

Regular Session, 2011

HOUSE CONCURRENT RESOLUTION NO. 179

BY REPRESENTATIVE ABRAMSON

CONSTITUTION/CONVENTION: Provides for an in-depth study of the need for and for a plan for the conduct of a constitutional convention, creates a committee for such purpose, and expresses legislative intent to call a convention based upon the results of such study

1 A CONCURRENT RESOLUTION

2 To create a committee to provide for an in-depth study of the need for, and for preparation
3 of a plan for the conduct of, a convention to revise the Constitution of Louisiana and
4 to express legislative intent to call a constitutional convention based upon the results
5 of such study.

6 WHEREAS, it has been almost thirty-seven years since the Constitution of Louisiana
7 became effective at twelve midnight on December 31, 1974, and during the intervening
8 years the document which constitutes the state's basic law has been amended some one
9 hundred sixty-three times; and

10 WHEREAS, the need to address a number of key policy areas that require
11 constitutional change has become apparent, including such matters as the state's tax structure
12 and budgetary practices, which hamper the state's economic growth and competitiveness as
13 well as the quality of life of Louisiana residents; the dedication of state revenues and the
14 resulting inability of the legislature to allocate resources where needed, particularly for the
15 needs of health care and higher education; the fiscal restraints on local governments that
16 dramatically limit their authority to meet fiscal and budgetary demands; a postsecondary
17 education structure that is burdened by duplication and competition for scarce resources; the
18 need for further modernization of the civil service system; and other matters; and

19 WHEREAS, the constitution today contains many provisions that restrict the
20 legislature in effectively addressing state and constituent needs, and the document also

1 includes extensive provisions that are so detailed as to be statutory rather than constitutional
2 in nature and which, as a result, require further constitutional amendment when any change
3 is needed; and

4 WHEREAS, a serious analysis and revision of the state constitution is needed if the
5 state is to conduct a genuine examination of the state's critical needs, to undertake an in-
6 depth consideration of reform proposals, and to craft provisions that allow for flexibility and
7 innovation in legislative solutions to problems of the present and the future.

8 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
9 create a committee to provide for an in-depth study of the need for, and for preparation of
10 a plan for the conduct of, a convention to revise the Constitution of Louisiana, and the
11 legislature expresses legislative intent to call a constitutional convention based upon the
12 results of such study, all as more specifically provided in this Concurrent Resolution.

13 BE IT FURTHER RESOLVED that, in order to conduct the needed study and
14 prepare a plan for a constitutional convention, a committee is hereby created, to be
15 designated as the Evaluation and Drafting Committee, and that the purpose of the committee
16 shall be to evaluate and determine if a constitutional convention is needed to address the
17 issues facing the state and its people and, if it determines that a convention is needed, to
18 develop and propose a plan for the conduct of an effective constitutional convention,
19 including a draft proposed constitution with alternative proposals for provisions on
20 significant policy areas.

21 BE IT FURTHER RESOLVED that the Evaluation and Drafting Committee shall be
22 composed of thirteen members as follows:

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

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

26 (3) Two members appointed by the governor.

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

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

1 (6) 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 (7) 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 (8) 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 (9) 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 (10) A representative of the Public Affairs Research Council of Louisiana appointed
14 by the council.

15 BE IT FURTHER RESOLVED that:

16 (1) The appointments to the Evaluation and Drafting Committee shall be made and
17 shall be submitted to the secretary of state not later than Monday, August 1, 2011; that, not
18 later than August 8, 2011, the secretary of state shall provide each member appointed with
19 a list of the membership appointed to the committee; that the secretary of state shall issue
20 a commission to each person appointed to the committee; and that any vacancy in the
21 membership of the committee shall be filled in the manner of the original appointment.

22 (2) The committee shall hold its organizational meeting not later than Tuesday,
23 September 6, 2011, on the call of the speaker of the House of Representatives and the
24 president of the Senate acting jointly, and the committee shall elect a chairman, a vice
25 chairman, and such other officers as it shall find necessary.

26 BE IT FURTHER RESOLVED that the committee shall have the following powers
27 and duties:

28 (1) The committee shall undertake such studies as necessary to evaluate if a
29 constitutional convention is needed to address the issues facing the state and its people and,

1 based upon such study, shall make a determination as to whether or not a constitutional
2 convention is needed.

3 (2) If the committee determines that a constitutional convention is needed, it shall
4 prepare a plan for the conduct of an effective constitutional convention, which plan shall
5 include but not be limited to:

6 (a) A policy agenda for the convention which shall include:

7 (i) Identification of significant policy areas that must be addressed in order to
8 propose a constitution that will serve the state effectively.

9 (ii) A draft of a proposed constitution for the state, including provisions addressing
10 such significant policy areas, as well as all other provisions necessary for an effective
11 constitution.

12 (iii) Materials explaining the proposed provisions on significant policy areas and the
13 reasons therefor.

14 (iv) Alternative proposals for provisions on significant policy areas, together with
15 explanations and explanatory materials therefor, including multiple optional approaches and
16 solutions as appropriate to facilitate the work of the convention in addressing issues.

17 (v) Pertinent background material and data relative to significant policy areas.

18 (b) Background and other materials that the committee determines will be useful to
19 the work of the convention.

20 (c) Proposals for elimination of statutory materials from the constitution, together
21 with recommendations for legislative action relative thereto.

22 (d) Recommendations for convention organization and deliberations, including
23 significant provisions for rules of procedure.

24 (e) Recommendations for budget needs for effective conduct of a convention.

25 (f) Recommendations for procedures for submission of alternative proposals to the
26 voters and ballot structure.

27 (3) The committee shall undertake all necessary study and analysis necessary to
28 complete such plan and submit such plan to the legislature.

1 (4) The committee may create or appoint advisory committees or task forces to act
2 in an advisory capacity or to assist in its studies, composed of such representatives of the
3 public or private sectors as it deems appropriate.

4 (5)(a) As soon as possible after the members of the Evaluation and Drafting
5 Committee have been appointed, the committee shall assemble such staff as it deems
6 necessary to assist it in completing its duties on a timely basis. Such staff may include:

7 (i) Such professional, research, and other employees as the committee deems
8 necessary to carry out its duties; the committee is hereby authorized to employ such staff and
9 such staff shall be compensated as provided in this Concurrent Resolution.

10 (ii) Personnel provided by the Louisiana State University, Southern University,
11 Tulane University, and Loyola University law schools from the faculty as requested by the
12 committee.

13 (b) The committee may utilize the personnel, facilities, and services of the legislative
14 auditor, the legislative fiscal officer, and the staffs of the House of Representatives and the
15 Senate, and the committee may request and utilize such counsel, assistance, personnel,
16 facilities, and advice as may be obtained from any and all public sources and from any and
17 all private sources, including but not necessarily restricted to universities, colleges,
18 foundations, charitable corporations, private research agencies, individuals, and
19 organizations.

20 (c) The committee may call upon the members or staffs of any and all departments
21 or agencies of the state for data and assistance, and all such departments and agencies shall
22 cooperate with the committee.

23 (6) The committee shall complete its work no later than March 1, 2012, and shall
24 submit to the legislature its evaluation and determination of whether or not a constitutional
25 convention is needed, and if it determines that a convention is needed, it shall also submit,
26 accompanying such evaluation, a plan for the conduct of an effective constitutional
27 convention; it shall submit a copy of the evaluation and the plan to the governor and, when
28 the constitutional convention convenes, it shall submit a copy to the convention.

1 BE IT FURTHER RESOLVED that:

2 (1) The committee may accept grants, donations, gifts, monies, aid, facilities, and
3 services from public or private sources for the purpose of completing its work and preparing
4 and submitting the plan for the conduct of the constitutional convention; any such grants,
5 monies, facilities, services, and donations, as well as the names of the donors thereof, shall
6 be recorded in the record of the proceedings of the committee and of the convention, and
7 such records shall be open to inspection by any person.

8 (2) The members of the Evaluation and Drafting Committee shall be paid the same
9 per diem for each day of conducting the work of the committee and for each day of
10 attendance at meetings of the committee, and the members of the committee shall be subject
11 to the same limitations on other compensation, as this Concurrent Resolution provides that
12 the convention call will make applicable to the compensation of convention delegates.

13 (3) Per diem of committee members and all other expenses directly incurred by the
14 committee may be paid from any funds available for the purpose and, with the approval of
15 the presiding officers of the two houses of the Louisiana Legislature, from funds available
16 to such presiding officers for expenses of the legislature.

17 (4) Legislative committee rooms in the state capitol shall be available for use by the
18 committee, unless required for legislative committee meetings, and, in addition, the
19 committee may use the facilities and services of any board, commission, department, or
20 agency of the state or of any political subdivision of the state, and all such entities shall
21 cooperate with the committee to the fullest extent in furnishing services and facilities upon
22 request; the committee may use the facilities and services of other persons and organizations.

23 BE IT FURTHER RESOLVED that, if the Evaluation and Drafting Committee
24 determines that a constitutional convention is needed, the Evaluation and Drafting
25 Committee shall be dissolved thirty days after submission of a copy of the plan for the
26 conduct of the constitutional convention to the convention, except that if a different
27 termination date is provided in the rules of the convention, the Evaluation and Drafting
28 Committee shall be dissolved on that date; however, if the Evaluation and Drafting
29 Committee determines that a convention is not necessary, the Evaluation and Drafting

1 Committee shall be dissolved upon adjournment sine die of the 2012 Regular Session of the
2 Legislature of Louisiana.

3 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby express
4 its firm intent to call a constitutional convention if the Evaluation and Drafting Committee
5 determines that a constitutional convention is needed, such convention to convene on
6 September 3, 2013, at 12:00 noon and to be for the purpose of framing a new constitution
7 for the state of Louisiana, and the legislature does further express its intent to include in the
8 call for the convention, to be enacted by the legislature, provisions that will make the
9 convention subject to the terms, conditions, and provisions set forth in this Concurrent
10 Resolution.

11 BE IT FURTHER RESOLVED that the call for the convention shall provide relative
12 to the convention delegates, including provisions that:

13 (1) There shall be one hundred twenty-three delegates to the convention as follows:

14 (a) One delegate shall be elected from each of the districts from which members of
15 the House of Representatives of the Louisiana Legislature are elected in 2011.

16 (b) The members of the constitutional convention Evaluation and Drafting
17 Committee shall be delegates to the convention.

18 (c)(i) Five additional delegates shall be appointed not later than December 3, 2012,
19 as follows:

20 (aa) A representative of the Louisiana Association of Business and Industry
21 appointed by the association.

22 (bb) A representative of the Louisiana AFL-CIO appointed by the Louisiana AFL-
23 CIO.

24 (cc) A representative of the Louisiana League of Women Voters appointed by the
25 league.

26 (dd) A representative of the Louisiana National Association for the Advancement
27 of Colored People appointed by the association.

28 (ee) A representative of the Louisiana Municipal Association and the Police Jury
29 Association of Louisiana appointed by the joint concurrence of the two associations.

1 (ii) These appointments shall be made and shall be submitted to the secretary of state
2 not later than December 3, 2012.

3 (2) The secretary of state shall issue a commission to each delegate.

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

8 (4) The election or appointment of any public official or public employee as a
9 delegate to the convention and his service in the convention or as a member of the
10 Evaluation and Drafting Committee and his service on the committee and the appointment
11 of any public official or public employee to the staff of the convention or the staff of the
12 Evaluation and Drafting Committee and his service on such staff shall not be construed to
13 constitute dual officeholding or dual employment within the prohibitions of Part III of
14 Chapter 2 of Title 42 of the Louisiana Revised Statutes of 1950.

15 (5) A delegate elected from a representative district shall be considered an elected
16 official within the scope of and subject to the provisions of Chapter 15 of Title 42 of the
17 Louisiana Revised Statutes of 1950; a delegate who is not an elected delegate, a member of
18 the Evaluation and Drafting Committee, or a member of the staff of the convention or of the
19 Evaluation and Drafting Committee shall be considered a public employee within the scope
20 of and subject to the provisions of Chapter 15 of Title 42 of the Louisiana Revised Statutes
21 of 1950; for purposes of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950,
22 the agency and the governmental entity of delegates and staff members of the convention
23 shall be the convention and the agency and the governmental entity of members and staff
24 members of the Evaluation and Drafting Committee shall be both the committee and the
25 convention; and for purposes of any other office or employment of any such delegate,
26 committee member, or staff member, the provisions of Chapter 15 of Title 42 of the
27 Louisiana Revised Statutes of 1950 shall remain applicable.

28 (6) The delegates to the convention, the staff of the convention, and the members
29 and staff of the Evaluation and Drafting Committee shall be subject to the public bribery
30 provisions of the laws of this state.

1 (7) Each candidate for election as a delegate to the constitutional convention and
2 each elected delegate shall be subject to the provisions of the Campaign Finance Disclosure
3 Act, and the office of delegate shall be a district office for the purposes of that Act.

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

7 (9)(a) The one hundred five delegates to the convention to be elected from
8 representative districts shall be elected at a special election.

9 (b) The special primary election for such delegates shall be held at the primary
10 election on Tuesday, November 6, 2012, and, if necessary, the special general election for
11 delegates shall be held at a statewide election to be held on Saturday, December 1, 2012.

12 (c) The governor shall issue a proclamation and give notice of the election to be held
13 as provided in this Section not less than forty-five days before the date of the election as
14 fixed in this Section.

15 (d) Each person desiring to become a candidate for election as a delegate from a
16 representative district shall qualify as a candidate from the particular representative district
17 he seeks to represent by filing a statement of candidacy with the secretary of state not later
18 than the closing of the qualifying period for candidates in the primary election on November
19 6, 2012, as otherwise provided by law, and qualification as a candidate shall be without
20 regard to party affiliation.

21 (e) The election of a person to the office of delegate shall be in accordance with
22 provisions for the election of candidates for public office in the Louisiana Election Code,
23 and except as otherwise provided in the call for the convention enacted in accordance with
24 this Concurrent Resolution, the primary and general elections for convention delegates shall
25 be conducted and the results thereof published and promulgated in accordance with the
26 Louisiana Election Code.

27 (f) All qualified electors shall be entitled to vote in their respective election precincts
28 without regard to party affiliation.

29 (g) The votes for candidates for the office of delegate shall be tabulated as in the
30 case of candidates for public office.

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

4 (i) All offenses, prosecutions, penalties, and punishments arising out of or in
5 connection with the elections required by this Concurrent Resolution shall be governed by
6 the applicable laws of the state.

7 (10) In the event of the death or the inability or unwillingness of a delegate to serve,
8 whether before or during the convention:

9 (a) In the case of an elected delegate, the speaker of the House of Representatives,
10 the president of the Senate, and the governor shall fill such vacancy within thirty days after
11 the vacancy occurs by appointment, by unanimous consent of the three officials, of a person
12 from the same district who possesses the qualifications for delegate.

13 (b) In the case of any delegate other than an elected delegate, the vacancy shall be
14 filled in the same manner as the original selection within thirty days after the vacancy
15 occurs.

16 BE IT FURTHER RESOLVED that the call for the convention shall grant the
17 convention authority to frame a new constitution for the state, including such alternative
18 provisions as it deems appropriate, which shall be submitted to the electors of the state for
19 their approval or rejection, but such call shall prohibit the convention from framing any
20 article or provision whereby:

21 (1) The bonded or other indebtedness of the state or of any parish, municipality,
22 district, or other political subdivision or authority of the state would be impaired.

23 (2) The term of office of members of the legislature or of any other elected or of any
24 appointed official of the state or of any political subdivision thereof would be reduced or
25 shortened prior to the expiration of the term of office being held at the time of the adoption
26 of the new constitution, or the salary of any such official would be reduced prior to the
27 expiration of the term of office being held at the time of the adoption of a new constitution.

28 (3) The state capital is removed or could be removed from Baton Rouge.

29 BE IT FURTHER RESOLVED that the call for the convention shall also provide that
30 any action to determine a question of the construction or validity of this Concurrent

1 Resolution or to determine the scope of authority of the convention shall be brought in the
2 Nineteenth Judicial District Court; the matter shall be tried by preference over other matters,
3 and the court shall render a decision as soon as practicable, and that, in the event of an
4 appeal, the appellate court shall place the matter on its preferential docket, shall hear it
5 without delay, and shall render a decision as soon as practicable.

6 BE IT FURTHER RESOLVED that the call for the convention shall provide that:

7 (1) The delegates to the convention shall meet in the House chamber in the state
8 capitol, or at such other suitable location in the capital city as shall be determined jointly by
9 the presiding officers of the legislature, at 12:00 noon on Tuesday, September 3, 2013; that
10 the chief justice, or in his absence any associate justice of the supreme court designated by
11 the court, shall attend the opening of the convention and shall preside until the chairman has
12 been elected, and that the secretary of state shall attend the opening of the convention and
13 call the roll of the delegates, whereupon the temporary presiding officer shall administer to
14 the delegates the following oath:

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

21 (2) No delegate shall be qualified to serve as such unless and until he has taken and
22 subscribed to the required oath.

23 (3) After the oath has been administered, the delegates shall proceed to effect the
24 permanent organization of the convention and shall:

25 (a) Adopt rules of procedure for the convention, which rules shall not be inconsistent
26 with the provisions of this Concurrent Resolution.

27 (b) Elect from among their number a chairman, a vice chairman, and such other
28 officers as they deem necessary.

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

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

6 (e) Take such other actions as they deem necessary to effect a permanent
7 organization of the convention.

8 BE IT FURTHER RESOLVED that, prior to the convening of the convention,
9 members of the House of Representatives and Senate staffs, as designated by the presiding
10 officers of the legislature, shall prepare a draft of rules of procedure for consideration,
11 amendment, and adoption by the convention when it convenes and that:

12 (1) Such proposed rules shall be based upon the rules of the constitutional convention
13 convened in 1973, except as inconsistent with the call for the convention and this Concurrent
14 Resolution.

15 (2) The rules of procedure adopted by the convention shall be subject to later change
16 as the delegates shall provide therein.

17 (3) No delegate shall be allowed to vote by proxy and the rules shall so provide.

18 (4) No committee of the convention, including the executive committee, shall exceed
19 seventeen members and the rules shall so provide.

20 BE IT FURTHER RESOLVED that, after completing organizational activities, the
21 convention may meet either as a full body or in committees until it completes its duties.

22 BE IT FURTHER RESOLVED that the call for the convention shall provide for
23 convention staff and shall provide that:

24 (1) As soon as possible after the members of the executive committee are elected, the
25 executive committee shall employ a research director, research assistants, and secretarial and
26 clerical personnel as provided in Paragraph (2) below and may also employ such other
27 professional, research, technical, clerical, and stenographic employees as the committee shall
28 deem necessary.

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

3 (a) A director of research who shall possess such qualifications as determined by the
4 committee.

5 (b) Research assistants in such number and possessing such qualifications as
6 determined by the committee.

7 (c) Personnel provided by the Louisiana State University, Tulane University, Loyola
8 University, and Southern University law schools from the faculty as requested by the
9 committee.

10 (d) Such other staff as the executive committee deems necessary.

11 (3) The secretary of state shall advertise for applicants for the staff of the
12 constitutional convention and shall receive such applications for staff service prior to the
13 first meeting of the convention and shall present the applications he has received to the
14 executive committee on the day the convention convenes; however, if the executive
15 committee deems necessary, it may receive additional applications after the convention
16 convenes.

17 (4) Compensation of staff personnel shall be established by the executive committee.

18 BE IT FURTHER RESOLVED that, as soon as possible after the members of the
19 executive committee are elected, the executive committee shall prepare a budget of
20 anticipated expenses of the convention, including staff salaries and other necessary
21 expenditures, based on the amount of the appropriation for the convention and any other
22 funds available for expenditure.

23 BE IT FURTHER RESOLVED that the executive committee may create and
24 establish such substantive and procedural committees as it deems appropriate and that the
25 chairman of the convention shall appoint the chairman, vice chairman, and the membership
26 of each such committee.

27 BE IT FURTHER RESOLVED that the call shall provide for facilities and services,
28 including provisions that:

29 (1) Unless the legislature is in session, the House chamber and the legislative

1 committee rooms in the state capitol shall be available for use by the convention and its
2 committees.

3 (2) If the facilities at the state capitol are not available or are not sufficient for use
4 by the convention or its committees, the convention or its committees shall meet at a suitable
5 location in the capital city, which location shall be determined by the chairman of the
6 convention, and public notice of the location shall be given and posted at suitable locations
7 in the state capitol.

8 (3) The convention shall have full authority to use the facilities and services of any
9 board, commission, department, or agency of the state or of any political subdivision of the
10 state, and all such entities shall cooperate with the convention to the fullest extent in
11 furnishing services, facilities, and employees upon request, and the convention may use the
12 facilities and services of other persons and organizations.

13 BE IT FURTHER RESOLVED that the convention shall have full authority to accept
14 grants, monies, aid, facilities, and services from public or private sources for the purpose of
15 accomplishing its task of framing a new constitution and any such grants, monies, facilities,
16 services, and donations, as well as the names of the donors thereof, shall be recorded in the
17 record of the proceedings of the convention, and such records shall be open to inspection by
18 any person.

19 BE IT FURTHER RESOLVED that the call for the convention shall require that the
20 final draft of the proposed constitution shall be completed no later than June 27, 2014.

21 BE IT FURTHER RESOLVED that the call for the convention shall provide that:

22 (1) Delegates to the convention shall receive a per diem for each day of actual
23 attendance at meetings of the convention or of committees thereof in the amount provided
24 for members of the legislature for attendance at legislative sessions, but no delegate shall be
25 paid a per diem after June 27, 2014, or the date the final draft is completed, whichever is
26 earlier.

27 (2) No delegate may accept any other compensation from any source for work
28 performed as a delegate to the convention; however, if a delegate is engaged in regular, bona
29 fide employment, should the delegate's employer choose to continue to compensate while

1 the delegate is engaged in the work of the convention, such delegate may accept that
2 compensation, notwithstanding any provision of law to the contrary.

3 BE IT FURTHER RESOLVED that the call for the convention shall provide that:

4 (1) Any appropriation for the expenses of the convention shall be used solely to
5 defray the necessary expenses of the constitutional convention for which provision is made
6 in this Concurrent Resolution, including the payment of per diem of delegates, salaries, and
7 expenses of necessary employees, supplies, materials, equipment, printing, and reproduction
8 of materials, and all other necessary expenses incurred in connection with the convention
9 and its work.

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

15 (3) The legislature shall make adequate appropriations to the convention for so long
16 as the convention remains in existence and for so long thereafter as is necessary to assure
17 the payment of all expenses incurred in connection with the work of the convention.

18 (4) The convention shall not be deemed to be a budget unit of the state and therefore
19 shall not be subject to the provisions of Chapter 1 of Title 39 of the Louisiana Revised
20 Statutes of 1950; however, the financial books and records of the convention shall be subject
21 to audit by the legislative auditor.

22 BE IT FURTHER RESOLVED that the call for the convention shall provide that:

23 (1) Upon completion of its work, the convention shall submit a proposed draft of a
24 new constitution for the state to the governor.

25 (2) At the discretion of the convention, it may also propose and submit at the same
26 time such alternative provisions as it deems appropriate.

27 (3) The constitution as drafted by the convention, together with any alternative
28 provisions proposed for submission, shall be submitted to the people for adoption or
29 rejection, and, within thirty days after submission of the proposed draft to the governor, he
30 shall by proclamation call an election, to be held at the same time as the congressional

1 primary election in 2014, for the purpose of submitting the proposed draft and any
2 alternative provisions to the people for adoption or rejection.

3 (4) The election shall be held and the results shall be promulgated in accordance
4 with the Louisiana Election Code.

5 (5) All electors duly qualified to vote in the state at the time of the election shall be
6 entitled to vote without regard to party affiliation in their respective precincts on the
7 proposition for or against adoption of the revision and on the question or questions of
8 adoption of such alternative provisions as may be proposed by the convention.

9 (6) The costs of the election shall be paid as provided in the Louisiana Election Code
10 for elections in which a constitutional amendment appears on the ballot.

11 (7) The convention may submit to the electors of the state the proposal for
12 acceptance or rejection of the constitution and any alternative provisions in such form and
13 manner as it may determine and may direct the proper election officials to take the necessary
14 steps to effectuate the determination of the convention in presenting the proposed
15 constitution and any alternative provisions to the electors.

16 (8) Adoption of the constitution and of any such alternative provisions shall require
17 the favorable vote of a majority of the electors voting on the respective proposition.

18 (9) Upon promulgation of the results of the election by the secretary of state, if the
19 constitution is ratified and adopted by the people in the election for which provision is made
20 in this Section, the governor shall proclaim the constitution, including such alternative
21 provisions as are adopted by the people at the election, to be the Constitution of Louisiana.

22 BE IT FURTHER RESOLVED that the constitution, including such alternative
23 provisions as are so adopted, shall become effective at midnight on December 31, 2014,
24 except as otherwise provided in the constitution adopted or in any such alternative provisions
25 adopted.

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)]

Abramson

HCR No. 179

Abstract: 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. 3, 2013, 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, 2014, 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. 1, 2011, 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. 6, 2011, 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, 2012, 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 2012 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. 3, 2013, 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' 2011 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. 3, 2012, 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. Excepts 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. 6, 2012, and if a general election is necessary, on Dec. 1, 2012. 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.

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. 3, 2013. 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, 2014, 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, 2014. 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 2014 (Nov. 4, 2014), 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, 2014, except as otherwise provided in the constitution or in any alternative provisions adopted.