

## Structure of State Government

### Lagniappe

The election for governor is held in the odd-numbered year before a presidential election—for example, in 2007, 2011, and so on.

As you read, look for:

- the structure of Louisiana’s government,
- the responsibilities of each branch of government,
- how a bill becomes law, and
- vocabulary terms **checks and balances**, **veto**, **executive branch**, **governor**, **budget**, **lieutenant governor**, **attorney general**, **secretary of state**, **treasurer**, **legislative branch**, **bicameral**, **census**, **reapportionment**, **speaker of the house**, **president of the senate**, **constituent**, **bill**, **judicial branch**, **civil law**, **criminal law**, **jury**, and **taxes**.

**Figure 8**  
**Branches of State Government**

Branch	Responsibility
Executive	Implements and enforces the laws passed by the legislature
Legislative	Makes laws
Judicial	Interprets and applies the constitution and laws of the state

Louisiana’s constitution follows the pattern of the U.S. Constitution, with three branches of government and separation of powers among these branches. Like the United States government, the powers of the state government are divided among the executive, the legislative, and the judicial branches.

This arrangement creates a system of **checks and balances** so that each branch can use its powers to protect the rights of the people. The powers of each branch are balanced by the powers of the other two branches. Each branch has checks (controls) to keep the other branches from misusing their powers. Each branch has the primary

responsibility for some functions of the government. But all branches share the power and no branch can function without the others.

As part of the system of checks and balances, the governor can **veto** (refuse to approve) bills passed by the legislature. The governor can also use a line-item veto on any part of the budget passed by the legislature. This means the governor can oppose specific items the legislature wants in the budget. The one kind of legislation that the governor cannot veto is a proposed constitutional amendment. Also as part of the checks and balances, the legislature can override the governor’s veto, but it must do so by a two-thirds vote.



The judicial branch also acts to limit the power of the other two branches. If the legislature passes a law that some citizens consider unconstitutional, the Louisiana supreme court must decide if the law follows the state and federal constitutions. This power of *judicial review* is an important part of the system of checks and balances.

## Executive Branch

The **executive branch** implements the laws passed by the legislative branch. This branch also operates the state government and oversees state services.

The chief executive officer of the state is the **governor**. There are other elected officials in the executive branch: lieutenant governor, secretary of state, treasurer, attorney general, commissioner of agriculture and forestry, and commissioner of insurance.

## Governor

The governor of Louisiana must be at least twenty-five years old and a citizen of the United States and Louisiana for at least five years. The governor is elected for a four-year term and can serve two consecutive (back-to-back) terms.

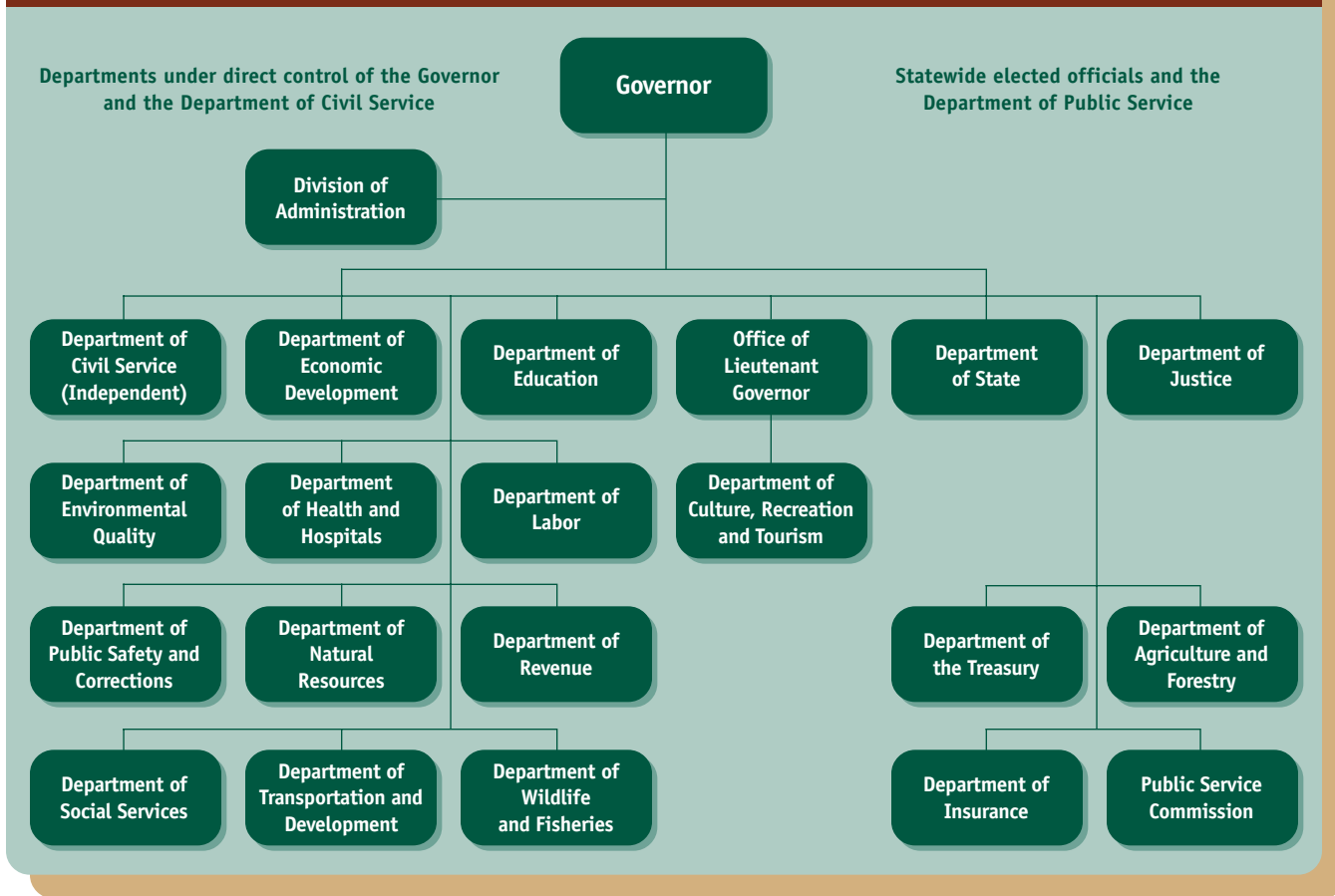
One of the governor's important duties is to prepare and submit a **budget** to the legislature. This plan sets out how money should be obtained and spent by the state government. In this way, the governor influences the way the state spends its money.



**Top:** The Louisiana Governor's Mansion is one of the most beautiful in the nation.

**Above:** Governor Kathleen Babineaux Blanco of Lafayette was elected in 2003.

**Figure 9 Organization of the Executive Branch**



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At the secretary of state's web site, you can get the results of statewide elections back to 1986.

The governor appoints citizens to hundreds of boards and commissions. These appointments give the governor power and influence. The executive branch can also influence the legislative branch through *administration bills*, laws the governor wants passed. Legislators who support the governor introduce these bills in the legislature.

The governor can also call *special sessions* of the legislature to discuss specific subjects. These special sessions are usually called when the governor believes the state has a need that cannot wait until the regular legislative session. In recent years, special sessions have dealt with Medicaid funding problems, the New Orleans land casino, and budget problems.

The salary of the governor is not as much as that paid to the heads of large businesses, but the job has other benefits. The governor's mansion and staff, a car and driver, and bodyguards are all provided.

### Lieutenant Governor

The **lieutenant governor** serves much like a public relations officer for the state. The State Department of Culture, Recreation and Tourism is headed by this elected official.



Being the lieutenant governor of Louisiana is somewhat like being the vice president of the United States. If the governor is out of the state, the lieutenant governor acts as governor. According to the constitution, if the governor leaves office or is unable to act, the lieutenant governor becomes governor.

## Attorney General

The **attorney general** heads the state's legal office, the Department of Justice. The attorney general provides opinions on questions of law to all state agencies and other government groups. The attorney general can also bring legal action on behalf of the state. In the late 1990s, the Louisiana attorney general joined with forty-five other states to sue tobacco companies to recover the costs of treating smoking-related illnesses.

The Louisiana attorney general also defends Louisiana laws if they are challenged in the federal courts. That might happen if the legislature passes a law that a citizen thinks is a violation of the U.S. Constitution. For example, in a 1975 case, *Taylor v. Louisiana*, the U.S. Supreme Court ruled that the state had to call women to jury duty in the same way men were called. Before this ruling, Louisiana juries were mostly men. The U.S. Supreme Court said state law violated the right to have a jury from a cross section of the community.

## Secretary of State

The **secretary of state** is the chief election officer for Louisiana. All duties connected with elections are now supervised by the secretary of state. Some of those duties had been handled by an elected commissioner of elections, an office eliminated in 2003.

The secretary of state also keeps Louisiana's official records and publishes the acts and journals of the legislature. The secretary of state is the keeper of the Great Seal of the state of Louisiana, which is used to give official approval to documents.

All of Louisiana's official records are now preserved at the State Archives Building in Baton Rouge. These records include some of Louisiana's historic legal documents.

## Treasurer

The elected head of the Department of the Treasury, the state **treasurer** is in charge of the state's money. The treasurer keeps records of the state's income and expenses. State money not needed immediately must be invested. The law requires the treasurer to give the governor and the legislature a yearly financial report, one month before each regular session of the legislature. The treasurer also returns unclaimed property to citizens.

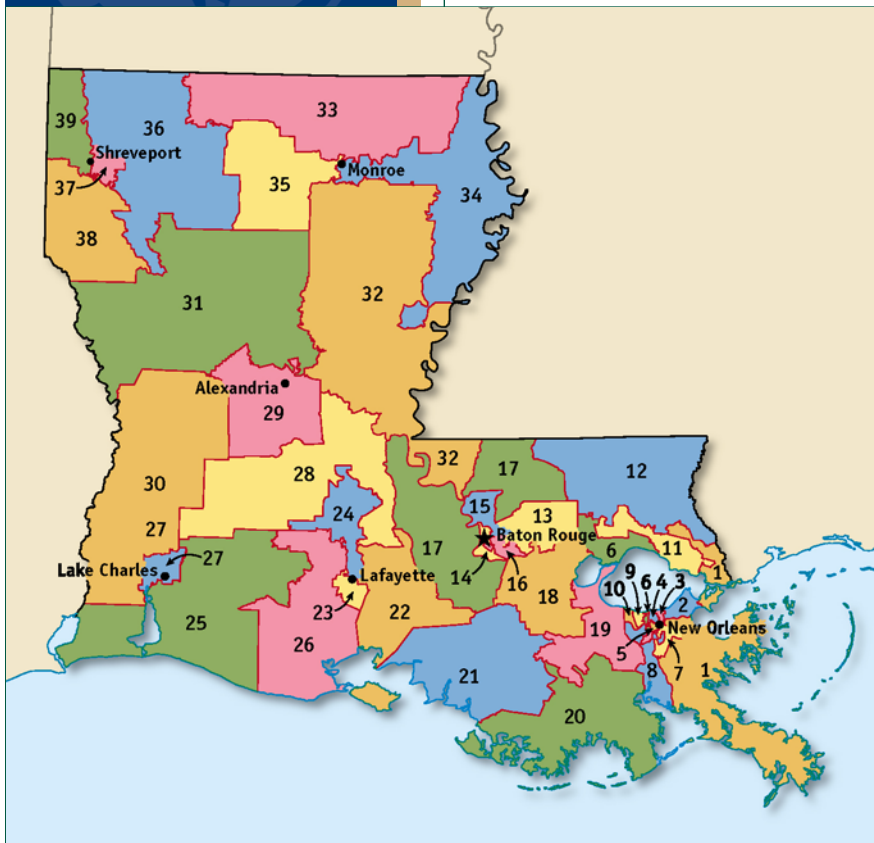


**Above:** Lt. Governor Mitch Landrieu was elected in 2003.

A legislator is a member of the legislature.

## Map 15 Louisiana Senate Districts

**Map Skill:** In which senate district do you live?



## Other Elected Officials

Louisiana voters also elect other statewide officials. The *commissioner of agriculture* promotes Louisiana agriculture and forestry and oversees soil and water conservation. The *commissioner of insurance* enforces the insurance laws passed by the legislature.

Two state boards have elected members. The five-member Public Service Commission regulates public utilities such as telephone, electric, natural gas, and water companies. The purpose of this commission is to ensure that consumers are charged fair rates and receive adequate service.

The Board of Elementary and Secondary Education (BESE) supervises education in Louisiana and appoints the *state superintendent of education*. The governor appoints three of the members of this board, and the other seven are elected from special districts.

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The Louisiana BESE was created in 1973.

## Legislative Branch

The **legislative branch** makes laws for the state of Louisiana. Like the United States Congress, Louisiana's legislature has two bodies—the house of representatives and the senate. This legislative model is called **bicameral** and means “two chambers.” (*Camera* is the Latin word for “chamber.”) The purpose of this plan is to limit the power of each group. If one chamber proposes a bill, the other chamber must also approve it before it can become a law.

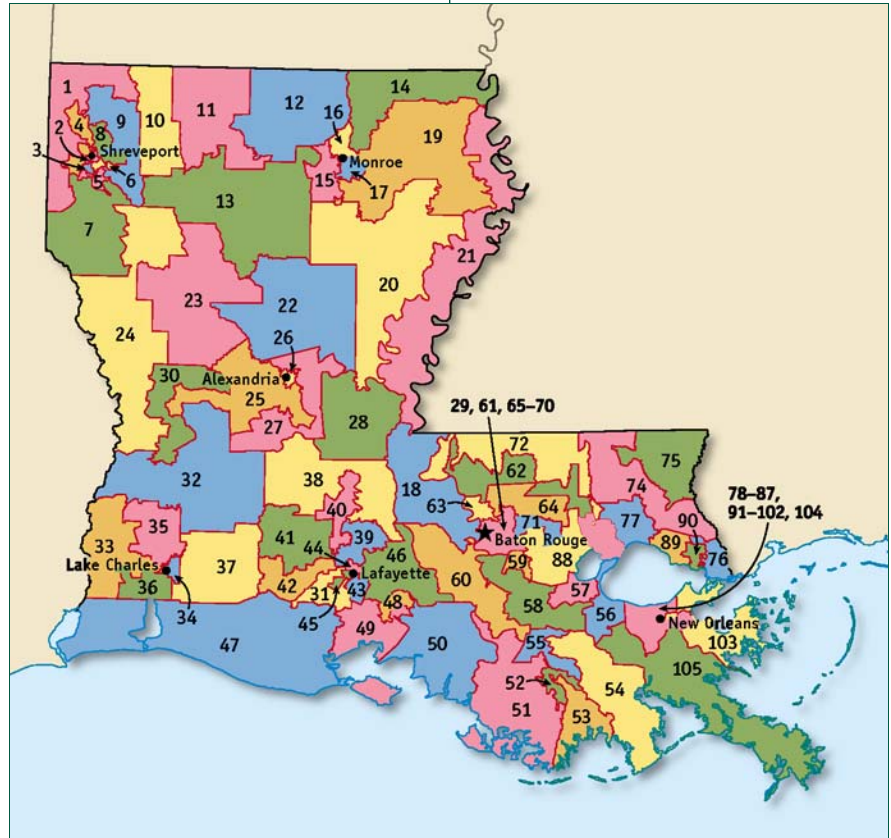
The Louisiana legislature has 144 members, the number set by the constitution. There are 39 senators and 105 representatives. Each is elected from a geographic district based on population. One member is elected from each district.

New districts are redrawn after each United States **census**, the official population count done every ten years. Revising the district lines based on the new population numbers is called **reapportionment**. Each district must include approximately the same number of people. This means the district lines must change if the population has changed. While the district lines may change, the num-

ber of senators and representatives is set in the constitution.

In its 1962 *Baker v. Carr* decision, the U.S. Supreme Court ruled that state legislatures' voting districts must be based on population, not just geography. That decision became known as the "one-man, one-vote ruling."

Before that ruling, districts were usually based on land area; in Louisiana, the districts had been based on parishes. A representative from a rural district acted on behalf of a small number of people, and a representative from a city district acted for many more people. Yet they each had one vote in the legislature. This meant the voters did not receive equal representation; rural districts had more influence.



## State Legislators

Anyone old enough to vote is old enough to be elected to the Louisiana legislature. The candidate must be a registered voter, at least eighteen years old, and a resident of the state for at least two years and of the district for at least one year. Legislators are elected to four-year terms. In 1995, Louisiana voters approved a term limit amendment to the state constitution. Legislators can serve twelve years, which is three elected terms. Supporters of term limits say this keeps legislators from getting too powerful. Opponents of term limits say this takes the choice away from the voters.

## Legislative Sessions

The legislature meets every year. In even-numbered years, the legislature meets for 30 days during a 45-day period. Tax bills can only be passed in even-numbered years. In odd-numbered years, the legislature meets for 60 days over an 85-day period.

Members of each chamber elect officers to preside over the sessions. The house of representatives elects a **speaker of the house**. In the state senate, the elected leader is called the **president of the senate**. Vice chairs (chairpersons) are also elected and are called the *speaker* and the *president pro tempore*. (This Latin term means "temporary.")

The legislators propose bills and then take a break to visit their districts to hear from their **constituents** (the people they represent). When they return to the capital, they debate and vote on the bills.

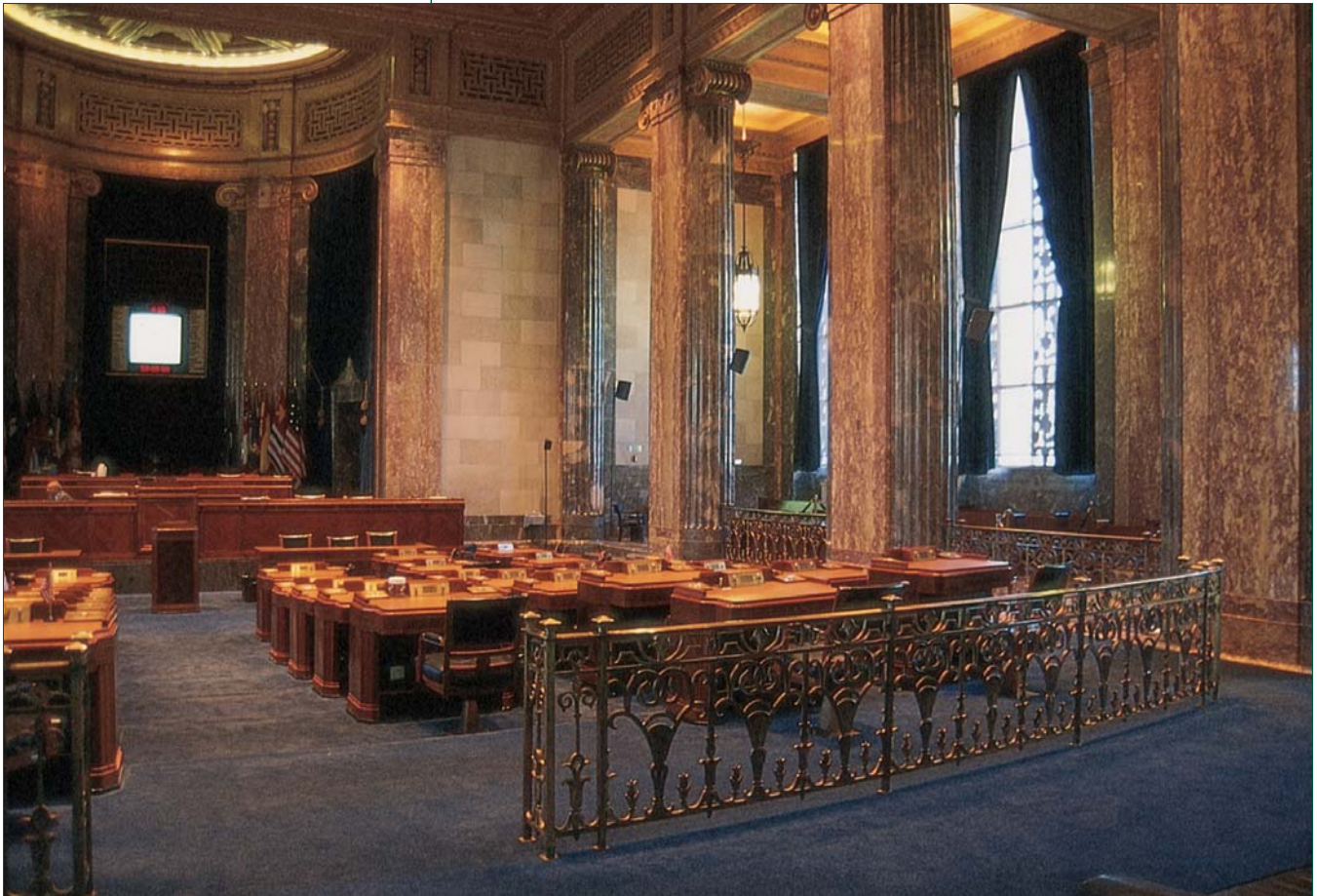
## Map 16 Louisiana House Districts

**Map Skill:** In which house district do you live?

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The first U.S. Census was taken in 1790. It took 18 months and counted 3.9 million inhabitants.





**Above:** The state senate chamber has been the scene of many political debates. The state house and senate chambers are at opposite ends of the Capitol lobby.

## Law Making

The legislature writes and approves laws. Proposed laws, called **bills**, may be introduced in either chamber of the legislature. A bill becomes law only when it is approved by both the house and the senate and is signed by the governor. About 2,500 bills are introduced in a session. Only about one-third of those become laws. When a bill becomes law, it becomes a numbered act of the legislature.

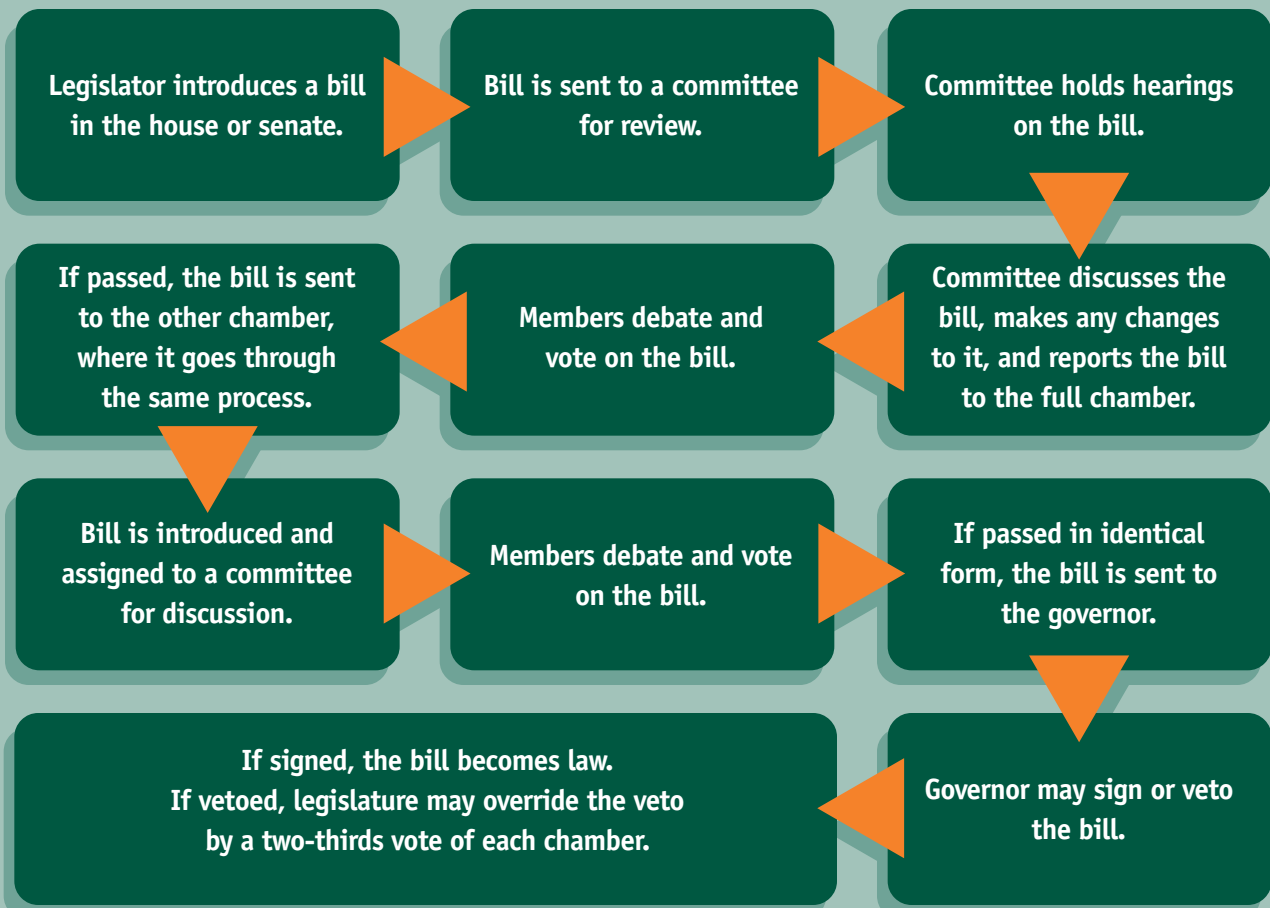
Legislative committees study and debate the proposed laws. Some of the committees are permanent. These *standing committees* include education, finance, health and welfare, natural resources, environment, insurance, and transportation. Other committees are temporary, appointed for a special purpose. Committees and committee chairs are appointed by the speaker of the house and the president of the senate. Each legislator serves on at least one committee.

Suppose that a bill is introduced in the senate. It is assigned to a senate committee, either standing or temporary, for discussion and debate. The committee may hold hearings so that

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New laws take effect on the 60th day after the end of a legislative session.

**Figure 10 How a Bill Becomes Law**



interested persons can testify (speak) about the bill. After the hearings, the committee members vote to (1) approve the bill and send it on to the full senate for consideration, (2) amend the original bill, or (3) kill it. If the bill is approved by the full senate, it is sent to the house of representatives, where the entire process is repeated. If either chamber votes no, the bill is dead.

A bill must pass both chambers in exactly the same form if it is to become law. If the versions of the bill passed by each chamber are different, the two versions are sent to a conference committee. The *conference committee* contains members from both the senate and the house. They work out the differences and return the revised bill to both chambers for another vote.

After the legislature passes a bill, it must be delivered to the governor within three days. The governor has ten days (twenty if the legislative session has ended) to act on the bill. The governor may sign the bill into law, veto it, or allow the bill to become law without signing it. The absence of the governor's signature is a way of showing his or her opposition to the bill.



## Judicial Branch

The **judicial branch** of government interprets and applies the constitution and laws of the state. The judicial branch also protects the rights of the citizens. The constitution states that no one shall be deprived of life, liberty, or property except by *due process of law*, which refers to the rules established by courts to protect a person's rights.

## Civil and Criminal Law

The laws of the state are divided into two categories. **Civil laws** deal with the relationships between and among individuals. A civil lawsuit asks the court to settle a dispute between two people or between an individual and a business or government. The legal matter is personal, not affecting all of society. Civil law covers such issues as citizenship, property rights, contracts, marriage, divorce, child custody, and inheritance.

**Criminal laws** protect society from the wrongdoing of an individual. The state brings criminal charges against an individual, and a trial determines guilt or innocence.

Less serious crimes are called *misdemeanors*; speeding is an example of a misdemeanor. Major crimes are called *felonies*; these offenses include murder and armed robbery. Crimes may be punished by fines, imprisonment, or even death. The penalty is based on the level of the crime.

The judicial branch has many elected and appointed officials. Laws are enforced by sheriffs, police, and city marshals. District attorneys and clerks of court also have important roles. A district attorney prosecutes criminal cases in district court. A clerk of court keeps the official records for a parish, much like the secretary of state does for the state.

## Louisiana's Court System

The state court system has three levels: district courts, courts of appeal, and the Louisiana supreme court.

The *district courts* are the main trial courts for the state, hearing both civil and criminal cases. Louisiana's second step in the judicial process is the *court of appeals*. (To *appeal* means to take a case to a higher court for rehearing.) If there is a legal question about the process or results of a case, it may be reviewed by the court of appeals.

### Map 17 Louisiana Supreme Court Districts

**Map Skill:** Why is District 2 so much larger than District 7?



Sometimes these cases are also appealed to the highest court in the state, the Louisiana supreme court. This court hears appeals from lower-level courts. If a lower court has declared a law unconstitutional, the supreme court must evaluate that decision. If a defendant in a criminal case has been sentenced to death, the case is always reviewed by the state supreme court.

## Juries

A citizen may go to court as a witness, as a participant in a civil lawsuit, or even as a person charged with a crime. But any citizen may also be called to serve on a **jury**. This group of citizens hears evidence on a legal case and makes a decision based on that evidence. Serving on a jury is an important responsibility. A person accused of a crime has the right to be tried before a jury of his or her peers.

Citizens may also serve on a *grand jury*. A grand jury consists of twelve citizens who serve for six months. These citizens are involved in the first step of legal action against an accused criminal. After listening to the district attorney, the grand jury must decide if there is enough evidence to *indict* a person (formally charge the person with a crime). A regular trial jury would then hear the evidence during the trial.

## Funding State Government

Governments need money to function. Louisiana, like other states and the federal government, gets this money in several ways. Planning for the needs of state government starts with a detailed budget.

### The State Budget

A budget is a detailed plan for receiving and spending money. Each year, the state government estimates how much money (revenue) it will collect for the year. Then the state can decide how to spend the money (distribute the revenue) to meet the needs of the state.

The governor prepares the budget and presents it to the legislature. Revenue and expenditures (amounts spent) must match because the state constitution requires a balanced budget. In other words, the state government cannot spend more than it takes in.

## Taxes

Much of the state revenue comes from taxes. **Taxes** are amounts charged citizens by their governments (federal, state, and local) to help provide government services. A *sales tax* is charged on items as they are purchased; it is the largest single source of tax revenue. An *excise tax* is imposed on specific products such as gasoline, alcohol, soft drinks, and cigarettes.

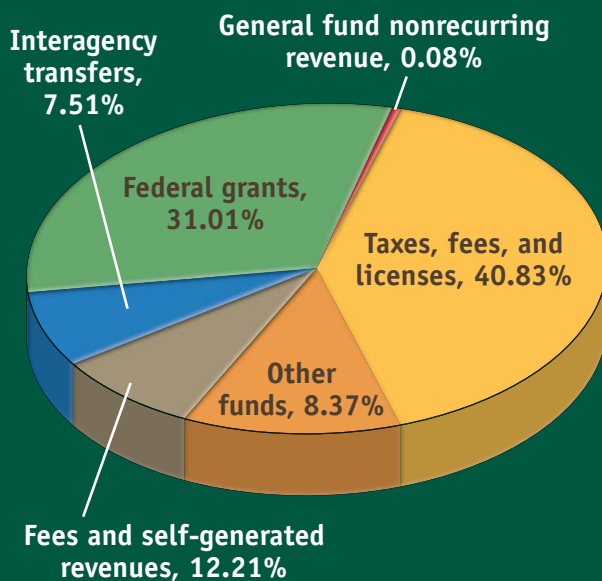
**Indict is pronounced to rhyme with kite.**



**Above:** Both civil and criminal cases are heard in parish courthouses, like this one in Alexandria in Rapides Parish.

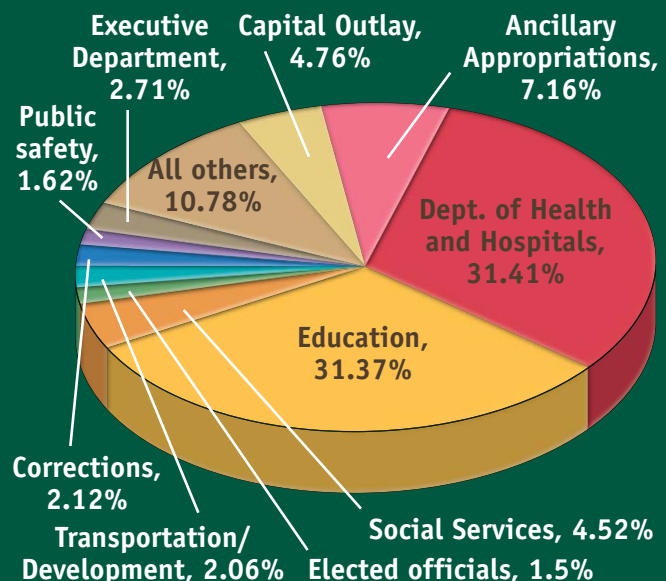
**Figure 11**

**Budget Revenues, 2004-2005**



**Figure 12**

**Budget Expenditures, 2004-2005**



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The budget is prepared for a *fiscal year*. Louisiana's fiscal year runs from July 1 to June 30.

Louisiana also has a *severance tax*, a charge for removing (severing) natural resources from the state. Louisiana's severance tax is imposed on timber and on minerals such as oil and gas. The severance tax is based on the idea that resources taken from the environment will not be available for future generations.

Individual citizens pay a state *income tax* each year. Louisiana businesses also pay income taxes. Other taxes include taxes on vehicles.

Louisiana has lower *property taxes* than most other states. One reason for this is the *homestead exemption*, which excuses part of the value of the home from the property tax. In other words, the homeowner pays property tax only on the value of a home above the level set by the homestead exemption. For example, with a \$75,000 homestead exemption, a home valued at \$100,000 would pay property tax on \$25,000.

### Other Sources of Revenue

In addition to taxes, the state receives other revenue. This includes fees such as drivers' licenses and business licenses. The state also earns interest by investing state funds.

Oil and gas royalties also bring more money to the state. Companies that extract these resources pay the landowner for them. Louisiana collects royalties from state-owned land. The state has won court disputes with two major oil companies about royalties owed on state land. The companies paid hundreds of millions of dollars to the state in these settlements.



Who owns the oil in the Gulf of Mexico? This dispute between the federal government and the state has gone on for years. The federal government claimed the land—and its valuable oil deposits—that was three miles or more off the coast. Louisiana considered this too close and said the three-mile limit would deprive the state of its fair share of the royalties. Congress finally settled this dispute in 1986.

From 1986 through 2001, the state received millions of dollars each year for past royalties. (The funds had been held until the issue was decided.) This money is called the *8g fund* because 8g is the federal law that established the royalty settlement. The money was invested in a special fund for education, called the Louisiana Education Quality Trust Fund.

Another special fund invested for Louisiana came from the settlement of a nationwide lawsuit against the tobacco industry. The money from this settlement is invested in the Millennium Trust Fund and is divided between health and education needs.

Louisiana and other states also receive money from the federal government. These funds help the state carry out programs required by Congress. Federal matching funds require the state to add money for the programs. About one-third of Louisiana's budget comes from federal funds.

The government also borrows money by selling bonds to investors. *Bonds* are a way to borrow money for projects that require more money than the state has available.

Another source of money for the state budget is *gaming*, the legal term for gambling. Louisiana has joined other states in holding weekly lotteries. Riverboat casinos also pay special taxes. The state receives huge revenues from these sources, but critics say problems make it a bad decision.



**Top:** Homeowners pay property taxes on the value of any real estate they own. However, the homestead exemption excludes a portion of a home's value from taxation. Owners of smaller homes, like this one in Cheneyville, may pay little or no property tax at all. **Above:** Natural resources, such as the timber shown here, that are removed from the land are subject to a severance tax.

## Check for Understanding ✓

1. What are two functions of the executive branch? The legislative branch? The judicial branch?
2. What are the two parts of the legislative branch?
3. What are the two categories of state law? What is the purpose of each?
4. What is meant by a balanced budget?
5. Name three kinds of taxes.