

Chapter 5

State Government

At the conclusion of this chapter, students will be able to:

1. Identify the structure of state government; and
2. Recognize the functions of state legislatures, governors, and the courts.

Louisiana **State** Constitution

Article I. Declaration of Rights



1. Origin and Purpose of Government

Section 1: All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.

2. Due Process of Law

Section 2. No person shall be deprived of life, liberty, or property, except by due process of law.

3. Right to Individual Dignity

Section 3. No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for crime.

4. Right to Property

Section 4. Every person has the right to acquire, own, control, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power.

Property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by any private entity authorized by law to expropriate, except for a public and necessary purpose and with just compensation paid to the owner; in such proceedings, whether the purpose is public and necessary shall be a judicial question. In every expropriation, a party has the right to trial by jury to determine compensation, and the owner shall be compensated to the full extent of his loss. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or halting competition with a government enterprise. However, a municipality may expropriate a utility within its jurisdiction.

Personal effects shall never be taken. But the following property may be forfeited and disposed of in a civil proceeding, as provided by law: contraband drugs; property derived in whole or in part from contraband drugs; property used in the distribution, transfer, sale, felony possession, manufacture, or transportation of contraband drugs; property furnished or intended to be furnished in exchange for contraband drugs; property used or intended to be used to facilitate any of the above conduct; or other property because the above described property has been rendered unavailable.

This Section shall not apply to appropriation of property necessary for levee and levee drainage purposes.

Amended by Acts 1989, No. 840, §1, approved Oct. 7, 1989, eff. Nov. 7, 1989.

5. Right to Privacy

Section 5. Every person shall be secure in his personal property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. No warrant shall issue without probable cause supported by oath or affirmation, and particularly describing the place to be searched, the persons or things to be seized, and the lawful purpose or reason for the search. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise its illegality in the appropriate court.

6. Freedom from Intrusion

Section 6. No person shall be quartered in any house without the consent of the owner or lawful occupant.

7. Freedom of Expression

Section 7. No law shall curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish his sentiments on any subject, but is responsible for abuse of that freedom.

8. Freedom of Religion

Section 8. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

9. Right of Assembly and Petition

Section 9. No law shall impair the right of any person to assemble peaceably or to petition government for a redress of grievances.

10. Right to Vote; Disqualification from Seeking or Holding an Elective Office

Section 10. (A) Right to Vote. Every citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

(B) Disqualification. The following persons shall not be permitted to qualify as a candidate for elective public office or take public elective office or appointment of honor, trust, or profit in this state:

(1) A person who has been convicted within this state of a felony and who has exhausted all legal remedies, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be a felony and who has exhausted all legal remedies and has not afterwards been pardoned either by the governor of this state or by the officer of the state, nation, government or country having such authority to pardon in the place where the person was convicted and sentenced.

(2) person actually under an order of imprisonment for conviction of a felony.

(C) Exception. Notwithstanding the provisions of Paragraph (B) of this Section, a person who desires to qualify as a candidate for or hold an elective office, who has been convicted of a felony and who has served his sentence, but has not been pardoned for such felony, shall be permitted to qualify as a candidate for or hold such office if the date of his qualifying for such office is more than fifteen years after the date of the completion of his original sentence.

Acts 1997, No. 1492, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.

11. Right to Keep and Bear Arms

Section 11. The right of each citizen to keep and bear- arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person.

12. Freedom from Discrimination

Section 12. In access to public areas, accommodations, and facilities, every person shall be free from discrimination based on race, religion, or national

ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or physical condition.

13. Rights of the Accused

Section 13. When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self-incrimination, his right to the assistance of counsel and, if indigent, his right to court appointed counsel. In a criminal prosecution, an accused shall be informed of the nature and cause of the accusation against him. At each stage of the proceedings, every person is entitled to assistance of counsel of his choice, or appointed by the court if he is indigent and charged with an offense punishable by imprisonment. The legislature shall provide for a uniform system for securing and compensating qualified counsel for indigents.

14. Right to Preliminary Examination

Section 14. The right to a preliminary examination shall not be denied in felony cases except when the accused is indicted by a grand jury.

15. Initiation of Prosecution

Section 15. Prosecution of a felony shall be initiated by indictment or information, but no person shall be held to answer for a capital crime or a crime punishable by life imprisonment except on indictment by a grand jury. No person shall be twice placed in jeopardy for the same offense, except on his application for a new trial, when a mistrial is declared, or when a motion in arrest of judgment is sustained.

16. Right to a Fair Trial

Section 16. Every person charged with a crime is presumed innocent until proven guilty and is entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred, unless venue is changed in accordance with law. No person shall be compelled to give evidence against himself. An accused is entitled to confront and cross-examine the witnesses against him, to compel the attendance of witnesses, to present a defense, and to testify in his own behalf. However, nothing in this Section or any other section of this constitution shall prohibit the legislature from enacting a law to require a trial court to instruct a jury in a criminal trial that the governor is empowered to grant a reprieve, pardon, or commutation of sentence following conviction of a crime, that the governor in exercising such authority may commute or modify a sentence of life imprisonment without

benefit of parole to a lesser sentence which includes the possibility of parole, may commute a sentence of death to a lesser sentence of life imprisonment without benefit of parole, or may allow the release of an offender either by reducing a life imprisonment or death sentence to the time already served by the offender or by granting the offender a pardon.

Acts 1995, No. 1322, §1, approved Nov. 18, 1995, eff. Dec. 23, 1995.

17. Jury Trial in Criminal Cases; Joinder of Felonies; Mode of Trial

Section 17. (A) jury Trial in Criminal Cases. A criminal case in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict. A case in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict. A case in which the punishment may be confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, all of whom must concur to render a verdict. The accused shall have a right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law. Except in capital cases, a defendant may knowingly and intelligently waive his right to a trial by jury.

(B) Joinder of Felonies; Mode of Trial. Notwithstanding any provision of law to the contrary, offenses in which punishment is necessarily confinement at hard labor may be charged in the same indictment or information with offenses in which the punishment may be confinement at hard labor; provided, however, that the joined offenses are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan; and provided further, that cases so joined shall be tried by a jury composed of twelve jurors, ten of whom must concur to render a verdict.

Acts 1997, No. 1502, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.

18. Right to Bail

Section 18. (A) Excessive bail shall not be required. Before and during a trial, a person shall be bailable by sufficient surety, except when he is charged with a capital offense and the proof is evident and the presumption of guilt is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is imprisonment for five years or less; and the judge may grant bail if the maximum sentence which may be imposed is imprisonment exceeding five years. After sentencing and until final judgement, a

person shall be bailable if the sentence actually imposed is five years or less; and the judge may grant bail if the sentence actually imposed exceeds imprisonment for five years.

(B) However, a person charged with a crime of violence as defined by law or with production, manufacture, distribution, or dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance as defined by the Louisiana Controlled Dangerous Substances Law, and the proof is evident and the presumption of guilt is great, shall not be bailable if, after a contradictory hearing, the judge or magistrate finds by clear and convincing evidence that there is a substantial risk that the person may flee or poses an imminent danger to any other person or the community.

Acts 1997, No. 1498, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.

19. Right to Judicial Review

Section 19. No person shall be subjected to imprisonment or forfeiture of rights or property without the right of judicial review based upon a complete record of all evidence upon which the judgment is based. This right may be intelligently waived. The cost of transcribing the record shall be paid as provided by law.

20. Right to Humane Treatment

Section 20. No law shall subject any person to euthanasia, to torture, or to cruel, excessive, or unusual punishment. Full rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any offense.

21. Writ of Habeas Corpus

Section 21. The writ of habeas corpus shall not be suspended.

22. Access to Courts

Section 22. All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay, for injury to him in his person, property, reputation, or other rights.

23. Prohibited Laws

Section 23. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

24. Unenumerated Right

Section 24. The enumeration in this constitution of certain rights shall not deny or disparage other rights retained by the individual citizens of the state.

25. Rights of a Victim

Section 25. Any person who is a victim of crime shall be treated with fairness, dignity, and respect, and shall be informed of the rights accorded under this Section. As defined by law, a victim of crime shall have the right to reasonable notice and to be present and heard during all critical stages of preconviction and postconviction proceedings; the right to be informed upon the release from custody or the escape of the accused or the offender; the right to confer with the prosecution prior to final disposition of the case; the right to refuse to be interviewed by the accused or a representative of the accused; the right to review and comment upon the presentence report prior to imposition of sentence; the right to seek restitution; and the right to a reasonably prompt conclusion of the case. The legislature shall enact laws to implement this Section. The evidentiary and procedural laws of this state shall be interpreted in a manner consistent with this Section.

Nothing in this Section shall be construed to inure to the benefit of an accused or to confer upon any person the right to appeal or seek supervisory review of any judicial decision made in a criminal proceeding. Nothing in this Section shall be the basis for an award of costs or attorney fees, for the appointment of counsel for a victim, or for any cause of action for compensation or damages against the state of Louisiana, a political subdivision, a public agency, or a court, or any officer, employee, or agent thereof. Remedies to enforce the rights enumerated in this Section shall be provided by law.

Acts 1997, No; 1487, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.

26. State Sovereignty

Section 26. The people of this state have the sole and exclusive right of governing themselves as a free and sovereign state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, pertaining thereto, which is not, or may not hereafter be, by them expressly delegated to the United States of America in congress assembled.

Acts 1997, No. 1494, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.

Louisiana Symbols



STATE SEAL

Louisiana's first territorial governor, William C.C. Claiborne had great admiration for the awkward bird that inhabited the Gulf Coast region. The pelican, rather than let its young starve, would tear at its own flesh to feed them. The Governor's great respect for the Pelican led him to first use the bird on official documents. Many different versions of the present seal, including one with as many as twelve chicks in the nest, were utilized. Pelicans rarely have more than three chicks in the nest at any time, and it was a version with three chicks that was officially designed on April 30, 1902 as the official state seal.



STATE INSECT

The honeybee is the official Louisiana state insect. Honey has been collected in Louisiana since before it became a state in 1812. In the 19th century, some of Louisiana's big plantations produced thousands of pounds of honey each year. Today, not only are thousands of pounds of honey collected every year in Louisiana, but queen bees bred in Louisiana are sent all over the United States to raise bee colonies.



STATE BIRD

Louisiana's state bird is the Eastern Brown Pelican. The lower portion of the Pelican's large bill is a pouch that can be greatly extended. Pelicans eat fish, catching them by scooping up salt water with their pouch. The average one-month-old pr;ivsn

eats about five pounds of fish a day! The pelican is featured on Louisiana's flag and state seal, and one of Louisiana's nicknames is "The Pelican State."



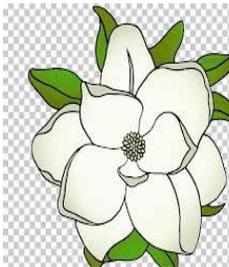
STATE DOG

The Catahoula Leopard Dog, often called the Catahoula Hound, is the official state dog. It is the only breed of dog native to Louisiana and is a cross between a breed of domestic dogs raised by the Indians of the Catahoula Lake region and the Spanish "war dog" that came to Louisiana in the 16th century. The Catahoula Leopard Dog has a spotted coat and webbed feet and makes an excellent pet, guard dog and hunting dog.



STATE TREE

About half of Louisiana is covered with timber of various kinds. The bald cypress, the Louisiana state tree, is a beautiful hardwood that grows all over the state, especially in swampy areas. Many houses and buildings built of cypress over a hundred years ago still stand today in Louisiana and are almost as good as new.



STATE FLOWER

The state flower of Louisiana is the magnolia. In the summer, the state's thousands of magnolia flowers have an especially rich fragrance. The blooms are very large and creamy white. The magnolia tree is an evergreen.

Three Branches of State Government

Legislative

Senate

House of Representatives

1. Passes state laws
2. Approves state budget

Terms are usually:

Senate: 4 years

Representatives: 2 years

Executive

Governor

Lieutenant Governor

1. Chief of National Guard.
2. Suggests state laws
3. Can veto state laws

Terms are usually 2 or 4 years

Judicial

State Supreme Court

Hears cases on appeal

State Courts of Appeal

Hear cases on appeal

State District Courts

Hear trial cases, bench and jury, civil and criminal

Local Courts

Hear special cases, such as traffic, family, and juvenile

The Legislative Branch

State Legislatures

Each of the fifty states has a constitution of its own which is the supreme law of that particular state. The only restriction on the state constitutions is that they must not conflict with the United States Constitution. The legislative branch of the state government is usually called a state legislature. It is divided into two groups or houses. The upper house is called the Senate and the members of that house, called state senators, are usually elected for four-year terms. The members of the lower house, which is known as the State House of Representatives, usually serve for two-year terms.

Any legislator who desires to make a new law presents a bill to the particular house to which he or she belongs. This document is known as a bill. If the bill is passed by the house in which it is introduced, it goes to the other house for approval. After it passes both houses, it goes to the governor of the state for his or her signature. If the governor vetoes it or refuses to sign it, the bill will not become a state law unless the legislators vote on the bill again and decide to pass it without the governor's approval. Most state laws require a two-thirds vote of the members of each house of the legislature in order to pass a law after the governor has vetoed the bill.

The Louisiana Legislature

The Louisiana Constitution establishes the legislative branch as one of the three coordinate branches of state government. Article III, Section 1(A) vests the legislative power of the state in the legislature, consisting of the Senate and the House of Representatives. The legislature is responsible for determining general policy for the state and for the residents of the state through the enactment of laws. Oversight of the actions of the executive on administering state programs is also vested in the legislature. This power, closely related to the power to make laws, is exercised in order to assure that legislative policy and intent are carried out. Review of administrative rules of executive branch agencies by legislative oversight committees is an important exercise of this authority. The legislature and its committees also have the power to gather information and make such investigations as may be needed to enact laws.

Composition

Louisiana Constitution Article III, Section 3 provides that the number of the legislature shall be provided by law but establishes a maximum number of senators at 39 and the maximum number of members of the House of Representatives at 105. The distribution of representation in both houses of the legislature is based on population in accordance with state constitutional mandate (La.Const. art. III, Sec.6) and United States Supreme Court decisions. The legislature is required to reapportion the representation in each house by the end of the year following the year in which the state's population is reported to the president of the United States for each decennial federal census, on the basis of total population shown by such census.

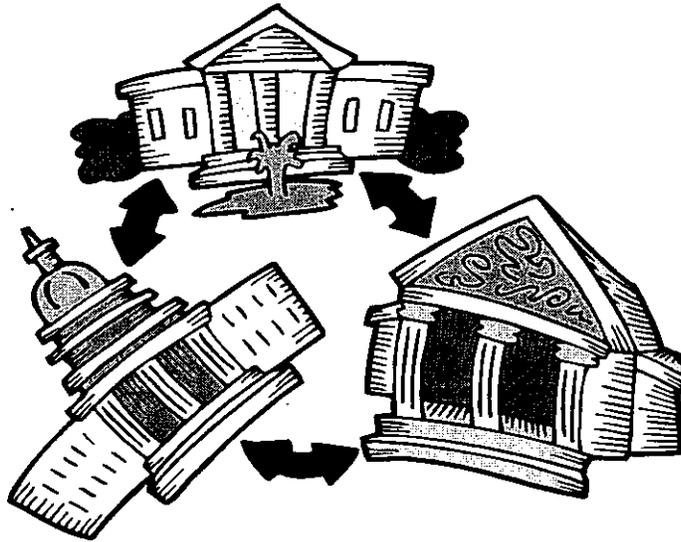
Terms and Vacancies

Legislators are elected for four-year terms and take office on the same day as the governor and other statewide elected officials. A vacancy in the legislature can be filled only for the remainder of the term during which the vacancy occurred and only by the electors of the district in which the vacancy occurred. La.Const. art.III, sec.4(0).

Officers

The officers of each house of the legislature are elected at the beginning of each term to serve for four-year terms. The House of Representatives elects from among its members a speaker and speaker *pro tempore*. It also selects its chief clerical officer, the clerk of the House, who is not a member. The Senate elects its presiding officer, the president of the Senate, from among its membership and also elects a president *pro tempore* from its membership. It selects its chief clerical officer, the secretary of the Senate, who is not a member. Each house provides for the election of its officers. La.Const. art.III, sec.?(C).

***** In 2003, Sen. Diana Bajoie and Rep. Sharon Weston Broome were both elected as the first African American women to serve as President Pro- Tempore (Senate) and Speaker Pro-Tempore (House), respectively.**



Louisiana House of Representatives

as of August 2020

Adams, Roy Daryl
Amedée, Beryl
Bacala, Tony
Bagley, Larry
Beaulieu IV, Gerald "Beau"
Bishop, Stuart J.
Bourriaque, Ryan
Brass, Ken
Brown, Chad
Bryant, Marcus Anthony
Butler, Rhonda Gaye
Carpenter, Barbara
Carrier, R. Dewith
Carter, Gary
Carter, Robby
Carter. Sr., Wilford
Cormier, Mack
Coussan, Jean-Paul
Cox, Kenny R.
Crews, Raymond J.
Davis, Paula
DeVillier, Phillip
Deshotel, Daryl Andrew
DuBuisson, Mary
Duplessis, Royce
Dwight, Stephen
Echols, Michael Charles
Edmonds, Rick
Edmonston, Kathy
Emerson, Julie
Farnum, Les
Firment, Michael "Gabe"
Fontenot, Bryan
Freeman, Aimee Adatto
Freiberg, Barbara Reich
Frieman, Lawrence "Larry"
Gadberry, Foy Bryan

Gaines, Randal L.
Garofalo, Raymond E.
Glover, Cedric
Goudeau I, Jonathan
Green Jr., Kyle M.
Harris, Lance
Henry, Charles Alexander
Hilferty, Stephanie
Hodges, Valarie
Hollis, Paul
Horton, Dodie
Hughes, Jason
Huval, Mike
Illg Jr., John R.
Ivey, Barry
James, Edward C. "Ted"
Jefferson, Patrick O.
Jenkins, Sam
Johnson, C. Travis
Johnson, Mike
Jones, Frederick
Jordan, Edmond
Kerner, Timothy P.
LaCombe, Jeremy
Landry, Mandie
Larvadain III, Ed
Lyons, Rodney
Mack, Sherman Q.
Magee, Tanner
Marcelle, C. Denise
Marino III, Joseph A.
McCormick, Danny
McFarland, Jack
McKnight, Markham Scott
McMahen, Wayne
Miquez, Blake
Miller, Dustin
Miller, Gregory A.
Mincey, Jr., Buddy
Moore, Pat
Muscarello, Nicholas
Nelson, Richard
Newell, Candace N.
Orgeron, Joseph A.
Owen, Charles

Owen, Robert "Bob"
Phelps, Tammy T
Pierre, Vincent J.
Pressly, Thomas A.
Riser, Neil
Romero, Troy D.
Schamerhorn, Rodney
Schexnayder, Clay
Seabaugh, Alan
Selders, Larry
St. Blanc III, Vincent "Vinney"
Stagni, Joseph A.
Stefanski, John M.
Tarver, Phillip Eric
Thomas, Polly
Thompson, Francis S.
Turner, Christopher
Villio, Debbie
Wheat Jr., William "Bill"
White, Malinda
Willard, Matthew
Wright, Mark
Zeringue, Jerome

Louisiana State Senate

as of August 2020

Senator Mark Abraham
Senator R. L. Bret Allain
Senator Regina Barrow
Senator Louie Bernard
Senator Gerald Boudreaux
Senator Joseph Bouie
Senator Troy Carter
Senator Stewart Cathey
Senator Heather Cloud
Senator Patrick Connick
Senator Page Cortez
Senator Michael Fesi
Senator Cleo Fields
Senator Franklin Foil
Senator Jimmy Harris
Senator Cameron Henry
Senator Bob Hensgens
Senator Sharon Hewitt
Senator Katrina Jackson
Senator Ronnie Johns
Senator Eddie Lambert
Senator Jay Luneau
Senator Patrick McMath
Senator Barry Milligan
Senator Fred Mills
Senator Robert Mills
Senator Beth Mizell
Senator Jay Morris
Senator Barrow Peacock
Senator Karen Carter Peterson
Senator J. Rogers Pope
Senator Ed Price
Senator Mike Reese
Senator Gary Smith
Senator Kirk Talbot
Senator Gregory Tarver
Senator Rick Ward
Senator Mack Bodi White
Senator Glen Womack

The Executive Branch

The Office of Governor

In most states, a governor must be an American citizen, at least 30 years old, and a resident of the state for at least five years. In the past, most governors have been men. In 1997, only 2 of the nation's 50 governors were women.

The voters of each state elect their governor directly: There is no Electoral College in state elections. Once elected, the governor in most states serves a four-year term. In nearly every state, a governor can be impeached if he or she commits a crime while in office. In several states, the voters themselves can take steps to remove a governor from office by demanding a special "recall" election.

Each state constitution sets up a line of succession in case the governor dies, resigns, or is removed from office. In most states, the first person in line is the lieutenant governor. The role of the lieutenant governor is similar to that of the Vice President of the United States in two instances. The lieutenant governor takes over the government if the governor dies or leaves office. The lieutenant governor usually presides over the state senate.

Powers and Duties of the Governor

A governor's most important role is as the state's chief executive. He or she is responsible for executing laws the state legislature passes. The governor has the power to appoint some officials in the state bureaucracy, usually with the approval of the state senate. The governor also has the power to veto bills the legislature passes. In most states, it is the governor's responsibility to prepare a budget for the state and submit it to the legislature.

The governor is also the state's chief legislator. Although only the state's legislature can pass laws, the governor can play a part in proposing laws. Governors also try to convince the legislature to pass certain bills.

Additionally, governors have certain judicial responsibilities. Governors have the power to offer pardons and reprieves to convicted criminals. They can also commute, or reduce, a criminal's sentence. Governors also have the power to grant a prisoner a parole, an early release from prison, with certain restrictions. Usually committees or boards under the governor, rather than the governor personally, makes decisions regarding pardons, sentences, and paroles.

Every governor is the commander in chief of the National Guard, a state militia that may be called up to protect the state and its citizens during emergencies. Every governor is a party leader who tries to help

out his or her political party while governing the state. Every governor is a chief of state, or a ceremonial leader, who greets important visitors or represents the state on ceremonial occasions.

Louisiana Governor

The governor of Louisiana is responsible for the implementation of the constitution and laws. As the chief executive officer of the state, he or she exercises certain legislative powers. Louisiana Constitution Article IV, Section 5(8) directs him, at the beginning of each regular session and at other times, to make reports and recommendations and to give information to the legislature concerning the affairs of the state, including its complete financial condition. Article IV, Section 5(D) requires the governor to submit to the legislature an operating budget and a capital budget for each fiscal year. The governor is authorized to call the legislature into special session. Additionally, he may veto any bill or any item in an appropriation bill. The legislature has constitutional power to override a veto by two-thirds of the elected membership of each house.

The governor is elected to a limit of two four-year terms.

Louisiana Lieutenant Governor

The lieutenant governor of Louisiana exercises powers delegated to him or her by the governor as provided by law. The lieutenant governor serves as governor in the event of a vacancy in the office, if the governor is unable to act as governor, or is out of state. Under the new constitution, the lieutenant governor no longer serves ex-officio president of the Senate, but he or she is made ex-officio member of each committee, board and commission on which the governor serves. La.Const. art.IV, sec.6. Additionally, the lieutenant governor serves as Commissioner of the Louisiana Department of Culture, Recreation and Tourism.

The lieutenant governor is elected for a term of four years. He or she may serve for an unlimited number of terms.

List of Governors of Louisiana

First French Era

- Sieur Sauvole de la Villantray 1699-1701
- Jean Baptiste de la Mayne, Sieur de Bienville 1701-1713
- Antonine de la Mathe Cadillac 1713-1716
- Jean Baptiste de la Mayne 1716-1717
- De l'Epinau 1717-1718
- Jean Baptiste de la Mayne 1718-1724
- Pierre Dugue , Sieur de Boisbriant 1724-1726
- Etienne Perier 1726-1733
- Jean Baptiste de la Mayne 1733-1743
- Pierre Rigaud, Marquis de Vaudreuil 1743-1753
- Louis Billouart Chevalier de Kerlerec 1753-1763
- Jean Jacques D'Abbadie 1765
- Charles Philippe Aubry 1765-1766

France to Spain transition period

- Charles Philippe Aubry 1766-1769
- Antonio de Ulloa 1766-1768 (Appointed by Spain, not recognized by the colony)

Era of rule by Spain

- Alejandro O'Reilly (Captain General) 1769
- Luis de Unzaga 1770-1777
- Bernardo de Galvez 1777-1785
- Estevan Miro 1785-1791
- Francisco Luis Hector, Baron de Carondelet 1791-1797
- Manuel Gayoso de Lemos 1797-1798
- Sebastian de la Puerta y O'Farril, Marquis de Casa Calvo 1799-1801
- Juan Manuel de Salcedo 1801-1803

Second French period

- Pierre Clement de Laussat 1803

United States territorial period

- William Charles Cole Claiborne 1803-1812

First period of U.S. statehood

Name	Party	Dates
William C. C. Claiborne	Jeff. Rep.	1812-1816
Jacques Villere	Jeff. Rep.	1816-1820
Thomas B. Robertson	Jeff. Rep.	1820-1824
Henry S. Thibodaux	Jeff. Rep.	1824-1824
Henry Johnson	Jeff. Rep.	1824-1828
Pierre Derbigny	Jeff. Rep.	1828-1829
Armand Beauvais	Jeff. Rep.	1829-1830
Jacques Dupre	Jeff. Rep.	1830-1831
Andre B. Roman	Whig	1831-1835
Edward D. White	Whig	1835-1839
Andre B. Roman	Whig	1839-1843
Alexandre Mouton	Democratic	1843-1846
Isaac Johnson	Democratic	1846-1850
Joseph Marshall Walker	Democratic	1850-1853
Paul O. Hebert	Democratic	1853-1856
Robert C. Wickliffe	Democratic	1856-1860
Thomas O. Moore	Democratic	1860-1862

American Civil War Era

Governors of Confederate States of America held territory in Louisiana

- Thomas Overton Moore Democratic 1862-1864
- Henry W. Allen Democratic 1864-1865

Governors of Union held territory in Louisiana

- George F. Shepley 1862-1864
- Michael Hahn Republican 1864-1865

Reconstruction Era

Name	Party	Dates
James M. Wells	Republican	1865-1867
Benjamin Flanders	Republican	1867-1868
Joshua Baker	Republican	1868-1868

Second U.S. Statehood Era

Name	Party	Dates
Henry C. Warmoth	Republican	1868-1872
P. B. S. Pinchback	Republican	1872-1873
John McEnery	Democratic	1873-1873
William P. Kellogg	Republican	1873-1877
Francis T. Nicholls	Democratic	1877-1880
Louis A. Wiltz	Democratic	1880-1881
Samuel D. McEnery	Democratic	1881-1888
Francis T. Nicholls	Democratic	1888-1892
Murphy J. Foster	Democratic	1892-1900
William W. Heard	Democratic	1900-1904
Newton C. Blanchard	Democratic	1904-1908
Jared Y. Sanders	Democratic	1908-1912

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Luther E. Hall	Democratic	1912-1916
Ruffin G. Pleasant	Democratic	1916-1920
John M. Parker	Democratic	1920-1924
Henry L. Fuqua	Democratic	1924-1926
Oramel H. Simpson	Democratic	1926-1928
Huey Pierce Long	Democratic	1928-1932
Alvin Olin King	Democratic	1932-1932
Oscar K. Allen	Democratic	1932-1936
James A. Noe	Democratic	1936-1936
Richard W. Leche	Democratic	1936-1939
Earl K. Long	Democratic	1939-1940
Sam H. Jones	Democratic	1940-1944
Jimmie H. Davis	Democratic	1944-1948
Earl K. Long	Democratic	1948-1952
Robert F. Kennon	Democratic	1952-1956
Earl K. Long	Democratic	1956-1960
Jimmie H. Davis	Democratic	1960-1964
John J. McKeithen	Democratic	1964-1972
Edwin W. Edwards	Democratic	1972-1980
David C. Treen	Republican	1980-1984
Edwin W. Edwards	Democratic	1984-1988
Buddy Roemer	Republican	1988-1992
Edwin W. Edwards	Democratic	1992-1996
Mike Foster, Jr.	Republican	1996-2004
Kathleen Blanco	Democratic	2004-2008
Bobby Jindal	Republican	2008-2015
John Bel Edwards	Democrat	2016-

The Judicial Branch

Structure of the Louisiana System

Louisiana Supreme Court

5 Courts of Appeal

41 Judicial District Courts

Family and Juvenile Courts

Parish Courts

City Courts

Justices of the Peace

Mayor's Courts

Lower State Courts

Small local courts almost always handle less serious crimes, known as **misdemeanors**. These courts do not have juries. Instead, a single judge hears and decides cases. The voters of the community usually elect lower court judges.

In many rural areas and small towns, the local court is called a justice court and the judge is called a **justice of the peace**. In larger towns and small cities, local courts may be called police courts or **magistrate courts**. These courts handle minor cases such as traffic violations or disturbing the peace. They may also handle civil cases involving small sums of money, usually less than \$1,000.00. If someone is found guilty, the punishment may be a small fine or, occasionally, a short jail term.

Most larger cities have municipal courts that serve the same purpose. These are often divided into specialized courts - traffic courts, juvenile courts, and small-claims courts. Small-claims courts hear civil cases involving small amounts of money.

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Higher State Courts

General Trial Courts

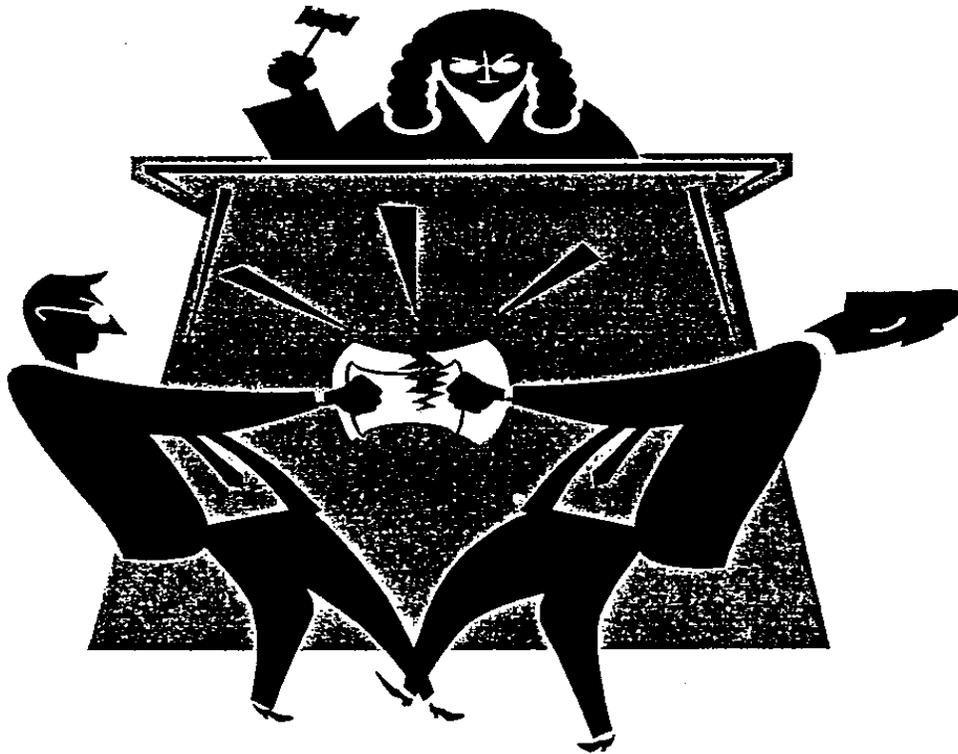
Courts called general trial courts handle more serious crimes known as **felonies**. Depending on the state and on the way the court is organized, a general trial court may be called a district court, a circuit court, or a superior court. General trial courts have the responsibility of determining whether someone is guilty or not guilty of a serious crime.

Unlike lower courts, general trial courts, general trial courts may use a jury to determine a defendant's guilt or innocence. The judge's job in a general trial court is to guide the jury and, in some cases, to decide on a sentence.

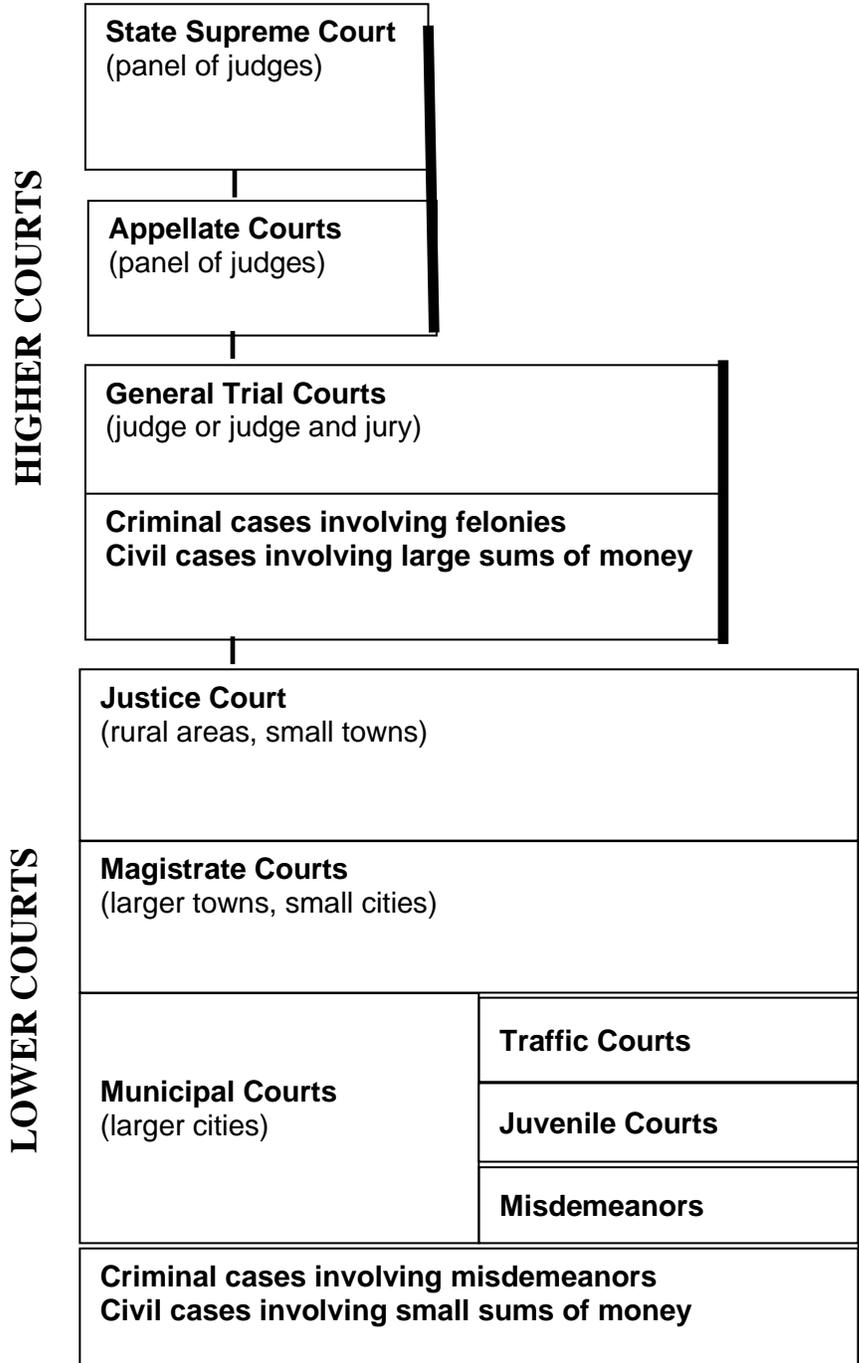
Appellate Courts

Sometimes the decision of a general trial court may be appealed to an appellate court. An appellate court has no jury. Instead, a panel of judges reviews the records of the trial court's proceedings. For example, if the judges find that a defendant did not have a fair trial, they can decide, by a majority vote, to overturn the lower court's decision.

The highest state court is the supreme court. The state supreme court consists of a panel of judges, usually elected by the voters. The supreme court hears arguments from lawyers representing both sides of a case, reviews the evidence, and makes a decision by a majority vote. Except for cases involving federal law or the United States Constitution, the decisions of the state supreme court are final. Those cases may be appealed to the United States Supreme Court.



State Judicial System



Diagrams:

- Louisiana Court Structure
- Louisiana District Courts Judicial Districts
- Louisiana Courts of Appeal
- Louisiana Supreme Court Districts