

Section 3

North Carolina Government in the New Century

This section will help you meet the following objectives:

8.8.03 Describe the impact of state and national issues on the political climate of North Carolina.

8.9.02 Identify state and local leaders from diverse backgrounds and assess their influence in affecting change.

8.9.03 Describe opportunities for and benefits of civic participation.

As you read, look for:

- government structures for municipalities, counties, and the state itself
- vocabulary terms **municipality, city council, sheriff, county commission, budget, bill, constituent, council of state, district court, superior court, court of appeals, supreme court**

At the dawn of the twenty-first century, North Carolina was more “democratic” than at any time in its history. State citizens vote for everyone running for office, from president to mayor. And, since 1971, the state’s citizens can vote at age eighteen. In fact, North Carolinians can even register to vote when they are getting their driver’s licenses.

After a century where the Democratic Party dominated the state, the two major parties are now much more equal in their strength. Although Republicans often carried many statewide elections, 47 percent of voters were registered as Democrats, 37 percent as Republicans. The rest belonged to minor parties or were independents.

Not everyone who is registered to vote does. About two-thirds of adult North Carolinians were registered to vote in the early 2000s. However, only about half of those who are registered turn out to vote on a regular basis.

Public Servants in North Carolina

There were several thousand North Carolinians who held public office—both elected and appointed—in the state in the early 2000s. These

Figure 35 Voting Registration Requirements

- Citizen of the United States
- At least 18 years of age by next general election
- Resident of state and county for at least 30 days before election
- If convicted of a felony in the past, citizenship rights have been restored
- Not registered or voting in another county or state

public servants helped make the state work in a variety of ways. In fact, there was more variety among the state's public servants in the early 2000s than had ever been the case in North Carolina history.

Alyssa Kay Duncan, an African American baby boomer from Durham, got a law degree from Duke University. She worked for the federal government, then became a law professor at North Carolina Central University. During the 1990s, she served on the North Carolina Utilities Commission. In 2003, she was made the first female African American judge on the federal fourth circuit court.

Marc Basnight, whose ancestors were early settlers on the Outer Banks, never went to college, but he had a successful family business when he was appointed to the North Carolina Board of Transportation in the 1970s. Basnight went on to become a long-time legislator from Dare County. When the Democratic Party took over the majority of the state senate, Basnight became its leader.

Basnight and Duncan were two of thousands of North Carolinians who served their communities and their state in the early 2000s. They followed closely the ins and outs of the methods used to govern the state, from the county courthouse to the state capital.

Municipal Government

There are more than five hundred **municipalities** (cities with their own government) in North Carolina. They range in size from Love Valley in Iredell County, which barely has enough adults to hold an election, to Charlotte, a half million strong.

The towns and cities in North Carolina are generally governed by a **city council**, headed by a mayor. In some cities, the mayor is elected directly by the citizens. In other cities, the mayor is elected by members of the city council. In the second case, the council member who got the most votes in the last election is usually honored by becoming mayor.

Municipalities are responsible for many of the public services that a citizen needs daily. The city or town is primarily responsible for police and fire protection. In some of the smaller towns, the fire department is sometimes a volunteer organization. The city also is required to pave, clean, and repair the streets and sidewalks. It provides street lights in most places. All cities provide the water and sewer facilities that businesses and residences need. Most cities build parks for their residents

Figure 36 North Carolina's Ten Largest Cities, 2000

Charlotte	540,828
Raleigh	276,093
Greensboro	223,891
Durham	187,035
Winston-Salem	185,776
Fayetteville	121,015
Cary	94,536
High Point	85,839
Wilmington	75,838
Asheville	68,889



Above: One of the key services of local government is law enforcement. These police cars are parked in front of the municipal building in Rocky Mount.

Below: The Buncombe County Courthouse, completed in 1928, is regarded as one of the most handsome in the state. **Opposite page, below:** The Rowan County Justice Center, built in the 1990s, became overcrowded and had to be expanded within ten years.

and host special events. In every municipality, the elected officials serve four-year terms.

Municipal services are funded mostly by *property taxes*, which citizens pay based upon the value of their buildings and land. Some municipalities have other small taxes and fees, for business licenses or special car license plates.

County Government

Unlike some states where a city is separate from a county, in North Carolina all municipalities are also part of a county. The county was the first real form of government in the colony that became North Carolina. From the 1600s to the late 1900s, the county was the basis for most representation in the state. Until the 1960s, for example, each of the 100 counties had at least one member in the General Assembly. Each county had a court system.

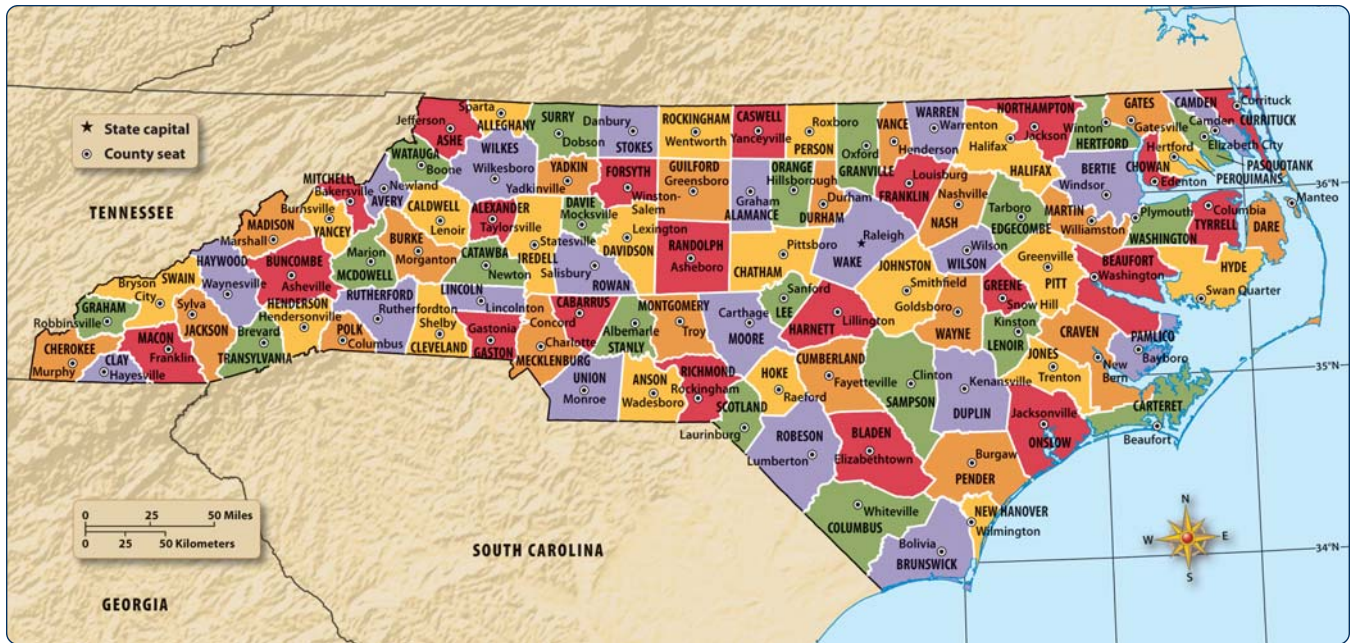
The county remains very important to the administration of law and order in the state. Each county still has a **sheriff** as its chief law enforcement agent. Except in some urban counties like Mecklenburg that have county police, county deputies are the main source of law protection in rural areas. Sheriff's deputies both keep law and order and help to administer the court system. The sheriff is responsible for keeping the county jail.

Each county also is in charge of the schools in the county. In some counties, like Catawba, there are separate schools for some of its towns, like Hickory. In each county



Did You Know?

In the past, congressional districts were drawn using county lines. Only in the last decades have county lines ceased to matter for most legislative and congressional elections.



is one or more school boards, which are in charge of hiring the local superintendent of schools, establishing a budget for all the public schools, and making sure that facilities are adequate for the schoolchildren.

The key body for county government remains the **county commission**, which was first established by the 1868 constitution. County commissioners are elected by the people, usually for four-year terms. The number of county commissioners varies considerably in each county. Most counties, though, have an odd number to keep tie votes from occurring. Only in Jackson County is the chair of the commission elected by the voters; otherwise, the commissioners choose the chair. In about one-third of the counties, the commissioners represent *districts*, specially designated sections of the county. In half, the commissioners are elected “at large.” That means that all the voters in the county choose all the commissioners. The rest of the counties have both district and at-large representatives.

The commission has a wide range of responsibilities, from overseeing the **budget** (the plan for receiving and spending money) for the schools, to monitoring the effectiveness of law enforcement, to the administration of recreation facilities. Almost all of these services are paid for by property taxes, just as in the cities. Citizens of municipalities pay property taxes to both the city and the county.

Map 32 North Carolina Counties

Map Skill: What is the county seat of your county?





Above: The state senate chamber is on the second floor of the east wing of the North Carolina Legislative Building. **Opposite page:** The General Assembly met here in the State Capitol from 1840 until 1963.

The Structure of State Government

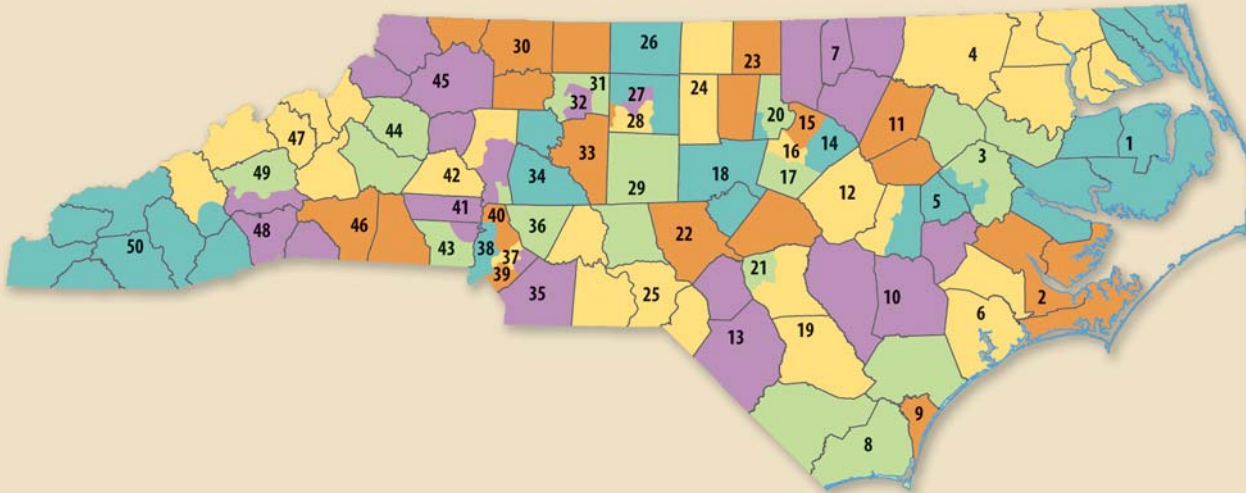
The organization of North Carolina's state government has not changed drastically since the writing of the state constitution of 1868. With the constitution of 1971, the state reorganized state government to make it more effective.

Like the national government, North Carolina's state government has three branches: the executive, the legislative, and the judicial. These three branches of government have been present since colonial times. Since the War of Independence, however, the legislative branch has been the dominant one. Compared to most American states, the governor of North Carolina is a relatively weak office. For a long time, the governor could only serve one term. In addition, the people have a strong say in who rules them in North Carolina. Officials in all three branches of government are elected by the people for specific terms, even some of the assistants to the governor.

The Legislative Branch

The legislative branch is the lawmaking branch of government. Every two years, the voters of North Carolina choose the entire membership of the General Assembly, the legislature of the state. The Assembly is divided into two houses: the house of representatives and the senate.





Map 33 North Carolina State Senate Districts

Map Skill: In which senate district do you live?

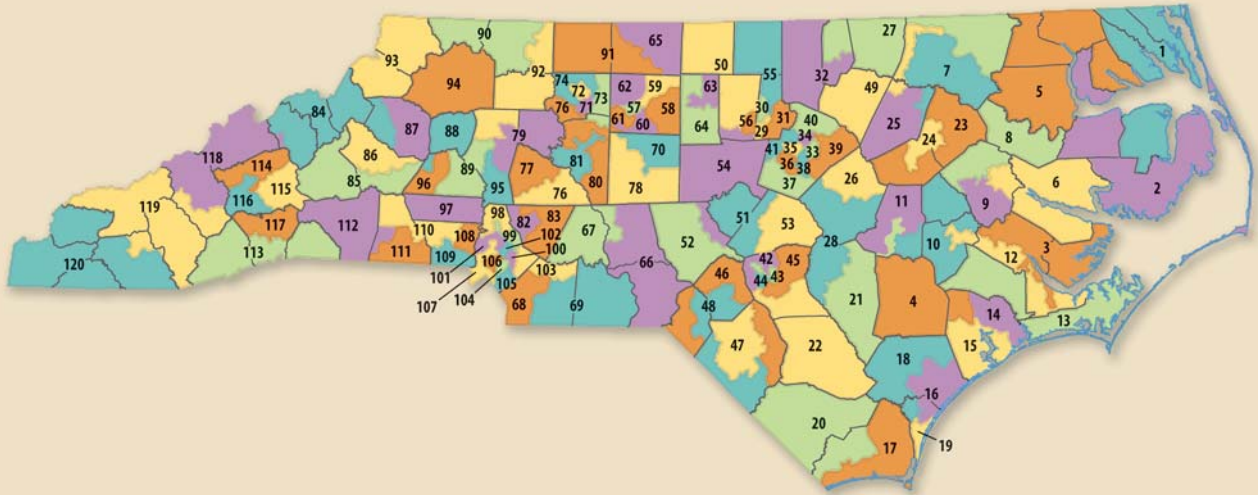
The membership of each house of the General Assembly has remained the same since 1868. There are 50 senators and 120 representatives, as they are called. Because there are fewer than half as many senators, senate districts tend to be larger than those of representatives. Thus, it is assumed that they have larger responsibilities. In contrast, it is assumed that the smaller house districts keep the representatives “closer to the people,” since they have fewer of them to serve. These ideas are based upon the American concept of *checks and balances*. The senate and the house are supposed to check one another’s ideas and balance out their actions.

The General Assembly meets each year. One year is the “long session,” which can last much of the year. The following year is the “short session,” designed to last a month or so to handle pressing needs of the state. Assembly members are “citizen-legislators.” They are expected to serve the people and have an independent means of livelihood. North Carolina legislators make a little over \$13,000 a year, plus their daily expenses while they are actually doing their duty. When the legislature is in session, the legislators are in Raleigh from roughly noon Monday to noon Friday. While the legislature is out of session, members still come to Raleigh to hold committee meetings.

A typical workweek for a legislator involves a series of committee meetings about **bills** (proposed laws) and a daily session of each branch of the Assembly. Most members belong to four or more committees. When the legislature is in session, some sort of bill is debated or voted on most

Did You Know?

Elections for members of the General Assembly are held in even-numbered years.



days. Each member is able to speak on any bill coming before the house of which he or she is a member. Each member is also expected to vote “yea” or “nay” when each bill is brought to a vote. Legislators can propose bills that address either the needs of the state as a whole or the special requests or needs of their **constituents** (the people of the legislator’s district). Legislators also get help writing bills, to ensure that the language is correct and does not violate current laws.

The biggest bill each session is the state budget, which is submitted every two years. As much as half the time in the legislature is spent figuring out who will get how much money. The budget items range from the public school system to highway maintenance to special spending on things like museums or programs in individual counties.

The General Assembly of the early 2000s more closely resembled the people of North Carolina than at any other time in the state’s history. Since the civil rights movement, both blacks in general and women in particular have served in the General Assembly. More than five hundred black citizens have been elected to various state offices between 1965 and 2002.

Mickey Michaux of Durham, an African American, served for more than twenty years in the state house, from the 1980s to the 2000s. Ruth Easterling of Charlotte served for more than thirty years. By the 2000s, Ronnie Sutton of Robeson County was the only Native American in the legislature, and Daniel McComas of New Hanover County had become the first Hispanic.

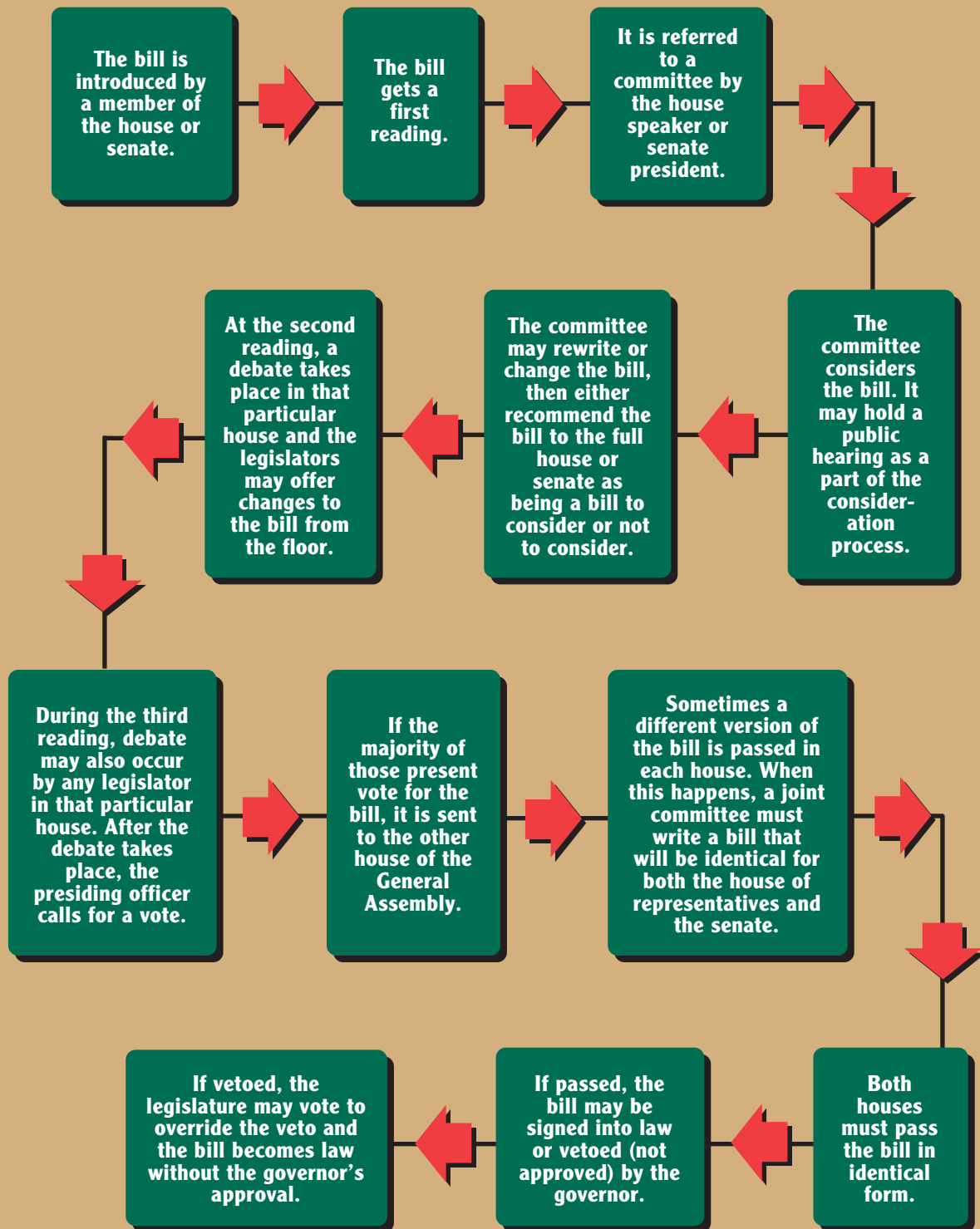
Did You Know?

Only about one in six bills ever gets passed during a legislative session. On average, more than three hundred bills are presented to the various committees.

Map 34 North Carolina State House Districts

Map Skill: In which house district do you live?

Figure 37 How a Bill Becomes Law in North Carolina





The Executive Branch

The executive branch enforces the laws of the state. The governor is the head of the executive branch.

Since the 1970s, the governor of North Carolina can serve more than one term. Since the late 1990s, the governor has had veto power, the ability to deny passage of legislation. These two abilities strengthened the role the governor played in North Carolina politics. However, our governor is often weaker than his or her counterpart in other states. For example, the governor can veto the state budget as a whole, but cannot veto a portion of it (called a line-item veto).

In addition to administering the laws passed by the legislature, the governor in North Carolina is charged with making sure that the state government spends the public money in the way set out in the budget and tends to the needs of citizens as they arise. For example, Governor Jim Hunt was immediately on the scene when so many Coastal Plain citizens lost their homes during Hurricane Floyd in 1999. Hunt coordinated all state agencies in the effort to help and worked to gain federal aid for the victims.

The governor also prepares a budget to present to the legislature each session. Since the governor is the most visible of state officials, his budget starts the public debate about how the state should spend the people's money. The governor's spending plan for the state has been helped by the veto power.

Above: For more than a century, the Executive Mansion has been home to the governor and the governor's family. The house, located just three blocks from the State Capitol, has often been remodeled. Around the house are planted flowers and trees native to the state.

Figure 38 The Council of State

Lieutenant Governor	Serves if the governor can no longer hold office
Attorney General	Handles the state's legal needs
Secretary of State	Oversees the registration of businesses and other public groups; keeps the state's official papers
State Treasurer	Receives state revenues (monies); pays the state's bills
State Auditor	Official state bookkeeper
Commissioner of Insurance	Enforces insurance laws
Commissioner of Agriculture	Helps farmers and consumers of farm products
Commissioner of Labor	Tends to the health and safety of the state's workers
Superintendent of Public Instruction	Chief administrator of the state's public school systems

Did You Know?

The Department of Public Instruction is in charge of textbooks, curriculum, and the “EOGs,” the end-of-grade testing that was put into place in the 1990s.

The governor is also in charge of the various government departments in the state. His assistants include elected and appointed officials. Since 1868, North Carolina has kept tightly to a tradition of spreading out the power and the workload of its public officials. Nine state officials, who are elected directly by the people to perform specific tasks, make up the **council of state**.

The governor has direct control over a group of departments that were created in 1971: commerce, cultural resources, transportation, environment and natural resources, correction, and human resources. Each of these departments is headed by a secretary appointed by the governor. Almost all state offices are organized under divisions administered by a council of state member or an appointed official. The Department of Labor, for example, inspects elevators in every building in the state to ensure they are being maintained. The department also is in charge of making sure that all workers in the state are properly paid what they are legally owed by their employers.

The most recent department, created in 2000, is the Department of Juvenile Justice and Delinquency Protection. The purpose of the department is “to prevent and reduce juvenile crime” through a series of programs throughout the state.

The Judicial Branch

The judicial branch, the third branch of state government, is headed by the chief justice of the state supreme court. The judicial branch oversees four types of courts in the state.

At the bottom are the **district courts** that meet in each county. These courts generally handle traffic violations and domestic and civil disputes. Next up are the **superior courts**, which also meet in each county. The superior courts handle cases sent to them by the district courts and more

serious crimes that may involve felony charges. (A *felony* is a serious crime such as murder that is punishable by death or imprisonment of more than three years.) Those convicted in superior court generally have a right to take the case to a higher court (appeal). The **court of appeals** decides if there is a basis for the appeal. The **supreme court** of the state, the highest court, sits as a body to decide if the law was properly executed in the case at hand. It does not decide guilt or innocence of the victim. Rather it judges whether the state did its constitutional duty in being fair and firm in the protection of the rights of both the accused and, where need be, the victim.

Just as North Carolina traditionally has not placed too much power in the hands of any individual, so it restricts its judges at all levels to elected terms of office. Every judge in the state must run for office. At the court of appeals and supreme court levels, it is a statewide election.

The state court system also is in charge of clerks for most of the courts (except for the clerk of court in each of the counties) as well as the prosecutors and other minor officials. The state has also kept the office of magistrate, which dates to the time of the Albemarle settlement. Magistrates are appointed to handle small claims like worthless checks.



Above: The North Carolina supreme court administers all the court systems of the state as well as decides questions of constitutional rights for state citizens.

Citizen Volunteers

North Carolina also has hundreds of citizens throughout the state who lend their expertise to boards, commissions, and other advisory groups. The State Medical Board, for example, examines the credentials of physicians who wish to practice medicine in the state. The State Board of Education approves the policies that affect the quality of education across the state. Even the history highway markers shown in this textbook were first proposed by citizen groups from across the state. They were researched by state officials and approved by an advisory committee made up of historians from various colleges. Only then could the signs be made that teach state residents about their heritage. Other citizens volunteer their spare time to do anything from tutoring in schools to being greeters at museums.

It's Your Turn

1. What is the governing body for North Carolina counties?
2. What are the two houses of the General Assembly?
3. What is a budget? Who prepares it for the state government?
4. What is the highest court in the state?

CAROLINA PLACES

Joyce Kilmer Memorial Forest

Very few places in North Carolina are what scientists call “old growth forests,” where humans have not come and cut down the original trees. One of the most beautiful old-growth stands is the Joyce Kilmer Memorial Forest. It is located at the very tail of the state, in the rugged mountains of Graham County. Since 1936, it has been protected, and nature has been allowed to take its course. Foresters call it the best example of what a mountain cove forest looked like to the Cherokee and early white settlers.

By the early twentieth century, the North Carolina mountains had lost much of their original character. Most of the forests had been logged. Because Graham County was so hard to get in and out of, loggers made less money. Therefore, they left alone about 4,000 acres near the Unicoi

Below: The kind of cove forest the first Native Americans would have seen in North Carolina is still alive and thriving at the Joyce Kilmer Memorial Forest.



Mountains. During the New Deal era, officials looked to curb erosion and soil depletion by planting trees. When a government official discovered one of the very few “tracts of virgin hardwood in the Appalachians” west of Robbinsville, he got officials to buy the land immediately. The government even paid \$28 an acre for land then worth \$4 an acre, to keep the loggers from getting it.

Federal forestry officials named the stand of trees for Joyce Kilmer, author of the well-known poem, “Trees.” Many schoolchildren have learned the famous first line of the poem: “I think that I shall never see a poem lovely as a tree.”

Visitors to the forest almost always agree. At some places, the hemlocks rise up so high that the first row of branches is thirty feet off the ground. Oaks and maples also grow tall here. The most famous spot is in a small depression called Poplar Cove, where a group of yellow poplars are more than 100 feet high. Some of them measure at least 20 feet in circumference at their base. Few poplars anywhere else in the world are as large or as old. Scientific measurements tell us that some of them were saplings when the Roanoke Colony was being established in 1587.

Since 1975, the area has been protected by the federal government as the Joyce Kilmer-Slickrock Wilderness Area. More than 17,000 acres are left to mature and change just as forests did before humans depleted them. Visitors cannot even bring a bicycle into parts of the wilderness, much less a car. Trails are minimally marked, just like it was when the first explorers came to the area more than a thousand years ago.



Above: Visitors to the Joyce Kilmer Memorial Forest can look up the sides of trees for more than a hundred feet before they see the first branches, so old are some of its trees. This trunk is almost twenty feet around at the base.