serious criminal cases and for certain civil cases. Each county also has a magistrate court to hear cases that involve violations of local ordinances. The probate court of each county is the court that handles wills and cases of guardianship. Many counties also have a local court called the state court. It helps reduce the caseload of the superior court by hearing cases of less serious crimes and civil cases not required by law to go before the superior courts. The

sheriff, serving as an officer of the superior court, summons witnesses and runs the county jail.

Georgia cities have additional courts. Municipal courts handle traffic cases and cases related to violations of municipal ordinances. The courtrooms inside the city hall or the county courthouse in your community are links to Georgia's system of justice.

RECORD KEEPING

It rarely makes the news, but careful recording and storage of vital public information is an important service of local government. Every city and county agency keeps internal records of its personnel and programs, but some also maintain records that are important to citizens.

Careful recording and storage of vital public information is an important service of local government.



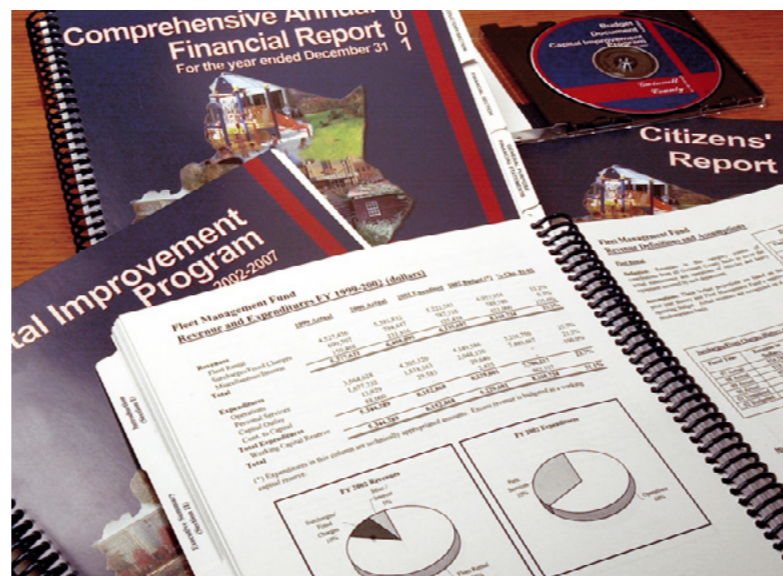
At the county level, the clerk of superior court keeps records detailing the ownership and history of all land in the county, including plats (maps) for each piece of property. The tax commissioner records property tax information on real and personal property, including the assessed value of all land, buildings, and other property in the county.

The county probate judge maintains records of marriages and wills. The board of elections is responsible for voter registration data and election results. The county commission clerk keeps records of all ordinances and resolutions passed by that body, while the county manager's office keeps track of all county financial matters.

City officials keep records of municipal voter registration and elections, actions of the city council, city finances, business licenses, and other matters. School districts and other special-purpose

governments likewise must keep records of their governing board meetings, finances, and formal communications.

Year by year, this vital information increases. State law requires each local government to maintain a records management system. The clerk who must organize and retain the information works to develop an effective system for storing it and readily retrieving it when needed. Most cities and counties have created Web sites and make information available to the public online. ■



LOCATING *the* MAIN IDEAS

- 1 **Define:** land-use plan, zoning
- 2 What is a major activity of a planning commission?
- 3 What types of programs are covered by the term “human services”?
- 4 What is the oldest form of recreation service provided by a local government?
- 5 List four kinds of records kept by counties.

◀ State law requires that every city and county adopt a budget each year.

Vocabulary

- 1 Infrastructure** - The physical facilities built, operated, and maintained by government, such as streets, buildings, water and sewer lines, and parks.
- 2 Per capita** - By or for each person.
- 3 Sanitary landfill** - The public facility where solid waste is buried under earth.
- 4 Land-use plan** - A plan on how land can be used. The plan divides a city or county into zones and specifies the purposes for which land in each zone can be used.
- 5 Zoning** - Dividing a community into zones for different types of uses, such as business, residential subdivisions, and agriculture.

Paying the Bill for Local Government

As you can see, local governments provide many different types of services to their residents. But to do so, someone must pay. Financing public services is one of the most demanding tasks of local governing authorities.

COSTS OF SERVICES

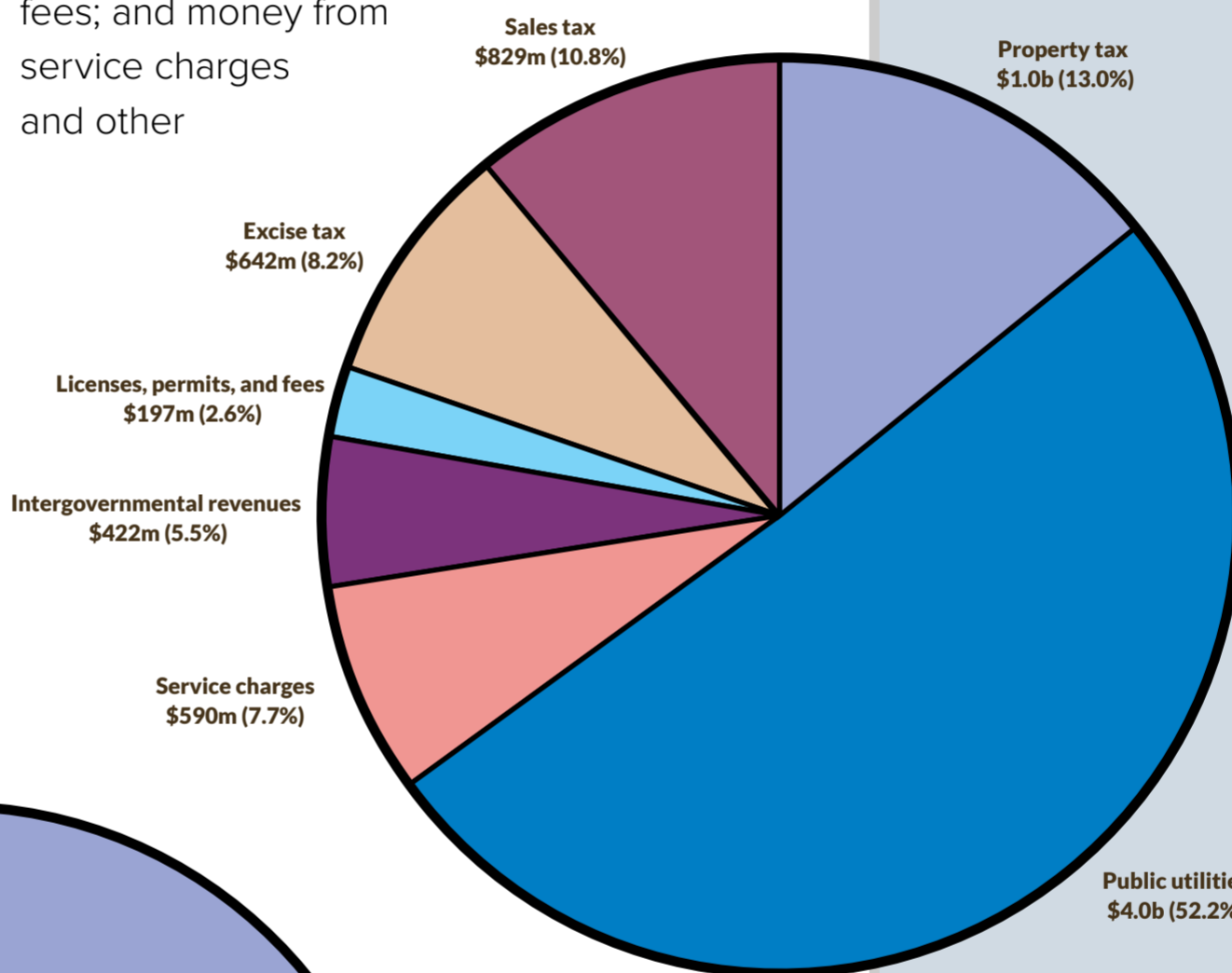
What does it cost local governments to make life healthy, safe, and orderly in local communities? In 2013, Georgia's cities and counties spent \$16.2 billion. This money went to pay workers, buy equipment and supplies, and keep offices, clinics, courts, firehouses, jails, and police and sheriff's departments running. The bills for services to residents of local communities had to be paid. Where did the money come from?

LOCAL GOVERNMENT REVENUE

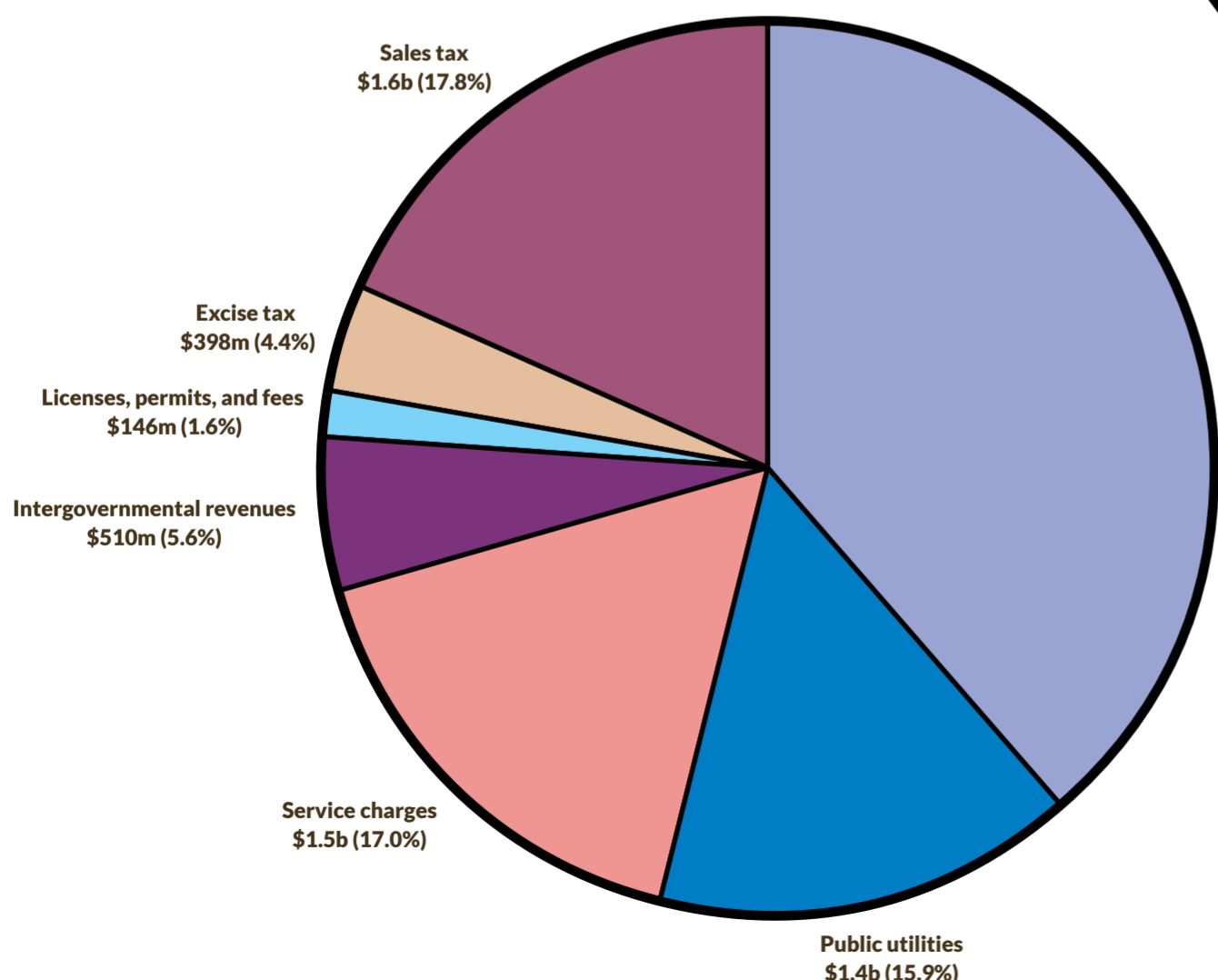
The income that local governments receive to pay for services is called revenue. Local governments divide income into two categories. *General revenue* includes property, sales, and excise taxes; license and permit fees; and money from service charges and other

LOCAL GOVERNMENT REVENUE 2013

CITY



COUNTY



governments (intergovernmental revenues). *Enterprise funds* are services requiring a large capital expenditure that are expected to generate revenue from users. Examples of enterprise activities are a water and sewer system, electric or gas supply, airport, and solid waste system. While both counties and cities operate enterprise funds, they are the largest source of revenue for cities. The operation of public utilities brings in over half of most cities' revenues.

Property taxes¹ are taxes on either real property such as land and buildings or personal property such as cars, boats, or airplanes. The largest portion of county revenue comes from property taxes.

In addition to the four percent state sales tax, cities and counties can collect the following additional optional sales taxes. Local option means that the residents of the county have the option, or choice, to vote to impose the tax on themselves.

- 1 one percent local option sales tax**—money can be used for any purpose
- 2 one percent special-purpose local option sales tax (SPLOST)**—money to be used for a specially designated purpose for a limited time only

Money collected from parking meters is a user fee. Money collected because a driver lets a parking meter expire is called a fine.



Excise taxes are those levied on the manufacture or use of a product or service. They include

- 1 **Alcoholic beverages tax** charged per bottle, can, or drink
- 2 **Tax on lodging bills for hotels and motels** that is generally used to promote tourism and conventions for the community
- 3 **Tax on insurance premiums**

Local governments get revenues from issuing licenses and permits to do business in the community. The permits also regulate certain businesses such as taxi companies, garbage collectors, and charity collection agencies. Occupation taxes for businesses such as plumbing, construction, or funeral parlors are also included in this category. Service charges are **user fees**² paid for a service such as parking, recreation, or garbage collection. Other miscellaneous revenues include such things as fines, court fees, or revenue

from the sale of government property.

Intergovernmental revenue is money a city or county receives from other local governments or the state and federal government. State government helps pay the costs of roads, recreation, and health and welfare services. Federal government grants help pay for community development projects such as sewer systems, bus systems, and health and public assistance programs.

UNDERSTANDING PROPERTY TAXES

The largest portion of revenues for Georgia county governments comes from property taxes. In 2013, counties relied on property taxes to bring in \$3.4 billion, or 37.7 percent, of the total county revenues. Cities received \$1 billion, or about 13 percent, of their revenues from property taxes. Sixty percent of property taxes go to school districts.

How is the tax on real property determined? The county board of tax assessors decides the value of each piece of real estate in the county. This is called the assessed valuation. County assessors follow guidelines set by state laws and court decisions.

According to state law, property is to be given an assessed valuation of 40 percent of the *fair market value* (the price the property would bring if sold on a fair market). The assessed value of each

piece of property is important, because the property tax is an **ad valorem tax**³. That means that the tax is based on the value of the property. If property owners disagree with the valuation of their property, they can appeal to a special county board called the board of equalization.

Next, county officials must decide on the tax rate. They take into account the total of all assessed property value in the county (the **tax digest**⁴) and the amount



of money they will need to pay expenses. From these figures, they determine the tax rate, called the **millage rate**⁵. A **mill**⁶ is the unit used for expressing the property tax rate. Each mill represents a tax of \$1 on each \$1,000 of assessed valuation. The millage rate is the amount of tax owed for each thousand dollars of assessed valuation. For instance, a millage rate of 32 mills means that the tax will be \$32 for every thousand dollars that the property is valued at for tax purposes.

A house and land with a fair market value of \$150,000 would have a taxable value of \$60,000 (fair market value X 40% = assessed valuation). Taxed at 30 mills (60 X 30), the property would have a property tax of \$1,800. But many pieces of property have exemptions, or reductions, in the taxes.

People who own property and live in a house on that property receive a partial exemption known as the **homestead**

exemption⁷. The regular homestead exemption is \$2,000. It is subtracted from the assessed valuation of property before the millage rate is figured. If the owners of the property with the assessed valuation of \$60,000 live there, they would receive a homestead exemption of \$2,000. So their tax (30 mills) would be figured on \$58,000. The tax would be 58 X 30 or \$1,740.

Additional homestead exemptions are given to homeowners over age 65 and disabled veterans. Land and structures belonging to religious, educational, and public charity institutions are generally exempt from property tax.

Calculating Property Taxes

<i>Fair Market Value</i>	\$150,000
<i>40% of FMV</i>	<u>X 0.40</u>
<i>Assessed Value</i>	\$60,000
<i>Homestead Exemption</i>	<u>-\$2,000</u>
<i>Taxable Value</i>	\$58,000
<i>Millage Rate (30 mills)</i>	X 0.03
Property Tax for Year	\$1,740



The \$10 Billion Question

[Transcript](#)

THE COST CRUNCH

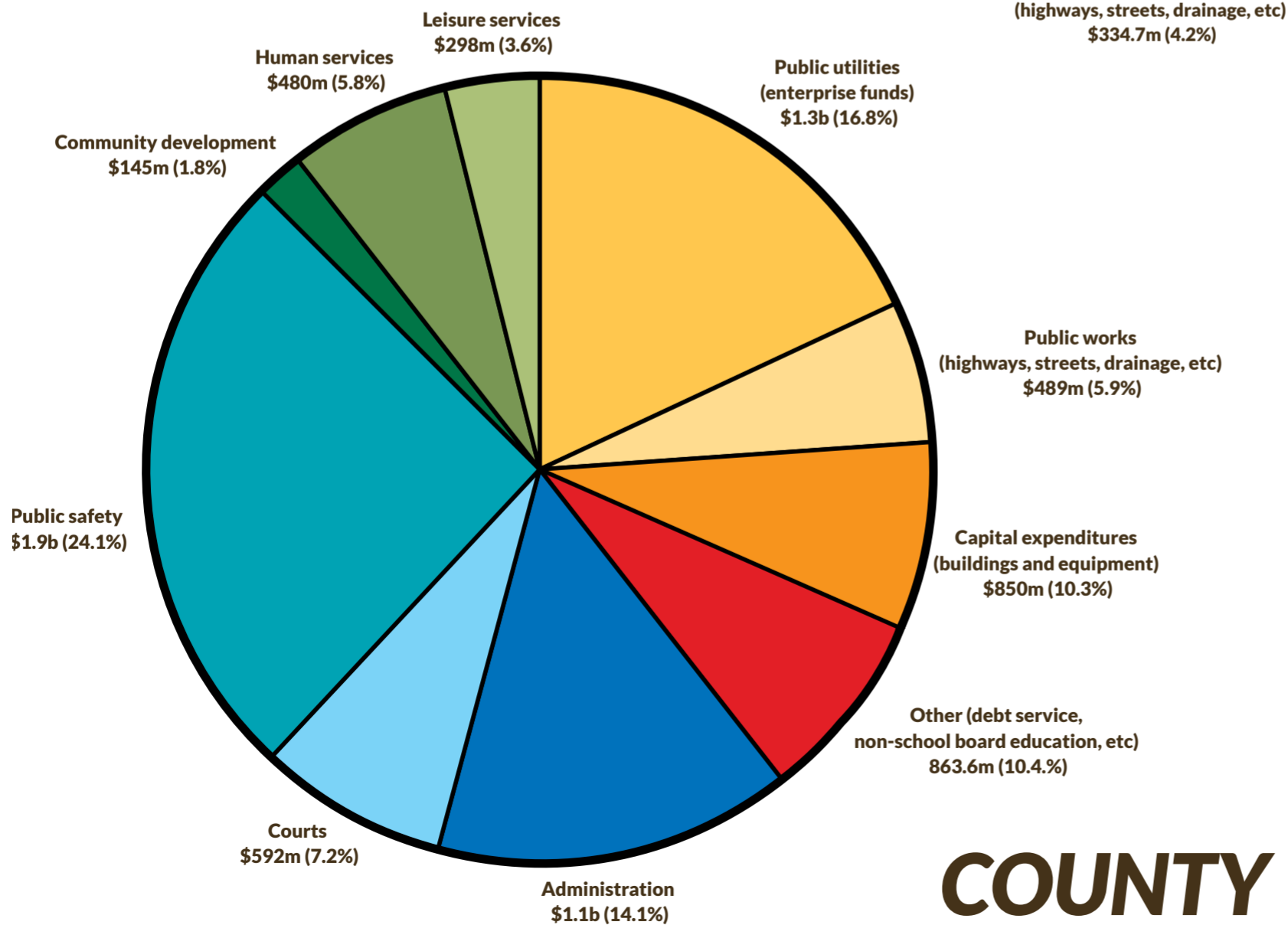
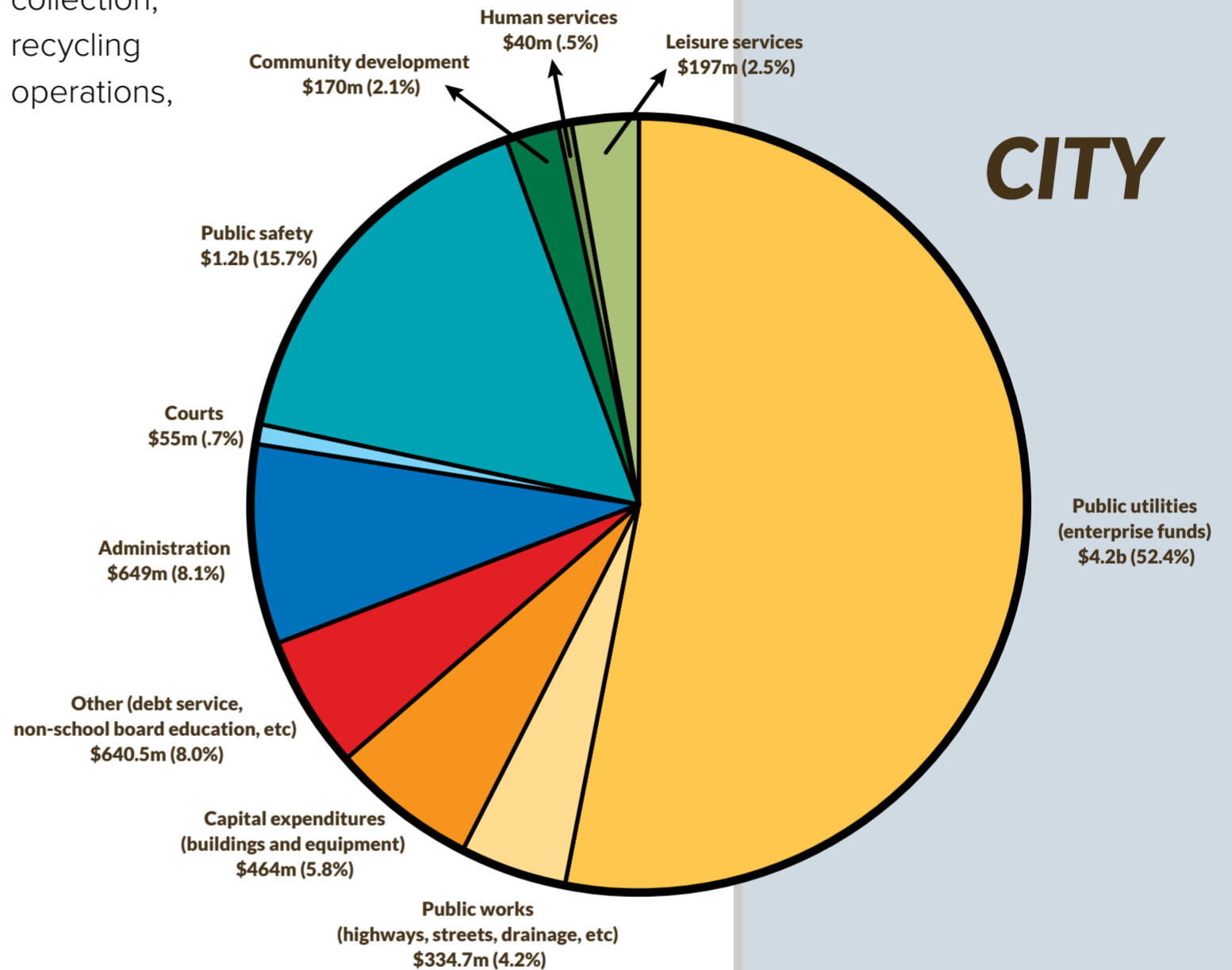
How is the money spent? The pie graphs on this page show how cities and counties spent funds on services in 2013. Georgia counties spent \$8.2 billion and cities spent \$8 billion. A comparison of the pie charts shows the differences between city and county service expenditures.

The costs of providing services are rising. Requests for local government services are increasing, too. Meanwhile, property owners are generally opposed to raising property taxes. Federal and state grants are declining. As a result, cities and counties are relying more and more on user fees and local sales taxes to help finance services. Some are considering another option—**privatization**⁸, which is turning a government service or function over to a private business. Local

government also may contract with a private business to deliver a government service. For example, private companies may be contracted to perform services such as garbage collection, recycling operations,

LOCAL GOVERNMENT EXPENDITURES 2013

CITY



COUNTY

building maintenance, and the management of parking decks. Cities and counties may combine efforts to provide joint services such as fire or police. Cost-sharing efforts such as these are another way to continue to provide services while keeping costs down.

But providing all the services citizens need and want is still a tight squeeze. Local governments have to try to do more with less. ■

LOCATING *the* MAIN IDEAS

- 1 **Define:** property tax, user fee, ad valorem tax, tax digest, millage rate, mill, homestead exemption, privatization
- 2 **Identify:** local option tax, fair market value
- 3 What are three kinds of property that can be taxed by local governments?
- 4 What are intergovernmental revenues?

◀ A visit to the Federal Reserve Bank of Atlanta proves to us, and hopefully our audience, that a simple interest in math and technology can lead to a wide variety of career opportunities. While we take a fun and loose approach to this institution, Teachable Moments are truly insightful. They include a description of what the Federal Reserve is and does, a discussion of the gold standard, exactly what gives money its value, and more.

▶▶ FAST FORWARD



▲ [Transcript](#)

Vocabulary

- 1 Property tax** - A tax based on the value of real property (a house or land), personal property (car or boat), or other types of property (savings and stocks). Also known as ad valorem tax.
- 2 User fee** - A charge made to persons for using a governmental service such as water.
- 3 Ad valorem tax** - Tax on private property based on its value, commonly called a property tax.
- 4 Tax digest** - The record showing the total taxable value of property in a city or county.
- 5 Millage rate** - The tax rate as expressed in mills. A mill represents a tax of \$1 on each \$1,000 of assessed valuation.
- 6 Mill** - A unit equal to one-tenth of a cent. In taxes, one mill represents a tax of \$1 on each \$1,000.
- 7 Homestead exemption** - An exemption for homeowners on a portion of each year's property taxes on their house.
- 8 Privatization** - Turning over a government service to a private business.

PRIMARY SOURCE

People in Local Government

STUDENTS CHANGE THEIR COMMUNITY

In 1999, Mayor Cecil Pruett of Canton asked school officials to choose four students from each grade level at the high school to serve on an advisory council he wanted to create. Mayor Pruett wanted local students to help him evaluate issues affecting youths and help him solve some problems. He chose the name “Mayor’s Youth Design Team” because he believed young people should take part in designing the city for their future.

The Design Team began meeting twice a month, and the mayor was right. Those students had a lot to say. One of the first things they

told him was that there were no opportunities for employment when they finished high school or wanted to return to Canton after college. The mayor heard what they were saying and began working to bring a technical development center to



Canton Mayor Cecil Pruett and the Youth Design Team

Canton. The Bluffs office park is the result. When completed, it will result in an estimated 15,000 high-tech jobs. Since then, the Design Team has continued to meet, although the faces have changed. Later team members observed that there was little to do after school. The result? The Etowah River Greenway with an outdoor amphitheater for concerts and movies and the Progressive Skate Park have been built. The Community Center housing a gymnasium and swimming pool will open in 2005. According to Mayor Pruett, the contributions of students to his administration have been invaluable. “They really helped me to see things differently—they bring a fresh perspective to government,” he said.

The city of Canton is not the only place in Georgia where students are working with local government officials to solve community problems. Youth programs such as leadership institutes, local government day, local government shadowing, and intern programs in cities and counties all provide an opportunity for young citizens to get involved while learning about local government. Most importantly, involved students find out that their opinions matter and they can make a difference. Is there an opportunity for you in your community?



CHAPTER 30 QUIZ

Text Version