

2018 Regular Session

HOUSE BILL NO. 500

BY REPRESENTATIVES ABRAMSON, ABRAHAM, AMEDEE, BACALA, BARRAS, BERTHELOT, BISHOP, STEVE CARTER, COUSSAN, CROMER, DAVIS, DWIGHT, EMERSON, FALCONER, FOIL, GISCLAIR, HAZEL, HENRY, HUVAL, MAGEE, MIGUEZ, GREGORY MILLER, SCHEXNAYDER, SEABAUGH, STEFANSKI, THIBAUT, WRIGHT, AND ZERINGUE

CONSTITUTION/CONVENTION: Provides for calling a limited constitutional convention and preparations therefor

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 certain matters; to provide for legislative findings;  
5 to fix the time and place for the convention; to provide for the qualifications and  
6 election of delegates; to provide for the organization and staff of the convention; to  
7 provide for advisory members to the convention; to require that the constitution as  
8 adopted by the convention be submitted to the qualified electors for adoption and to  
9 provide relative to such submission; to provide for the application of specified laws,  
10 including provisions of law containing criminal penalties, to delegates, candidates  
11 for delegate, and staff of the convention; to require appropriation of funds for the  
12 convention and provide with respect to convention funds; to fix the effective date of  
13 the new constitution if approved by the electorate; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

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

16 (A) It has been more than forty-three years since the Constitution of Louisiana  
17 became effective at midnight on December 31, 1974, and during these years the document

1 which constitutes the state's basic law has been amended some one hundred eighty-nine  
2 times.

3 (B) The need to address a number of key policy areas that require constitutional  
4 change has become apparent, including such matters as the state's tax structure and  
5 budgetary practices that hamper the state's economic growth and competitiveness as well as  
6 the quality of life of Louisiana residents; the dedication of state revenues and the resulting  
7 inability of the legislature to allocate resources where needed, particularly for the needs of  
8 health care and higher education; the fiscal restraints on local governments that dramatically  
9 limit their authority to meet fiscal and budgetary demands; and other matters.

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

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

18 Section 2. Call for convention; delegates. (A) A constitutional convention is hereby  
19 called, to convene on January 6, 2020, at noon, which shall be held for the purpose of  
20 framing a new constitution for the state of Louisiana subject to the terms, conditions, and  
21 provisions in this Act.

22 (B)(1) There shall be one hundred seventeen delegates to the convention. Three  
23 delegates shall be elected from each of the districts from which members of the Senate of  
24 the Louisiana Legislature were elected in 2015.

25 (2) The secretary of state shall issue a commission to each delegate elected as  
26 provided in this Section.

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

1           (4) The election of any public official or public employee as a delegate to the  
2 convention and his service in the convention and the appointment of any public official or  
3 public employee to the staff of the convention, as authorized and provided in this Act, shall  
4 not be construed to constitute dual office holding or dual employment within the prohibitions  
5 of Part III of Chapter 2 of Title 42 of the Louisiana Revised Statutes of 1950. Each delegate  
6 shall be considered to be an elected official within the scope of and subject to the provisions  
7 of the Code of Governmental Ethics, Chapter 15 of Title 42 of the Louisiana Revised  
8 Statutes of 1950. Each staff member of the convention shall be considered to be a public  
9 employee within the scope of and subject to the provisions of the Code of Governmental  
10 Ethics, Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950. For purposes of  
11 Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950, the agency and the  
12 governmental entity of delegates and staff members of the convention shall be the  
13 convention. For purposes of any other office or employment of any such delegate or staff  
14 member, the provisions of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950  
15 shall remain applicable. Each delegate to the convention and each staff member of the  
16 convention shall be considered to be a public officer, public official, public employee, or  
17 person in a position of public authority for purposes of the application of the provisions of  
18 the Louisiana Criminal Code.

19           (5) Each candidate for election as a delegate to the constitutional convention and  
20 each elected delegate shall be subject to the provisions of the Campaign Finance Disclosure  
21 Act and the office of delegate shall be a district office for the purposes of that Act.

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

25           (C)(1) The one hundred seventeen delegates to the convention to be elected from  
26 senate districts shall be elected at a special election to be held as provided in this Act. The  
27 special primary election for such delegates shall be held at the primary election on October  
28 12, 2019, and, if necessary, the special general election for delegates shall be held at a  
29 statewide election to be held on November 16, 2019. Not later than June 26, 2019, the  
30 governor shall issue a proclamation and give notice of the election to be held under this

1 Section. Each person desiring to become a candidate for election as a delegate from a senate  
2 district shall qualify as a candidate from the particular senate district he seeks to represent  
3 by filing a statement of candidacy with the clerk of court for the parish in which the  
4 candidate is registered to vote during the qualifying period for candidates in the primary  
5 election on October 12, 2019, as otherwise provided by law. Qualification as a candidate  
6 shall be without regard to party affiliation.

7 For purposes of qualifying and election only, each person seeking election to be a  
8 delegate shall qualify for either "Delegate A", "Delegate B", or "Delegate C" of the senate  
9 district from which he seeks election. Notwithstanding R.S. 18:453 or 461, a person may  
10 qualify for one delegate position and one other office other than delegate.

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 delegates. (A) Except as otherwise provided in  
14 this Act, the primary and general elections for convention delegates shall be conducted and  
15 the results thereof published and promulgated in accordance with the Louisiana Election  
16 Code. All qualified electors shall be entitled to vote in their respective election precincts  
17 without regard to party affiliation. The votes for candidates for the office of delegate shall  
18 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 delegate to serve, whether before or during the convention, the speaker of the House of  
27 Representatives, the president of the Senate, and the governor shall fill such vacancy by  
28 appointment, by unanimous consent of the three officials, of a person from the same district  
29 who possesses the qualifications for delegate.

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

5           (B) The convention shall have authority to propose substantive changes only with  
6 respect to matters contained in the following provisions of the Constitution of Louisiana of  
7 1974, as amended, and no other:

8           (1) Article VI, entitled "Local Government".

9           (2) Article VII, entitled "Revenue and Finance".

10           (3) Article VIII, entitled "Education", but only with respect to Sections 5, 6, 7, 7.1,  
11 8, 12, and 13.

12           (4) Article X, entitled "Public Officials and Employees.

13           (5) Article XII, entitled "General Provisions", but only with respect to Sections 6,  
14 7, 8, 8.1, 9, 10, and 16.

15           (6) Provisions in the Constitution of Louisiana of 1974 concerning revenue or a  
16 fund, subfund, account, or other designation of funds.

17           (7) Article XIV, entitled "Transitional Provisions", but only as necessary to provide  
18 an orderly transition for any substantive changes proposed pursuant to the convention's  
19 authority set forth in Paragraphs (1) through (6) of this Subsection.

20           (C)(1) The convention shall not propose substantive changes to any provisions of  
21 the 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",  
24 in 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 official of the state or of any political  
28 subdivision thereof to be reduced or shortened prior to the expiration of the term of office  
29 being held at the time of the adoption of the new constitution, or cause the salary of any such

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

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

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

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

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

22 Section 6. Convention organization. (A)(1) The delegates to the convention chosen  
23 as provided in this Act shall meet in the House Chamber in the state capitol, or at such other  
24 suitable location in the capital city as shall be determined jointly by the presiding officers  
25 of the legislature, at noon on Monday, January 6, 2020. The chief justice, or in his absence  
26 any associate justice of the supreme court designated by the court, shall attend the  
27 convention at the opening thereof and shall preside until the chairman has been elected. The  
28 secretary of state shall attend the opening of the convention and call the roll of the delegates,  
29 whereupon the temporary presiding officer shall administer to the delegates the following  
30 oath:

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

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

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

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

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

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

18 (4) Select a chief clerical officer of the convention from among the chief clerical  
19 officers of the House of Representatives and the Senate and their assistants, who shall not  
20 be a delegate and whose duties shall be provided by the rules of procedure for the  
21 convention.

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

24 (C) The convention shall adopt rules of procedure when it convenes. The rules of  
25 procedure adopted by the convention shall be subject to later change as the delegates shall  
26 provide therein. No delegate shall be allowed to vote by proxy and the rules shall so  
27 provide. No committee of the convention, including the executive committee, shall exceed  
28 seventeen members and the rules shall so provide.

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

1           Section 7. Staff; budget; committees. (A) As soon as possible after the members  
2 of the executive committee are elected, the executive committee shall request the provision  
3 of professional, research, technical, and clerical employees from any public or private  
4 sources the committee deems necessary to accomplish the work of the convention.

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

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

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

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

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

15           (C) Notwithstanding any provision of law to the contrary, if a staff member provided  
16 to the convention is engaged in regular, bona fide employment, the staff member may  
17 continue to be paid and receive the usual compensation and benefits from his employer while  
18 the staff member is engaged in the work of the committee or the convention.

19           (D) As soon as possible after the members of the executive committee are elected,  
20 the executive committee shall prepare a budget of anticipated expenses of the convention  
21 based on the amount of the appropriation for the convention and any other funds available  
22 for expenditure.

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

26           (F) Unless the legislature is in session, the House chamber and the legislative  
27 committee rooms in the state capitol shall be available for use by the convention and its  
28 committees. If the facilities at the state capitol are not available or are not sufficient for use  
29 by the convention or its committees, the convention or its committees shall meet at a suitable  
30 location in the capital city, which location shall be determined by the chairman of the



1 convention, and public notice of the location shall be given and posted at suitable locations  
2 in the state capitol. The convention shall have full authority to use the facilities and services  
3 of any board, commission, department, or agency of the state or of any political subdivision  
4 of the state, and all such entities shall cooperate with the convention to the fullest extent in  
5 furnishing services, facilities, and employees upon request. In addition, the convention may  
6 use the facilities and services of other persons and organizations.

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

12 (H) The final draft of the proposed constitution shall be completed no later than May  
13 20, 2020.

14 Section. 8. Advisory members to the convention. (A) The convention, subject to  
15 its rules of procedure, may request the assistance of advisory members to the convention  
16 who shall be composed of twenty-seven members as follows:

17 (1) A member appointed with the concurrence of the Public Affairs Research  
18 Council of Louisiana, the Louisiana Budget Project, and the Council for a Better Louisiana.

19 (2) A member appointed with the concurrence of the Louisiana Association of  
20 Business and Industry and the National Federation of Independent Business.

21 (3) A member appointed with the concurrence of Blueprint Louisiana and the  
22 Committee of 100 for Economic Development.

23 (4) A representative of the Louisiana AFL-CIO appointed by the Louisiana AFL-  
24 CIO.

25 (5) A member of any Louisiana chapter of the National Association for the  
26 Advancement of Colored People appointed by the chairman of the national board of  
27 directors of the association.

28 (6) A representative of elected parish officials appointed with the concurrence of the  
29 Louisiana Sheriffs' Association, the Louisiana Assessors' Association, and the Louisiana  
30 Clerks of Court Association.

1 (7) A representative of local governmental bodies appointed with the concurrence  
2 of the Louisiana Municipal Association, the Police Jury Association of Louisiana, and the  
3 Louisiana School Boards Association.

4 (8) One representative of the Louisiana State Law Institute appointed by the  
5 Louisiana State Law Institute.

6 (9) A representative of the Louisiana State University system appointed by the  
7 Board of Supervisors of Louisiana State University and Agricultural and Mechanical  
8 College.

9 (10) A representative of the Southern University system appointed by the Board of  
10 Supervisors of Southern University and Agricultural and Mechanical College.

11 (11) A representative of the University of Louisiana system appointed by the Board  
12 of Supervisors for the University of Louisiana System.

13 (12) One member appointed by the Louisiana Association of Independent Colleges  
14 and Universities.

15 (13) A representative of the Louisiana Farm Bureau Federation appointed by the  
16 Louisiana Farm Bureau board of directors.

17 (14) One member appointed with the concurrence of the Louisiana District Judges  
18 Association, the Conference of Court of Appeal Judges, and the chief justice of the  
19 Louisiana Supreme Court.

20 (15) Four members of the Louisiana House of Representatives appointed by the  
21 speaker of the House of Representatives.

22 (16) Four members of the Louisiana Senate appointed by the president of the Senate.

23 (17) Four members appointed by the governor.

24 (18) One representative of the Louisiana Tax Institute appointed by the board of the  
25 Louisiana Tax Institute.

26 (B)(1) Appointments made pursuant to this Section shall be submitted to the  
27 chairman of the convention and the secretary of state no later than fifteen days after the  
28 convention requests the appointments. The secretary of state shall issue a commission to  
29 each person appointed as provided in this Section.

1           (2) If a person appointed as an advisory member is unable to serve for any reason,  
2 the vacancy shall be filled in the manner of the original appointment.

3           (C) Advisory members appointed pursuant to this Section may participate in  
4 discussion and debate only in committees established by the convention and only if  
5 authorized in the rules of the convention but shall not have the right to vote. No advisory  
6 member shall be allowed to participate in more than two committees formed by the  
7 convention nor shall any advisory member be allowed to participate on the executive  
8 committee.

9           Section 9. Compensation of delegates. No delegate may accept any compensation  
10 from any source for work performed as a delegate to the convention. However, if a delegate  
11 is engaged in regular, bona fide employment, should the delegate's employer choose to  
12 continue to pay the usual compensation while the delegate is engaged in the work of the  
13 convention, such delegate may accept that compensation, notwithstanding any provision of  
14 law to the contrary.

15           Section 10. Appropriation; use of funds. (A) Any appropriation for the expenses  
16 of the convention shall be used solely to defray the necessary expenses of the constitutional  
17 convention for which provision is made in this Act, including the payment for supplies,  
18 materials, equipment, printing, and reproduction of materials, and all other necessary  
19 expenses incurred in connection with the convention and its work.

20           (B) Any funds appropriated for the convention shall be withdrawn from the state  
21 treasury in accordance with warrants signed by the chairman of the convention, and all  
22 checks for the disbursement of funds shall be signed by the chairman and the vice chairman  
23 of the convention or by the chairman or vice chairman and such other person as shall be  
24 designated by the convention.

25           (C) The legislature shall make adequate appropriations to the convention for so long  
26 as the convention remains in existence and for so long thereafter as is necessary to assure  
27 the payment of all expenses incurred in connection with the work of the convention. The  
28 convention shall not be deemed to be a budget unit of the state and therefore shall not be  
29 subject to the provisions of Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950.

1 The financial books and records of the convention, however, shall be subject to audit by the  
2 legislative auditor.

3 Section 11. Submission of proposed constitution; election. (A) Upon completion  
4 of its work, and not later than June 1, 2020, and subject to the limitations provided in Section  
5 5 of this Act, the convention shall submit a proposed draft of a new constitution for the state  
6 to the governor, the speaker of the House of Representatives, and the president of the Senate.  
7 The presiding officers of the legislature shall post the proposed draft on the official internet  
8 website or portal of the Louisiana State Legislature within twenty-four hours of receipt. The  
9 convention's proposed draft shall be submitted to the people for adoption or rejection.  
10 Within fifteen days after submission of the proposed draft to the governor, he shall by  
11 proclamation call an election to be held at the same time as the congressional primary  
12 election in 2020 for the purpose of submitting the proposed draft to the people for adoption  
13 or rejection.

14 (B) The election shall be held and the results shall be promulgated in accordance  
15 with the Louisiana Election Code. All electors duly qualified to vote in the state at the time  
16 of the election shall be entitled to vote without regard to party affiliation in their respective  
17 precincts on the proposition for or against adoption of the revision proposed by the  
18 convention. The costs of the election shall be paid as provided in the Louisiana Election  
19 Code for elections in which a constitutional amendment appears on the ballot.

20 (C) The convention may submit to the electors of the state the proposal of  
21 acceptance or rejection of the constitution and in such form and manner as it may determine  
22 and may direct the proper election officials to take the necessary steps to effectuate such  
23 determination of the convention in presenting the proposed constitution. Adoption of the  
24 constitution shall require the favorable vote of a majority of the electors voting on the  
25 respective proposition.

26 (D) Upon promulgation of the results of the election by the secretary of state, if the  
27 constitution is ratified and adopted by the people in the election for which provision is made  
28 in this Section, the governor shall proclaim the constitution to be the Constitution of  
29 Louisiana. The constitution shall become effective at midnight on December 31, 2020,  
30 except as otherwise provided in the constitution adopted.

1           Section 12.(A) The provisions of the proposed revision of the constitution shall be  
2 severable. If any provision of the proposed revision of the constitution is deemed null and  
3 void and of no effect by final judgment of a court of competent jurisdiction after adoption  
4 by the convention but prior to its submission to the electors, then the provision deemed null  
5 and void shall be removed from the proposed revision of the constitution by the secretary  
6 of state and the remainder of the proposed revision of the constitution shall be submitted to  
7 the electors in accordance with this Act.

8           (B) If any provision of the revision of the constitution, or the application thereof, is  
9 deemed invalid after ratification by the electors, such invalidity shall not affect other  
10 provisions, items, or applications of the revision which can be given effect without the  
11 invalid provision, item, or application.

12           Section 13. If any provision or application of this Act that authorizes the convention  
13 to consider only certain subject matters and certain provisions of the constitution and  
14 prohibits the convention from considering other subject matters and provisions is held  
15 invalid, including without limitation any provision of Section 5 of this Act, then this entire  
16 Act shall be invalid and of no effect. However, if any other provision of this Act or the  
17 application thereof is held invalid, such invalidity shall not affect other provisions or  
18 applications of this Act that can be given effect without the invalid provision or application.

19           Section 14. This Act shall become effective upon signature by the governor or, if not  
20 signed by the governor, upon expiration of the time for bills to become law without signature  
21 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If  
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
23 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 500 Reengrossed

2018 Regular Session

Abramson

**Abstract:** Calls a limited constitutional convention to convene on Jan. 6, 2020, to be composed of 117 delegates, 3 elected from each senate district. Requires convention to complete a new constitution by May 20, 2020.

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. 6, 2020, to frame a new constitution for the state, subject to the terms, conditions, and provisions of the Act.
- (2) Provides for 117 delegates, with three elected from each 2015 Senate election district at the regularly scheduled gubernatorial election in 2019.
- (3) Requires that delegates be qualified electors of the state and that elected delegates be residents of the district from which elected. Excludes election and service of delegates and service of the staff of the convention from dual employment/dual officeholding laws. Delegates and staff are subject to the code of ethics, and, in the case of delegates and candidates for delegate, the campaign finance laws. Further, delegates and staff are considered public officers, public officials, public employees, or person in a position of public authority for purposes of the application of the provisions of the La. Criminal code. 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 Oct. 12, 2019, and if a general election is necessary, on Nov. 16, 2019. Candidates qualify without regard to party affiliation. For purposes of qualifying and election only, a candidate for delegate shall qualify for either "Delegate A", "Delegate B", or "Delegate C" of the senate district from which he seeks election. Election is to be in accordance with provisions for election of candidates for public office in the La. Election Code, but specifically allows a person to qualify for one delegate position and one other office other than delegate at the same time.
- (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 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.

Proposed law grants to the convention the authority to frame a new state constitution. However, provides that the convention may propose substantive changes only 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).
- (2) Article VII (Revenue and Finance).
- (3) Article VIII (Education), but only with respect to Sections 5, 6, 7, 7.1, 8, 12, and 13 (MFP & Higher Ed management & funding).
- (4) Article X (Public Officials and Employees)

- (5) Article XII (General Provisions), but only with respect to Sections 6, 7, 8, 8.1, 9, 10, and 16.
- (6) Any provision of the constitution concerning revenue or a fund, subfund, account, or other designation of funds.
- (7) Article XIV (Transitional Provisions), but only as necessary to provide an orderly transition for proposed changes pursuant Paragraphs (1) through (6) above.

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 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.

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 that the convention shall adopt rules of procedure when it convenes. Prohibits proxy voting. Limits committee membership to 17 members.

Proposed law provides for the initial meeting of the convention on Jan. 6, 2020. 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 request the provision of professional, research, technical, and clerical staff from public or private sources as deemed necessary.

- (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. Allows the staff of the convention to continue to receive compensation from the staff person's regular bona fide employment.
- (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 appoints 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.
- (7) Provides that the convention may provide in its rules for advisory members who may participate in discussion and debate in up to two committees only, but shall not be allowed to vote and shall not participate on the executive committee. Provides that if so requested by the convention, the appointments shall be made and submitted to the chairman of the convention and the secretary of state no later than 15 days after the request. Provides that the advisory members shall consist of:
  - (a) A member appointed with the concurrence of the Public Affairs Research Council of La., the La. Budget Project, and the Council for a Better La.
  - (b) A member appointed with the concurrence of the La. Assoc. of Business and Industry and the National Federation of Independent Business.
  - (c) A member appointed with the concurrence of Blueprint La. and the Committee of 100 for Economic Development.
  - (d) A representative of the La. AFL-CIO appointed by the La. AFL-CIO.
  - (e) 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.
  - (f) A representative of elected parish officials appointed with the concurrence of the La. Sheriffs' Assoc., the La. Assessors' Assoc., and the La. Clerks of Court Assoc.
  - (g) A representative of local governmental bodies appointed with the concurrence of the La. Municipal Assoc., the Police Jury Assoc. of La., and the La. School Boards Assoc.
  - (h) One representative of the La. State Law Institute appointed by the La. State Law Institute.
  - (i) A representative of the La. State University system appointed by the Bd. of Supervisors of La. State University and Agricultural and Mechanical College.
  - (j) A representative of the Southern University system appointed by Bd. of Supervisors of Southern University and Agricultural and Mechanical College.
  - (k) A representative of the University of La. system appointed by the Bd. of Supervisors for the University of La. System.



- (l) One member appointed by the La. Assoc. of Independent Colleges and Universities.
- (m) A representative of the La. Farm Bureau Federation appointed by the La. Farm Bureau board of directors.
- (n) One member appointed with the concurrence of the La. District Judges Assoc., the Conference of Court of Appeal Judges, and the chief justice of the La. Supreme Court.
- (o) Four members of the La. House of Representatives appointed by the speaker of the House of Representatives.
- (p) Four members of the La. Senate appointed by the president of the Senate.
- (q) Four members appointed by the governor.
- (r) One representative of the La. Tax Institute appointed by the board of the La. Tax Institute.

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

- (1) Prohibits a delegate from accepting any 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 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 20, 2020. Requires the convention, upon completion of its work and subject to the subject matter limitations on the convention, to submit the proposed constitution to the governor and the presiding officers of the legislature no later than June 1, 2020. Requires the presiding officers to post the proposed constitution on the legislative website within 24 hours of receipt. Provides that the proposed constitution shall be submitted to the people for their adoption or rejection at a special election. 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 and presidential election in 2020 (Nov. 3, 2020). 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.

Proposed law provides that the provisions of the proposed revision of the constitution shall be severable and provides that if any provision is deemed null and void and of no effect by final judgment of a court of competent jurisdiction after adoption by the convention but prior to its submission to the electors, then the provision deemed null and void shall be removed from the proposed revision of the constitution by the secretary of state and the remainder of the proposed revision of the constitution shall be submitted to the electors in accordance proposed law. Further provides that if any provision of the revision of the constitution, or the application thereof, is deemed invalid after ratification by the electors, such invalidity shall not affect other provisions, items, or applications of the revision which can be given effect without the invalid provision, item, or application

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 to be the Constitution of La. Provides that the new constitution shall become effective at midnight on Dec. 31, 2020, except as otherwise provided in the constitution.

Proposed law provides that if any provision or application of proposed law 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 proposed law in its entirety shall be invalid and of no effect. Specifies, however, that if any other provision of proposed law or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of proposed law 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 117 convention delegates  | 10/12/19 & 11/16/19                                       |
| Convention to convene   | 1/6/20 (noon)   |
| Convention to complete final draft  | 5/20/20   |
| Convention to submit draft constitution to the governor and presiding officers by | 6/1/20  |
| Election for submission of proposed constitution                                  | 11/3/20 (Congressional primary and presidential election) |
| Constitution becomes effective if adopted   | 12/31/20 (midnight)                                       |

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill:

1. Add to the scope of the convention all of the provisions in Article VI, all of the provisions in Article X, specified provisions of Article XII, and all provisions in the constitution concerning revenue or a fund, subfund, account, or other designation of funds.
2. Remove provisions for the Evaluation and Drafting Committee and for such members to serve as delegates to the convention, including provisions for a study by an Evaluation and Drafting Committee to determine if a convention is needed, and if so, a report to include a convention plan and a proposed constitution. However, provide for the same membership to be advisory members to the convention in a limited capacity if requested by the convention and subject to the rules of the convention.
3. Change the make-up of the delegates to the convention from 132 delegates, including the 27 members of the Evaluation and Drafting Committee and 105 delegates elected from the House of Representatives districts to 117 delegates selected by electing three delegates from each senate district.
4. Remove provisions for alternative proposals.
5. Add specific severability provisions regarding elements of the proposed constitution.

6. Remove provisions for legislative staff to prepare a draft of rules of procedure for consideration by the convention based upon the rules of the convention convened in 1973.
7. Require the proposed draft to be submitted to the presiding officers of the legislature and require the presiding officers to post the proposed draft on the legislative website within 24 hours of receipt.