

1 Commissioners and alternates may include persons holding public office, subject to further
2 limits described below, except that no person will be eligible who is (1) a member of the
3 United States House of Representatives or Senate, (2) an employee of the United States, (3)
4 an employee or other representative of a contractor with the United States, or (4) an elected
5 official holding a statewide office. Commissioners and alternates are also subject to those
6 existing ethics rules which apply to members of the legislature.

7 C. The House of Representatives and Senate shall select, by simple majority vote,
8 the five commissioners and three alternates who meet the eligibility requirements described
9 herein. Of the five commissioners, at least two shall not be sitting members of the state
10 legislature. Of the three alternates, at least one shall not be a sitting member of the state
11 legislature.

12 D. Three commissioners shall constitute a quorum for all decisions made by the
13 delegation, and no commissioner may give his or her vote by proxy or otherwise to any other
14 commissioner. The commissioners shall select a chairperson to administer the work of the
15 commissioners.

16 Section 3. Authority of Commissioners

17 A. Each commissioner and alternate shall, by oath or affirmation as a condition of
18 participating in the convention, agree to faithfully and impartially discharge all the duties
19 incumbent upon a convention commissioner, including the duty to abide by instructions
20 established by concurrent resolution of the legislature for participation in the convention and
21 the duty to act only within the scope of the Louisiana Legislature's application for the
22 convention, if Louisiana applied for the convention in which the commissioners are
23 participating. Each commissioner and alternate shall further agree to immediately notify the
24 Joint Legislative Committee if he or she believes that any Louisiana commissioner or
25 alternate has violated his or her oath or instructions while participating in the convention.

26 B. Prior to the Article V Convention, the legislature shall consider "Recommended
27 Commissioner Instructions" presented to it by the Joint Legislative Committee as discussed
28 further in Section 4 below, and shall by concurrent resolution provide duly approved
29 instructions to the commissioners and alternates regarding the scope of matters they may
30 consider and vote on at convention, including rules of procedure and proposed amendments.

1 Such instructions may be changed by the legislature prior to or during the convention. These
2 instructions shall include but not be limited to:

3 1. An instruction that the commissioners shall not support any voting rule other than
4 the rule whereby each state exercises one vote; and

5 2. An instruction that on all voting matters at the convention, the decision of a
6 simple majority of the Louisiana commissioners shall constitute a single vote for the state
7 of Louisiana.

8 C. Any vote cast by a commissioner or alternate at an Article V Convention that is
9 outside the scope of any of the following is an unauthorized vote, and is therefore void:

10 1. The instructions established by any concurrent resolution adopted under this
11 Resolution or later amending resolutions.

12 2. Any limits identified in the Louisiana Legislature's application for the convention.

13 Section 4. Authorization for and Role of the Joint Legislative Committee

14 A. After or near the time an Article V Convention is called, a Joint Legislative
15 Committee shall be duly authorized by the legislature for the purposes described in this
16 Section. The Joint Legislative Committee shall be comprised of four members of the Senate
17 appointed by the president of the Senate and four members of the House of Representatives
18 appointed by the speaker of the House of Representatives, and shall have the initial task of
19 presenting "Recommended Commissioner Instructions" to the full legislature for
20 consideration leading to a concurrent resolution as discussed in Section 3(B) above. Such
21 Commissioner Instructions will define the scope of matters the commissioners may consider
22 and vote on at the Article V Convention, including rules of procedure and proposed
23 amendments as discussed more fully in Section 3 above. All recommendations that secure
24 a simple majority vote of the members present will be deemed approved "Recommended
25 Commissioner Instructions" to be submitted to the full legislature for its consideration.

26 B. After commissioners have been selected, the Joint Legislative Committee may
27 recall any commissioner and revoke such commissioner's authority. However, the Joint
28 Legislative Committee may only recall and revoke the authority in the event the
29 commissioner casts or attempts to cast an unauthorized vote as described in this Resolution.
30 The Joint Legislative Committee shall also appoint one of the selected alternates to take the

1 place of a commissioner so recalled. The Joint Legislative Committee shall promptly
2 investigate any notice that a commissioner or alternate has cast an unauthorized vote or
3 otherwise exceeded the scope of the legislature's application for the convention or the
4 legislature's instructions to the commissioners. The Joint Legislative Committee shall act
5 to ensure that the commissioners remain faithful to the terms of the convention application
6 and the legislature's instructions. Before or during the Article V Convention, the Joint
7 Legislative Committee may advise the commissioners on questions which arise regarding
8 the scope of the convention and the legislative instructions to commissioners.

9 C. By concurrent resolution, the legislature may change or supersede any action of
10 the Joint Legislative Committee or recall commissioners or alternates to the convention, or
11 appoint new commissioners or alternates.

12 D. The Joint Legislative Committee shall be authorized to conduct its business via
13 telephone or by electronic communication.

14 Section 5. Conflicts with Convention Rules or Procedures

15 Should the provisions of this Resolution conflict with the rules or procedures
16 established by the Article V Convention, the legislature may, by concurrent resolution,
17 conform these provisions to such rules or procedures.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Nancy Vicknair.

SCR 26 Original

DIGEST
2018 Regular Session

Cortez

Provides for the selection and authority of commissioners representing the state when a convention is called to propose amendments to the U.S. Constitution pursuant to Article V.