
DIGEST

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HCR 24 Original

2015 Regular Session

Abramson

Establishes an Evaluation and Drafting Committee that will determine if a constitutional convention is needed, and if so, propose a plan for an effective convention, including a proposed constitution. Expresses legislative intent to call a constitutional convention to be convened on Sept. 5, 2017, composed of 123 delegates, 105 to be elected from representative districts and 18 appointed delegates, charged with preparing a proposed new constitution no later than June 27, 2018, and provides details about the contents of such convention call.

Proposed concurrent resolution 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.

Proposed concurrent resolution creates the Evaluation and Drafting Committee. Provides that its purpose is to evaluate and determine if a constitutional convention is needed, and if it determines that a convention is needed, to develop and propose a plan for the conduct of an effective constitutional convention, including a draft proposed constitution with alternative provisions.

- (1) Provides that the committee is composed of 13 members, to be appointed by Monday, Aug. 3, 2015, as follows:
 - (a) Two members of the House of Representatives appointed by the speaker.
 - (b) Two members of the Senate appointed by the Senate president.
 - (c) Two members appointed by the governor.
 - (d) One member appointed by the chief justice of the La. Supreme Court.
 - (e) A representative of the La. State Law Institute appointed by the La. State Law Institute.
 - (f) 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.

- (g) 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.
 - (h) 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.
 - (i) 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.
 - (j) A representative of the Public Affairs Research Council of La. appointed by the council.
- (2) Requires the committee to hold its organizational meeting not later than Tuesday, Sept. 8, 2015, and elect a chairman, a vice chairman, and other officers it finds necessary. Provides for filling of committee vacancies in the manner of the original appointments.
 - (3) Requires the committee to undertake studies necessary to evaluate if a constitutional convention is needed to address the issues facing the state and its people and, based upon such study, to determine if a constitutional convention is needed.
 - (4) Requires, if the committee determines that a constitutional convention is needed, that the committee prepare a plan for the conduct of an effective constitutional convention, such plan to include:
 - (a) A policy agenda for the convention including: identification of significant policy areas to be addressed; a draft of a proposed constitution, including provisions addressing significant policy areas and other necessary provisions; materials explaining the significant policy issue proposals; alternative proposals on significant policy areas, together with explanations and explanatory materials (to include multiple optional approaches and solutions); pertinent background material and data on significant policy areas.
 - (b) Background and other materials useful to the convention.
 - (c) Proposals for elimination of statutory materials and recommendations for legislative action relative thereto.
 - (d) Recommendations for convention organization and deliberations, including significant rules of procedure.
 - (e) Recommendations for convention budget needs.

- (f) Recommendations for procedures for submission of alternative proposals to the voters and ballot structure.
- (5) Authorizes the committee to create or appoint advisory committees or task forces to advise or assist in its studies, composed of representatives of the public or private sectors.
- (6) Requires the Evaluation and Drafting Committee to assemble necessary staff, to include: committee employees (authorizes employment of professional, research, and other employees with compensation to be established by the committee and paid as provided in the Resolution (see 9 below)); personnel provided by the LSU, Southern University, Tulane University, and Loyola University law schools from the faculty as requested by the committee. Authorizes the committee to use personnel, facilities, and services of the legislative auditor, the legislative fiscal officer, and the staffs of the House of Representatives and the Senate, and to request and utilize counsel, assistance, personnel, facilities, and advice from public and private sources. Authorizes the committee to call upon the members or staffs of state departments or agencies for data and assistance and requires them to cooperate with the committee.
- (7) Requires the committee to complete its work and submit to the legislature by March 1, 2016, its evaluation and determination of whether or not a constitutional convention is needed, and if it determines that a convention is needed, to also submit its plan for the conduct of an effective constitutional convention. Requires that a copy of such report be submitted to the governor and to the constitutional convention when it convenes.
- (8) Authorizes the committee to accept grants, donations, gifts, monies, aid, facilities, and services from public or private sources which shall be recorded with the names of the donors thereof in the record of the committee and the convention and shall be open to inspection by any person.
- (9) Provides that Evaluation and Drafting Committee members be paid the same per diem for each day of committee work and each day of committee meeting attendance, and makes committee members subject to the same limitations on other compensation, as the resolution provides that the convention call will make applicable to the compensation of convention delegates. (See below). Provides that per diem and other expenses of the committee may be paid from any funds available for the purpose and, with the approval of the presiding officers of the two houses of the La. Legislature, from funds available for expenses of the legislature.
- (10) Requires that legislative committee rooms in the state capitol be available for committee use (unless needed for legislative committees). Permits the committee to use facilities and services of any state or local department or agency and requires that they cooperate by furnishing services and facilities upon request. Also authorizes the committee to use the facilities and services of other persons and organizations.
- (11) Provides that the Evaluation and Drafting Committee shall be dissolved 30 days after

submission of the plan for the conduct of the constitutional convention to the convention unless a different termination date is provided in convention rules. If the committee determines that a convention is not necessary, provides that it shall be dissolved upon adjournment sine die of the 2016 R.S.

Proposed concurrent resolution expresses legislative intent to call a constitutional convention, if the Evaluation and Drafting Committee determines a constitutional convention is needed, and to include in the call provisions making the convention subject to the terms, conditions, and provisions set forth in the resolution as follows:

- (1) The convention is to convene at noon on Sept. 5, 2017, to frame a new constitution for the state.
- (2) Provides for 123 delegates as follows:
 - (a) 105 delegates to be elected from the House of Representatives' 2015 election districts.
 - (b) 13 delegates who shall be the members of the Evaluation and Drafting Committee (see above).
 - (c) Five additional delegates appointed not later than Dec. 5, 2016, as follows:
 - (i) A representative of the La. Association of Business and Industry appointed by the association.
 - (ii) A representative of the La. AFL-CIO appointed by the La. AFL-CIO.
 - (iii) A representative of the La. League of Women Voters appointed by the league.
 - (iv) A representative of the La. National Association for the Advancement of Colored People appointed by the association.
 - (v) A representative of the La. Municipal Association and the Police Jury Association 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 members and staff of the Evaluation and Drafting Committee and delegates and staff of the convention from dual employment/dual officeholding laws. Members of the Evaluation and Drafting Committee, 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 Tuesday, 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 (election code).
- (5) Provides for conduct of the elections in accordance with the election code, except for any conflicts with the call for the convention enacted in accordance with the resolution. 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. A vacancy must be filled within 30 days after it occurs.

Proposed concurrent resolution provides that the call for the convention shall grant the convention authority to frame a new state constitution, including such alternative provisions as it deems appropriate. Provides the procedure for judicial determination of the scope of the authority of the convention and questions relating to the scope and authority of the convention and for expedited hearings and decisions. Requires the call to prohibit any article or provision whereby:

- (1) State or local bonded indebtedness is impaired.
- (2) Terms of office of elected or appointed state or local officials are reduced or shortened prior to the expiration of the term of office at the time the new constitution is adopted or the salaries of such officials reduced prior to the expiration of such terms.
- (3) The state capital is removed or may be removed from Baton Rouge.
- (4) Art. I (Declaration of Rights) is altered in any way.

Proposed concurrent resolution requires that the call provide for convention organization, including the following:

- (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 concurrent resolution provides for the initial meeting of the convention on Sept. 5, 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 concurrent resolution includes requirements for the call relative to 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 concurrent resolution provides for the call to include the following relative to 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 of committees thereof. Prohibits payment of per diem after June 27, 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.
- (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.

Proposed concurrent resolution provides that the call require that the final draft of a proposed constitution be completed not later than June 27, 2018. Requires the call also to provide that:

- (1) Upon completion of its work, the convention shall submit to the governor the proposed constitution and any alternative provisions agreed upon.
- (2) The constitution and any alternative provisions proposed for submission shall be submitted to the people for their adoption or rejection at a special election, such election to be called by the governor within 30 days after the draft is submitted, to be held at the same time as the congressional primary election in 2018, to be held and the results thereof promulgated in accordance with the La. Election Code, and costs thereof to be paid as provided in the election code for elections in which a constitutional amendment appears on the ballot.
- (3) The favorable vote of a majority of voters voting on the respective proposition shall be required to approve the constitution and any alternative proposals.

Proposed concurrent resolution provides for the convention to determine the manner for submission of alternative proposals. Upon promulgation of the results of the election by the secretary of state, if the constitution is ratified and adopted by the people, requires the governor to 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.