

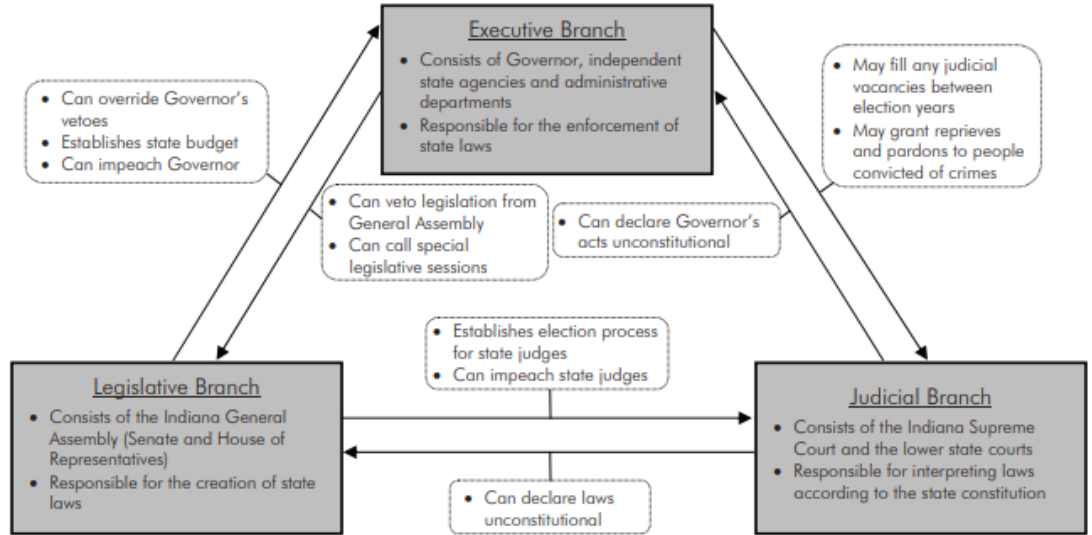
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Structure and Function of the Indiana State Government: An Overview

The U.S. Constitution creates the basic structure of the federal government, the structure of state governments is left to the individual states. Indiana chose to set up a state government that looks like the three-branch system of the federal

government. The Indiana Constitution in Article 3, Section 1 establishes the state's organizational pattern in these words: *"The powers of government are divided into three separate departments: the legislative, the executive including the administrative and the judicial."* Indiana's

state government also features various checks and balances, as shown in the figure below.



Check and Balances Summary

Branch Checking	Branch Being Checked	Check(s)
Legislative	Executive	
Legislative	Judicial	
Executive	Legislative	
Executive	Judicial	
Judicial	Executive	
Judicial	Legislative	

Indiana Constitution Article 4 – Legislative Branch

Indiana's legislative branch is commonly referred to as the Indiana General Assembly. It has the power and duty of making the state laws that affect the daily lives of Indiana citizens.

The General Assembly has the power to enact all types of laws not specifically prohibited to it by the state constitution and not in conflict with federal laws and powers (those delegated to the federal government by the United States Constitution). In exercising its powers, the General Assembly has delegated certain legislative powers – those related to the management of local affairs and the levying of local taxes – to county councils, township boards, city common councils and town councils.

Makeup of the General Assembly

The Indiana Constitution provides that the General Assembly shall consist of a Senate not to exceed 50 members and a House of Representatives not to exceed 100 members, with members of both chambers chosen by popular election from legislative districts. The legislature has taken advantage of the maximum number of members allowed and is currently composed of 50 senators and 100 representatives.

General Powers

The state legislature has a number of general powers. It determines the types of taxes and rates that will be levied on citizens and businesses for state purposes. It can create and abolish agencies of state government. It determines, through its budget-making powers, how much will be spent for each of the many government services. It prescribes the procedure for nomination and election of state and local government officials.

The General Assembly also sets the rules for operation of Indiana's local governments – the counties, cities, towns and townships. It can authorize or prohibit various types of local taxes. It determines the amount of state-collected tax funds to be distributed to the units of local government for schools, highways and other purposes and designates the basis on which these funds are to be distributed.

Specific Powers

In addition to the general grants of power and the limits under which the legislature functions, the state constitution grants the General Assembly certain specific powers including the following:

- Power to deprive any person convicted of an infamous crime of the right to vote
- Power to provide by law for the election of all judges of courts of general and appellate jurisdiction
- Power of either house to punish its members for disorderly behavior and, by a two-thirds vote, to expel a member
- Power of either house to punish by imprisonment any person not a member of the legislature who is found guilty of disrespect to the house by disorderly and contemptuous behavior
- Power by joint vote of both houses, in the event of a tie, to vote between candidates for governor and for lieutenant governor
- Power to impeach any state officer for crime, incapacity or negligence, either by a joint resolution or through an impeachment proceeding brought by the House of Representatives and tried by the

Indiana Constitution Article 5 – Executive Branch

Constitutional Powers

The Indiana constitution states that the executive power shall be vested in a governor who is “to take care that the laws are faithfully executed.” The governor is commander-in-chief of the state’s National Guard “to execute the laws, to suppress insurrection or to repel invasion.” The governor may recommend legislation to the General Assembly, call special sessions of the legislature and veto any bill passed by the legislature. (A veto may be overridden by a subsequent simple majority vote of the Senate and House.) By constitutional provision, the governor has the authority to fill vacancies in any state administrative office and in the offices of judge, clerk of any court or prosecuting attorney. Additionally, the governor may grant reprieves and pardons to people convicted of state offenses

Statutory Powers

- Acting upon petitions for remission of fines and bond forfeitures
- Approving or disapproving state employee applications for out-of-state travel permits
- Appointing judges to vacancies in the state high courts and a substantial number of county and municipal courts
- Signing all deeds conveying state property
- Certifying the nominations made by political parties at state and national conventions to county clerks
- Acting upon claims against the property of wards of the state for their maintenance
- Supervising state-owned property
- Acting upon all purchases in executive departments
- Deciding which holidays will be observed by closing state offices
- Appointing most of the department heads in the state government
- Submitting the state budget report and proposed appropriation bills to the General Assembly
- Exercising general direction and control over the state Department of Homeland Security and, in the event of disaster or emergency beyond local control, assuming direct operational control over emergency response functions within Indiana; also, in the event of an extreme emergency, the governor is authorized to establish a temporary location of state government outside Indianapolis
- Appointing members to the various state commissions
- Appointing the majority of trustees for Ball State University, Indiana State University, Indiana University, Ivy Tech State College, Purdue University and the University of Southern Indiana; and appointing 10 out of the 14 board members for Vincennes University
- Having the authorization to activate a state guard when all or any part of the Indiana National Guard is in active federal service
- Having the authority to grant pardons
- Receiving and acting on all bills that come before him or her during sessions of the legislature; the governor must act on the bill within seven days after presentment; if the governor does not act within seven days, the bill becomes law.

Indiana Constitution Article 7 – Judicial Branch

Indiana’s Constitution provides for the mechanism to establish justice, maintain public order and perpetuate liberty through, among other things, a system of courts. For example, the “due course of law” provision in the constitution’s Bill of Rights (Article I, Section 12) states:

“All courts shall be open; and every person, for injury done to him in his person, property or reputation, shall have remedy in due course of law. Justice shall be administered freely and without purchase; completely and without denial; speedily, without delay.”

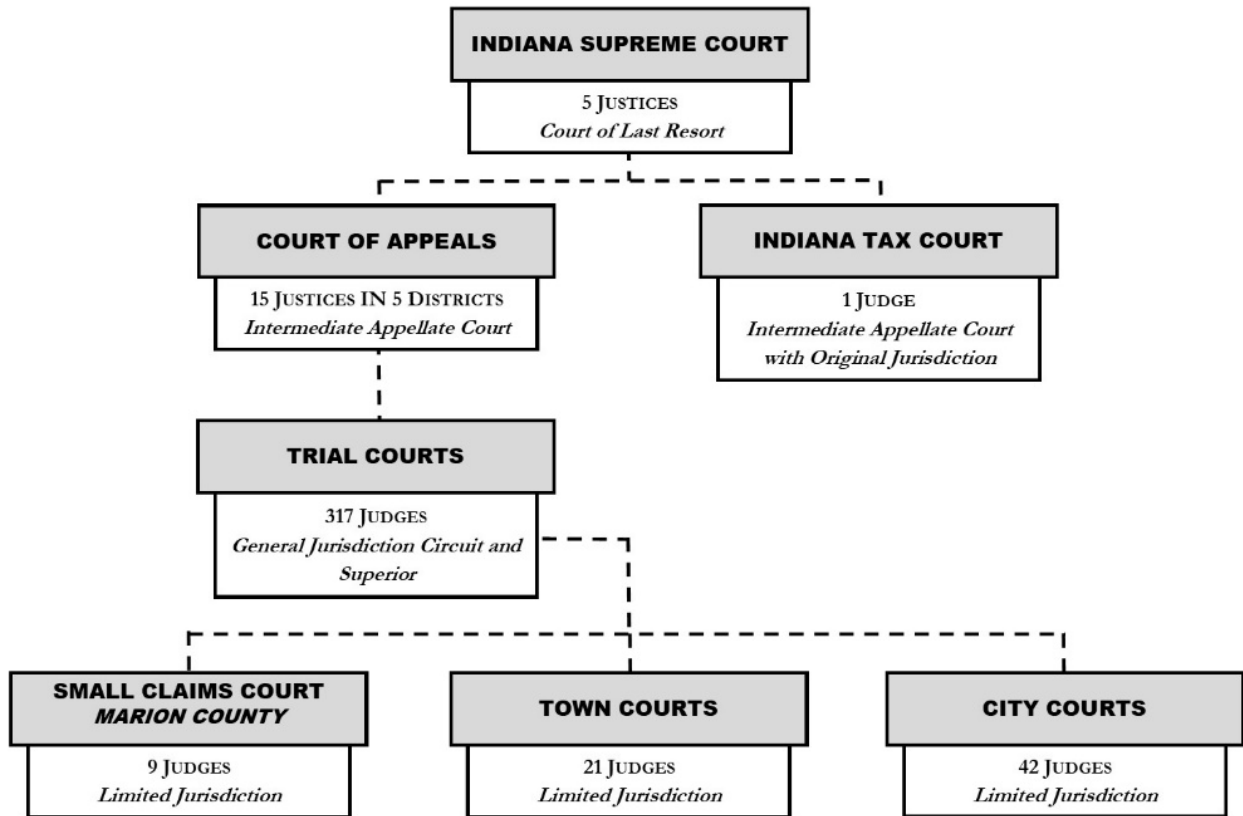
In addition, Section 13 of Article I states:

“In all criminal prosecutions, the accused shall have the right to a public trial, by an impartial jury, in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusations against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.”

The state’s judicial system is established very simply in Article VII, Section 1:

“The judicial power of the state shall be vested in one Supreme Court, one Court of Appeals, Circuit Courts and other such courts as the General Assembly may establish.”

The additional courts established by the General Assembly include the Indiana Tax Court, which sits in Indianapolis but has a statewide jurisdiction, and local trial courts (superior, small claims and probate). The Indiana Tax Court is funded by the state, whereas principal funding for local courts is by the counties, cities, or towns. Rules adopted by the Indiana Supreme Court govern the conduct of all courts in the state and the ethical standards of Indiana judges.



Legislative Branch	Executive Branch	Judicial Branch
<i>ONE SENTENCE SUMMARY:</i>	<i>ONE SENTENCE SUMMARY:</i>	<i>ONE SENTENCE SUMMARY:</i>
FIVE SPECIFIC POWERS	FIVE SPECIFIC POWERS	THREE SPECIFIC POWERS
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	
5.	5.	
NAME A COMMON POWER SHARED WITH THE NATIONAL GOVERNMENT	NAME A COMMON POWER SHARED WITH THE NATIONAL GOVERNMENT	NAME A COMMON POWER SHARED WITH THE NATIONAL GOVERNMENT

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