

2016 Regular Session

HOUSE BILL NO. 382

BY REPRESENTATIVE HAVARD

CONSTITUTION/CONVENTION: Provides for calling a limited constitutional convention for fiscal purposes

1 AN ACT

2 To provide for the calling of a constitutional convention for the purpose of framing a new
3 constitution; to place restrictions on the convention and to limit the convention to the
4 consideration and submission of matters related to certain specified fiscal and related
5 subjects; to provide for legislative findings; to fix the time and place for the
6 convention; to provide for the qualifications and election or appointment of
7 delegates; to provide for the organization and staff of the convention; to require that
8 the constitution as adopted by the convention, including any alternative provisions,
9 be submitted to the qualified electors for adoption and to provide relative to such
10 submission; to require appropriation of funds for the convention and provide with
11 respect to convention funds; to fix the effective date of the new constitution if
12 approved by the electorate; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. Legislative findings. The legislature finds that:

15 (A) It has been more than forty-one years since the Constitution of Louisiana
16 became effective at midnight on December 31, 1974, and during these years the document
17 which constitutes the state's basic law has been amended some one hundred eighty-three
18 times.

19 (B) The need to address a number of key policy areas that require constitutional
20 change has become apparent, including such matters as the state's tax structure and

1 budgetary practices that hamper the state's economic growth and competitiveness as well as
2 the quality of life of Louisiana residents; the dedication of state revenues and the resulting
3 inability of the legislature to allocate resources where needed, particularly for the needs of
4 health care and higher education; the fiscal restraints on local governments that dramatically
5 limit their authority to meet fiscal and budgetary demands; and other matters.

6 (C) The constitution today contains many provisions that restrict the legislature in
7 effectively addressing state and constituent needs, and the document also includes extensive
8 provisions that are so detailed as to be statutory rather than constitutional in nature and, as
9 a result, require further constitutional amendment when any change is needed.

10 (D) A serious analysis and revision of the state constitution is needed if the state is
11 to conduct a genuine examination of the state's critical needs, to undertake an in-depth
12 consideration of reform proposals, and to craft provisions that allow for flexibility and
13 innovation in legislative solutions to problems of the present and the future.

14 Section 2. Call for convention; delegates. (A) A constitutional convention is hereby
15 called, to convene on January 9, 2017, at noon, which shall be held for the purpose of
16 framing a new constitution for the state of Louisiana subject to the terms, conditions, and
17 provisions in this Act.

18 (B)(1) There shall be one hundred twenty-three delegates to the convention, as
19 follows:

20 (a) One delegate shall be elected from each of the districts from which members of
21 the House of Representatives of the Louisiana Legislature were elected in 2011.

22 (b) Eighteen delegates shall be appointed as follows:

23 (i) Two members of the Louisiana House of Representatives appointed by the
24 speaker of the House of Representatives.

25 (ii) Two members of the Louisiana Senate appointed by the president of the Senate.

26 (iii) Two members appointed by the governor.

27 (iv) One member appointed by the chief justice of the Louisiana Supreme Court.

28 (v) A representative of the Louisiana State Law Institute appointed by the Louisiana
29 State Law Institute.

1 (vi) A representative of the Louisiana State University Paul M. Hebert Law Center
2 or the Louisiana State University E. J. Ourso College of Business appointed by the joint
3 concurrence of the chancellor of the law center and the dean of the business college.

4 (vii) A representative of the Southern University Law Center or the Southern
5 University College of Business appointed by the joint concurrence of the chancellor of the
6 law center and the dean of the business college.

7 (viii) A representative of the Tulane University Law School or the Tulane University
8 A.B. Freeman School of Business appointed by the joint concurrence of the dean of the law
9 school and the dean of the business school.

10 (ix) A representative of the Loyola University New Orleans College of Law or the
11 Loyola University New Orleans Joseph A. Butt, S.J. College of Business appointed by the
12 joint concurrence of the dean of the college of law and the dean of the business college.

13 (x) A representative of the Public Affairs Research Council of Louisiana appointed
14 by the council.

15 (xi) A representative of the Louisiana Association of Business and Industry
16 appointed by the association.

17 (xii) A representative of the Louisiana AFL-CIO appointed by the Louisiana AFL-
18 CIO.

19 (xiii) A representative of the League of Women Voters of Louisiana appointed by
20 the league.

21 (xiv) A member of any Louisiana chapter of the National Association for the
22 Advancement of Colored People appointed by the chairman of the national board of
23 directors of the association.

24 (xv) A representative of the Louisiana Municipal Association or the Police Jury
25 Association of Louisiana appointed by the joint concurrence of the two associations.

26 (2) The appointments required by this Subsection shall be made and shall be
27 submitted to the secretary of state not later than December 15, 2016.

28 (3) The secretary of state shall issue a commission to each delegate selected as
29 provided in this Section.

1 (4) Each delegate to the convention shall be an elector of the state of Louisiana, shall
2 be at least eighteen years of age, and shall be a resident of the state of Louisiana. In
3 addition, each delegate elected from a representative district shall be a resident of the district
4 from which he is elected at the time he qualifies as a candidate for election as a delegate.

5 (5) The election or appointment of any public official or public employee as a
6 delegate to the convention and his service in the convention and the appointment of any
7 public official or public employee to the staff of the convention and his service on such staff,
8 as authorized and provided in this Act, shall not be construed to constitute dual officeholding
9 or dual employment within the prohibitions of Part III of Chapter 2 of Title 42 of the
10 Louisiana Revised Statutes of 1950. However, a delegate elected from a representative
11 district shall be considered an elected official within the scope of and subject to the
12 provisions of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950. An
13 appointed delegate and a member of the staff of the convention shall be considered a public
14 employee within the scope of and subject to the provisions of Chapter 15 of Title 42 of the
15 Louisiana Revised Statutes of 1950. For purposes of Chapter 15 of Title 42 of the Louisiana
16 Revised Statutes of 1950, the agency and the governmental entity of delegates and staff
17 members of the convention shall be the convention. For purposes of any other office or
18 employment of any such delegate or staff member, the provisions of Chapter 15 of Title 42
19 of the Louisiana Revised Statutes of 1950 shall remain applicable. The delegates to the
20 convention and the staff of the convention shall be subject to the public bribery provisions
21 of the laws of this state.

22 (6) Each candidate for election as a delegate to the constitutional convention and
23 each elected delegate is subject to the provisions of the Campaign Finance Disclosure Act
24 and the office of delegate shall be a district office for the purposes of that Act.

25 (7) Any attorney at law serving as a delegate to the convention shall be entitled to
26 the absolute right of the continuance of any case in which he is bona fide counsel of record
27 in any court of the state during his attendance upon the sessions and work of the convention.

28 (C)(1) The one hundred five delegates to the convention to be elected from
29 representative districts shall be elected at a special election to be held as provided in this Act.

1 The special primary election for such delegates shall be held at the primary election on
2 Tuesday, November 8, 2016, and, if necessary, the special general election for delegates
3 shall be held at a statewide election to be held on Saturday, December 10, 2016. Not later
4 than July 1, 2016, the governor shall issue a proclamation and give notice of the election to
5 be held under this Section. Each person desiring to become a candidate for election as a
6 delegate from a representative district shall qualify as a candidate from the particular
7 representative district he seeks to represent by filing a statement of candidacy with the clerk
8 of court for the parish in which the candidate is registered to vote during the qualifying
9 period for candidates in the primary election on November 8, 2016, as otherwise provided
10 by law. Qualification as a candidate shall be without regard to party affiliation.

11 (2) The election of a person to the office of delegate shall be in accordance with
12 provisions for the election of candidates for public office in the Louisiana Election Code.

13 Section 3. Conduct of election for elected delegates. (A) Except as otherwise
14 provided in this Act, the primary and general elections for convention delegates shall be
15 conducted and the results thereof published and promulgated in accordance with the
16 Louisiana Election Code. All qualified electors shall be entitled to vote in their respective
17 election precincts without regard to party affiliation. The votes for candidates for the office
18 of delegate shall be tabulated as in the case of candidates for public office.

19 (B) The costs of the elections authorized by this Act for election of delegates shall
20 be paid as provided by the Louisiana Election Code for payment of costs of elections in
21 which a candidate for the state legislature appears on the ballot.

22 (C) All offenses, prosecutions, penalties, and punishments arising out of or in
23 connection with the elections required by this Act shall be governed by the applicable laws
24 of the state.

25 Section 4. Vacancies. In the event of the death or the inability or unwillingness of
26 any elected delegate to serve, whether before or during the convention, the speaker of the
27 House of Representatives, the president of the Senate, and the governor shall fill such
28 vacancy by appointment, by unanimous consent of the three officials, of a person from the
29 same district who possesses the qualifications for delegate. In the event of the death or the

1 inability or unwillingness to serve of any other delegate, the vacancy shall be filled in the
2 same manner as the original selection within thirty days after the vacancy.

3 Section 5.(A) The convention shall have authority to frame a new constitution for
4 the state, including such alternative provisions as it deems appropriate, which shall be
5 submitted to the electors of the state for their approval or rejection. However, in revising
6 the constitution, the convention may propose only such changes in the constitution as
7 specified in this Section.

8 (B) The convention shall have authority to propose substantive changes, including
9 one or more alternative provisions, only with respect to matters of state and local
10 government finance, including the raising of revenue and the allocation and expenditure of
11 funds therefor and the review, limitation, or control of the expenditure of funds; specifically,
12 the convention may propose such substantive changes, including one or more alternative
13 provisions, with respect to matters contained in the following provisions of the Constitution
14 of Louisiana of 1974, as amended, and no other:

15 (1) Article VI, entitled "Local Government", but only with respect to Part II entitled
16 "Finance" and comprised of Sections 26 through 37; and Part III, entitled "Levee Districts
17 and Regional Flood Protection Authorities" and comprised of Sections 38 through 42.

18 (2) Article VII, entitled "Revenue and Finance", excluding funding of state salary
19 supplements for full-time law enforcement and fire protection officers of the state.

20 (C)(1) The convention shall not propose substantive changes to any provisions of the
21 constitution not set forth in Subsection (B) of this Section.

22 (2) The convention shall not propose any changes that will:

23 (a) Change or affect Article I of the constitution, entitled "Declaration of Rights" in
24 any way.

25 (b) Cause any bonded or other indebtedness of the state or of any parish,
26 municipality, district, or other political subdivision or authority of the state to be impaired.

27 (c) Cause the term of office of any elected or of any appointed official of the state
28 or of any political subdivision thereof to be reduced or shortened prior to the expiration of
29 the term of office being held at the time of the adoption of the new constitution, or cause the

1 salary of any such official to be reduced prior to the expiration of the term of office being
2 held at the time of the adoption of a new constitution.

3 (d) Remove or permit the removal of the state capital from Baton Rouge.

4 (e) Affect the funding of state salary supplements for full-time law enforcement and
5 fire protection officers of the state.

6 (D) In addition to the authority to propose substantive changes as provided in
7 Subsections (B) and (C) of this Section, but solely for the purposes of orderly arrangement,
8 style and conformity, the convention may incorporate in its proposed revision or in any
9 alternative provision nonsubstantive changes in other provisions of the constitution but only
10 to the extent that they are: (1) germane to the matters enumerated in Subsection (B) of this
11 Section and (2) essential in order to conform to the substantive changes being proposed. For
12 the same purposes, the convention may: (1) renumber or rearrange provisions, (2) transfer
13 or divide provisions, (3) change reference designations to conform to redesignated
14 provisions, and (4) make any other purely formal or clerical changes in keeping with the
15 purpose of the revision.

16 (E) Any action by the convention in contravention of the provisions of this Section
17 shall be null and void and of no effect.

18 (F) Any action to determine a question of the construction or validity of this Act, to
19 determine the scope of authority of the convention, or to determine the conformity of any
20 action of the convention with the provisions of this Act shall be brought in the Nineteenth
21 Judicial District Court. The matter shall be tried by preference over other matters and the
22 court shall render a decision as soon as practicable. In the event of an appeal, the appellate
23 court shall place the matter on its preferential docket, shall hear it without delay, and shall
24 render a decision as soon as practicable.

25 Section 6. Convention organization. (A)(1) The delegates to the convention chosen
26 as provided in this Act shall meet in the House Chamber in the state capitol, or at such other
27 suitable location in the capital city as shall be determined jointly by the presiding officers
28 of the legislature, at noon on Monday, January 9, 2017. The chief justice, or in his absence
29 any associate justice of the supreme court designated by the court, shall attend the

1 convention at the opening thereof and shall preside until the chairman has been elected. The
2 secretary of state shall attend the opening of the convention and call the roll of the delegates,
3 whereupon the temporary presiding officer shall administer to the delegates the following
4 oath:

5 "I, . . . , do solemnly swear (or affirm) that I will support the constitution and laws of
6 the United States and the constitution and laws of this state and that I will faithfully and
7 impartially discharge and perform all the duties incumbent on me as a delegate to the
8 convention, according to the best of my ability and understanding, and that I will observe
9 and obey the limitation of authority contained in the Act under which this convention has
10 assembled. So help me God."

11 (2) No delegate shall be qualified to serve as such unless and until he has taken and
12 subscribed to the oath in Paragraph (1) of this Subsection.

13 (B) After the oath has been administered, the delegates shall proceed to effect the
14 permanent organization of the convention and shall:

15 (1) Adopt rules of procedure for the convention, which rules shall not be inconsistent
16 with the provisions of this Act.

17 (2) Elect from among their number a chairman, a vice chairman, and such other
18 officers as they deem necessary.

19 (3) Elect from among their number an executive committee, the membership of
20 which shall be determined by the delegates but which shall include among its members all
21 of the elected officers of the convention.

22 (4) Elect a chief clerical officer of the convention who shall not be a delegate and
23 whose duties shall be provided by the rules of procedure for the convention.

24 (5) Take such other actions as they deem necessary to effect a permanent
25 organization of the convention.

26 (C) Prior to the convening of the convention, members of the House of
27 Representatives and Senate staffs as designated by the presiding officers of the legislature
28 shall prepare a draft of rules of procedure for consideration, amendment, and adoption by
29 the convention when it convenes. Such proposed rules shall be based upon the rules of the

1 constitutional convention convened in 1973, except as inconsistent with the provisions of
2 this Act. The rules of procedure adopted by the convention shall be subject to later change
3 as the delegates shall provide therein. No delegate shall be allowed to vote by proxy and the
4 rules shall so provide. No committee of the convention, including the executive committee,
5 shall exceed seventeen members and the rules shall so provide.

6 (D) After completing organizational activities, the convention may meet either as
7 a full body or in committees until it completes its duties as provided in this Act.

8 Section 7. Staff; budget; committees. (A) As soon as possible after the members
9 of the executive committee are elected, the executive committee shall employ a research
10 director, research assistants, and secretarial and clerical personnel in accordance with the
11 provisions of Subsection B of this Section and may also employ such other professional,
12 research, technical, and clerical employees as the committee deems necessary.
13 Compensation of staff personnel shall be established by the executive committee.

14 (B) The staff of the constitutional convention may include but shall not be limited
15 to the following who shall not be delegates to the convention:

16 (1) A director of research who shall possess such qualifications as determined by the
17 committee.

18 (2) Research assistants in such number and possessing such qualifications as
19 determined by the committee.

20 (3) Personnel provided by the Louisiana State University, Tulane University, Loyola
21 University, and Southern University law schools from the faculty as requested by the
22 committee.

23 (4) Such other staff as the executive committee deems necessary.

24 (C) The secretary of state shall advertise for applicants for the staff of the
25 constitutional convention and shall receive such applications for staff service prior to the
26 first meeting of the convention. He shall present the applications he has received to the
27 executive committee on the day the convention convenes. If the executive committee deems
28 necessary, it may receive additional applications after the convention convenes.

1 (D) As soon as possible after the members of the executive committee are elected,
2 the executive committee shall prepare a budget of anticipated expenses of the convention,
3 including staff salaries and other necessary expenditures, based on the amount of the
4 appropriation for the convention and any other funds available for expenditure.

5 (E) The executive committee may create and establish such substantive and
6 procedural committees as it deems appropriate. The chairman of the convention shall
7 appoint the chairman, vice chairman, and the membership of each such committee.

8 (F) Unless the legislature is in session, the House chamber and the legislative
9 committee rooms in the state capitol shall be available for use by the convention and its
10 committees. If the facilities at the state capitol are not available or are not sufficient for use
11 by the convention or its committees, the convention or its committees shall meet at a suitable
12 location in the capital city, which location shall be determined by the chairman of the
13 convention, and public notice of the location shall be given and posted at suitable locations
14 in the state capitol. The convention shall have full authority to use the facilities and services
15 of any board, commission, department, or agency of the state or of any political subdivision
16 of the state, and all such entities shall cooperate with the convention to the fullest extent in
17 furnishing services, facilities, and employees upon request. In addition, the convention may
18 use the facilities and services of other persons and organizations.

19 (G) The convention shall have full authority to accept grants, monies, aid, facilities,
20 and services from public or private sources for the purpose of accomplishing its task of
21 framing a new constitution. Any such grants, monies, facilities, services, and donations, as
22 well as the names of the donors thereof, shall be recorded in the record of the proceedings
23 of the convention, and such records shall be open to inspection by any person.

24 (H) The final draft of the proposed constitution shall be completed no later than May
25 30, 2018.

26 Section 8. Compensation of delegates. The delegates to the convention shall receive
27 a per diem for each day of actual attendance at meetings of the convention or of committees
28 thereof in the amount provided for members of the legislature for attendance at legislative
29 sessions, but no delegate shall be paid a per diem after May 30, 2018, or the date the final

1 draft is completed, whichever is earlier. No delegate may accept any other compensation
2 from any source for work performed as a delegate to the convention. However, if a delegate
3 is engaged in regular, bona fide employment, should the delegate's employer choose to
4 continue to pay the usual compensation while the delegate is engaged in the work of the
5 convention, such delegate may accept that compensation, notwithstanding any provision of
6 law to the contrary.

7 Section 9. Appropriation; use of funds. (A) Any appropriation for the expenses of
8 the convention shall be used solely to defray the necessary expenses of the constitutional
9 convention for which provision is made in this Act, including the payment of per diem of
10 delegates, salaries, and expenses of necessary employees, supplies, materials, equipment,
11 printing, and reproduction of materials, and all other necessary expenses incurred in
12 connection with the convention and its work.

13 (B) Any funds appropriated for the convention shall be withdrawn from the state
14 treasury in accordance with warrants signed by the chairman of the convention, and all
15 checks for the disbursement of funds shall be signed by the chairman and the vice chairman
16 of the convention or by the chairman or vice chairman and such other person as shall be
17 designated by the convention.

18 (C) The legislature shall make adequate appropriations to the convention for so long
19 as the convention remains in existence and for so long thereafter as is necessary to assure
20 the payment of all expenses incurred in connection with the work of the convention. The
21 convention shall not be deemed to be a budget unit of the state and therefore shall not be
22 subject to the provisions of Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950.
23 The financial books and records of the convention, however, shall be subject to audit by the
24 legislative auditor.

25 Section 10. Submission of proposed constitution; election. (A) Upon completion
26 of its work, and not later than June 5, 2018, and subject to the limitations provided in Section
27 6 of this Act, the convention shall submit a proposed draft of a new constitution for the state
28 to the governor. At the discretion of the convention, but subject to the limitations provided
29 in Section 6 of this Act, the convention may also propose and submit at the same time such

1 alternative provisions as it deems appropriate. The constitution as drafted by the convention,
2 together with any alternative provisions proposed for submission, shall be submitted to the
3 people for adoption or rejection. Within fifteen days after submission of the proposed draft
4 to the governor, he shall by proclamation call an election to be held at the same time as the
5 congressional primary election in 2018 for the purpose of submitting the proposed draft and
6 any alternative provisions to the people for adoption or rejection.

7 (B) The election shall be held and the results shall be promulgated in accordance
8 with the Louisiana Election Code. All electors duly qualified to vote in the state at the time
9 of the election shall be entitled to vote without regard to party affiliation in their respective
10 precincts on the proposition for or against adoption of the revision and on the question or
11 questions of adoption of such alternative provisions as may be proposed by the convention.
12 The costs of the election shall be paid as provided in the Louisiana Election Code for
13 elections in which a constitutional amendment appears on the ballot.

14 (C) The convention may submit to the electors of the state the proposal of
15 acceptance or rejection of the constitution and any alternative provisions in such form and
16 manner as it may determine and may direct the proper election officials to take the necessary
17 steps to effectuate such determination of the convention in presenting the proposed
18 constitution and any alternative provisions to the electors. Adoption of the constitution and
19 of any such alternative provisions shall require the favorable vote of a majority of the
20 electors voting on the respective proposition.

21 (D) Upon promulgation of the results of the election by the secretary of state, if the
22 constitution is ratified and adopted by the people in the election for which provision is made
23 in this Section, the governor shall proclaim the constitution, including such alternative
24 provisions as are adopted by the people at the election, to be the Constitution of Louisiana.
25 The constitution, including such alternative provisions as are so adopted, shall become
26 effective at midnight on December 31, 2018, except as otherwise provided in the constitution
27 adopted or in any such alternative provisions adopted.

28 Section 11. If any provision or application of this Act that authorizes the convention
29 to consider only certain subject matters and certain provisions of the constitution and

1 prohibits the convention from considering other subject matters and provisions is held
 2 invalid, including without limitation any provision of Section 6 of this Act, then this entire
 3 Act shall be invalid and of no effect. However, if any other provision of this Act or the
 4 application thereof is held invalid, such invalidity shall not affect other provisions or
 5 applications of this Act that can be given effect without the invalid provision or application.

6 Section 12. This Act shall become effective upon signature by the governor or, if not
 7 signed by the governor, upon expiration of the time for bills to become law without signature
 8 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
 9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 10 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 382 Original

2016 Regular Session

Harvard

Abstract: Calls a limited constitutional convention to convene on Jan. 9, 2017, to be composed of 123 delegates, 105 elected from representative districts and 18 appointed. Requires convention to complete a new constitution by May 30, 2018. Limits convention to changes relative to state and local finance, raising revenue, and allocation and expenditure of funds.

Proposed law states legislative findings that there is a need to address a number of key policy areas that require constitutional change, that the constitution restricts the legislature in effectively addressing state and constituent needs, and that a serious analysis and revision of the state constitution is needed to conduct an examination of the state's critical needs, to consider reform proposals, and to craft provisions that allow legislative solutions.

Constitutional Convention

Proposed law provides for a constitutional convention as follows:

- (1) Calls the convention to convene at noon on Jan. 9, 2017, to frame a new constitution for the state, subject to the terms, conditions, and provisions of the Act.
- (2) Provides for 123 delegates as follows:
 - (a) 105 delegates to be elected from House of Representatives 2011 election districts.
 - (b) Eighteen delegates appointed not later than Dec. 15, 2016, as follows:
 - (i) Two members of the House of Representatives appointed by the speaker.
 - (ii) Two members of the Senate appointed by the Senate president.

- (iii) Two members appointed by the governor.
 - (iv) One member appointed by the chief justice of the La. Supreme Court.
 - (v) A representative of the La. State Law Institute appointed by the La. State Law Institute.
 - (vi) A representative of the LSU Paul M. Hebert Law Center or the LSU E.J. Ourso College of Business appointed jointly by the law center chancellor and the business college dean.
 - (vii) A representative of the Southern University Law Center or the Southern University College of Business appointed jointly by the law center chancellor and the business college dean.
 - (viii) A representative of the Tulane University Law School or the Tulane University A.B. Freeman School of Business appointed jointly by the law school dean and the business school dean.
 - (ix) A representative of the Loyola University New Orleans College of Law and the Loyola University New Orleans Joseph A. Butt, S.J., College of Business appointed jointly by the law school dean and the business college dean.
 - (x) A representative of the Public Affairs Research Council of La. appointed by the council.
 - (xi) A representative of the La. Assoc. of Business and Industry appointed by the association.
 - (xii) A representative of the La. AFL-CIO appointed by the La. AFL-CIO.
 - (xiii) A representative of the League of Women Voters of La. appointed by the league.
 - (xiv) A member of any La. chapter of the National Assoc. for the Advancement of Colored People appointed by the chairman of the national board of directors of the association.
 - (xv) A representative of the La. Municipal Assoc. or the Police Jury Assoc. of La. appointed jointly by the associations.
- (3) Requires that delegates be qualified electors of the state and that elected delegates be residents of the district from which elected. Expects selection and service of delegates and staff of the convention from dual employment/dual officeholding laws. Delegates and staff are subject to the code of ethics, public bribery laws, and, in the case of elected delegates and candidates for delegate, the campaign finance laws. Attorney delegates are entitled to continuance of cases in which they are counsel of record while attending sessions and convention work.
- (4) Provides that the election for delegates shall be held at the primary election on Nov. 8, 2016, and if a general election is necessary, on Dec. 10, 2016. Candidates qualify without regard to party affiliation. Election is to be in accordance with provisions for election of candidates for public office in the La. Election Code.
- (5) Provides for conduct of the elections in accordance with the election code, except for any conflicts with the Act. Voters vote without regard to party affiliation. Provides for application of state law to tabulation of votes in delegates' election. Provides for election costs to be paid as provided by the La. Election Code as in the case of elections for the state legislature.
- (6) Provides for filling of vacancies in elected delegates' offices by joint appointment by the governor, the speaker of the House, and the president of the Senate of a qualified person from the same district. Provides for filling other vacancies in the same manner as the original selection within 30 days of vacancy.

Proposed law grants to the convention the authority to frame a new state constitution, including such alternative provisions as it deems appropriate. However, provides that the convention may propose substantive changes only with respect to matters of state and local government finance and the raising of revenue and the allocation and expenditure of funds

therefor, including review, limitation, or control of the expenditure of funds. Specifies that the convention may propose such substantive changes, including alternative provisions, with respect to matters contained in the following provisions of the Constitution of La. of 1974, as amended, and no other:

- (1) Article VI (Local Government) but only Part II (Finance) and Part III (Levee Districts and Regional Flood Protection Authorities).
- (2) Article VII (Revenue and Finance), excluding funding of state salary supplements for full-time law enforcement and fire protection officers of the state.

Prohibits the convention from proposing substantive changes to any provisions of the constitution not listed above. Further prohibits any changes that will:

- (1) Change or affect Article I (Declaration of Rights) in any way.
- (2) Cause indebtedness of the state or of any parish, municipality, district, or other political subdivision or authority to be impaired.
- (3) Cause the term of office of state or local elected or appointed officials to be reduced prior to the expiration of the term held at the time of the adoption of the new constitution, or cause the salary of any such official to be reduced prior to the expiration of such term.
- (4) Remove or permit the removal of the state capital from Baton Rouge.
- (5) Affect the funding of state salary supplements for full-time law enforcement and fire protection officers of the state.

Further permits the convention, solely for the purposes of orderly arrangement, style and conformity, to incorporate nonsubstantive changes in other provisions of the constitution but only to the extent that they are: (1) germane to the specified matters and (2) essential in order to conform to the substantive changes being proposed. Also permits the convention, for the same purposes, to: (1) renumber or rearrange provisions, (2) transfer or divide provisions, (3) change reference designations to conform to redesignated provisions, and (4) make any other purely formal or clerical changes in keeping with the purpose of the revision.

Provides that any action by the convention in contravention of the provisions relative to substantive restrictions shall be null and void and of no effect.

Provides the procedure for judicial determination of the scope of the authority of the convention, questions relating to the construction and validity of the Act, or conformity of any action of the convention with the provisions of the Act and also provides for expedited hearings and decisions.

Proposed law provides for convention organization:

- (1) Includes provisions for oath for delegates; adoption of rules; election of chairman, vice chairman, chief clerical officer, and other officers deemed necessary by the convention; and election of an executive committee which shall include all of the elected officers of the convention; and other actions necessary to organize.
- (2) Provides for House and Senate staff designated by the presiding officers of the legislature, prior to the convention, to prepare rules of procedure for adoption by the convention, based on the 1973 convention rules, such rules to be subject to change and adoption by the convention. Prohibits proxy voting. Limits committee membership to 17 members.

Proposed law provides for the initial meeting of the convention on Jan. 9, 2017. Provides that after organizational activities are completed, the convention may meet either as a full body or in committees until it completes its duties.

Proposed law provides for convention staff, budget, committees, meeting site, and other assistance:

- (1) Requires the executive committee to employ a research director, research and clerical staff, and other employees deemed necessary. Specifies certain staff membership. Provides for soliciting staff applications. Provides for executive committee to set staff compensation.
- (2) Provides that staff may include but not be limited to a research director, research assistants, personnel provided by the four law schools from the faculty as requested by the committee, and such other staff as deemed necessary by the executive committee. Requires the secretary of state, prior to the first meeting of the convention, to advertise and receive applications for staff service and present those applications to the executive committee on the day the convention convenes.
- (3) Requires the executive committee to prepare a budget of anticipated expenses of the convention, based on the amount of the appropriation for the convention and any other funds available for expenditure.
- (4) Authorizes the executive committee to establish any substantive or procedural committees it deems necessary. Provides that the chairman of the convention appoint the chairman, vice chairman, and membership of each such committee.
- (5) Requires that the House Chamber and the legislative committee rooms in the state capitol be available for convention use, unless the legislature is in session. Authorizes the convention to meet elsewhere in Baton Rouge as determined by the chairman when state capitol facilities are not available or are insufficient.
- (6) Authorizes convention use of facilities and services of state departments and agencies and of political subdivisions and requires their cooperation in furnishing services, facilities, and employees. Authorizes the convention to accept grants, facilities, and services from public and private sources, with such to be recorded in convention records which shall be open for inspection.

Proposed law provides for compensation of delegates and payment of convention expenses:

- (1) Provides per diem for delegates in the same amount provided for the legislature for each day of actual attendance at meetings of the convention or committees thereof. Prohibits payment of per diem after May 30, 2018, or the date the final draft is completed, whichever is earlier. Prohibits a delegate from accepting any additional compensation for work performed as a delegate to the convention, but allows a delegate to continue to receive compensation for the delegate's regular bona fide employment while a delegate.
- (2) Requires that the legislature make adequate appropriations to the convention for the payment of the necessary expenses of the convention such as per diem, salaries, and expenses of employees, supplies, materials, equipment, and printing for so long as the convention remains in existence and for so long thereafter as is necessary to pay the expenses of the convention. Provides that the convention is not a state budget unit. Specifies that the convention is subject to audit by the legislative auditor.
- (3) Requires that funds appropriated be withdrawn from the state treasury in accordance with warrants signed by the convention chairman and that checks be signed by the

chairman and vice chairman, or the chairman or vice chairman and such other person as designated by the convention.

Submission to Voters/Effectiveness

Proposed law provides that the final draft of a proposed constitution be completed not later than May 30, 2018. Requires the convention, upon completion of its work and subject to the subject matter limitations on the convention, to submit to the governor the proposed constitution and any alternative provisions agreed upon no later than June 5, 2018. Provides that the constitution and any alternative provisions proposed for submission shall be submitted to the people for their adoption or rejection at a special election. Provides for the convention to determine the manner for submission of alternative proposals. Requires the governor to call the election within 15 days after the draft is submitted, to be held at the same time as the congressional primary in 2018 (Nov. 6, 2018). Provides for the election to be held and the results thereof promulgated in accordance with the La. Election Code and for costs to be paid as provided in the election code for elections in which a constitutional amendment appears on the ballot. Voters are allowed to vote without regard to party affiliation. Requires a majority vote to approve the constitution and any alternative proposals.

Proposed law, requires, upon promulgation of the results of the election by the secretary of state if the constitution is ratified and adopted by the people, that the governor proclaim the constitution, including alternative provisions adopted, to be the Constitution of La. Provides that the constitution and any such alternative provisions adopted shall become effective at midnight on Dec. 31, 2018, except as otherwise provided in the constitution or in any alternative provisions adopted.

Proposed law provides that if any provision or application of the Act which authorizes the convention to consider only certain subject matters and certain provisions of the constitution and prohibits the convention from considering other subject matters and provisions is held invalid then this entire Act shall be invalid and of no effect. Specifies, however, that if any other provision of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application.

Effective upon signature of governor or lapse of time for gubernatorial action.

Timetable for Major Provisions of Bill

<i>What</i>	<i>Date</i>
Election of 105 convention delegates	11/8/16 & 12/10/16 Congressional elections
Eighteen additional convention delegates appointed & submitted to secretary of state by	12/15/16
Convention to convene	1/9/17 (noon)
Convention to complete final draft & deadline for delegates' per diem	5/30/18
Convention to submit draft constitution to the governor by	6/5/18
Election for submission of proposed constitution	11/6/18 Congressional primary
Constitution becomes effective if adopted	12/31/18 (midnight)