



1 despite changing times and needs and that tie the hands of the legislature in its efforts to  
2 effect significant reforms; and

3 WHEREAS, various authorities have suggested the need for Louisiana to address a  
4 number of policy areas that would require constitutional change, including such matters as  
5 the state's tax structure and budgetary practices, dedication of state revenues and the  
6 resulting inability of the legislature to allocate tax resources where needed, as well as fiscal  
7 restraints on local governments that dramatically limit their authority to meet fiscal and  
8 budgetary demands; and

9 WHEREAS, as was the case in 1973, Louisiana once again faces the need for a  
10 serious analysis of its basic law, and it must determine whether a constitutional convention  
11 is needed and would be the most effective approach to: conducting a genuine examination  
12 of the state's critical needs, undertaking an in-depth discussion of reform concepts, crafting  
13 provisions that allow for flexibility and innovation in legislative solutions to problems of the  
14 present and the future, and challenging Louisiana's voters to accept constructive change; and

15 WHEREAS, prior to calling a constitutional convention, it would be wise to  
16 undertake appropriate study and analysis to enable effective decisions concerning details of  
17 convention composition, organization, procedure, and staffing and other resources.

18 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
19 create and establish the Constitutional Convention Study Commission to undertake all study  
20 and analysis necessary for a complete examination of the feasibility and advisability of  
21 calling a constitutional convention to revise the Constitution of Louisiana and, if a  
22 convention is found to be feasible and advisable, to make recommendations to the legislature  
23 for calling such a convention.

24 BE IT FURTHER RESOLVED that the commission shall be composed of the  
25 following members:

26 (1) Two members of the House of Representatives and one former member of the  
27 House of Representatives appointed by the speaker of the House of Representatives.

28 (2) Two members of the Senate and one former member of the Senate appointed by  
29 the president of the Senate.

30 (3) Four members appointed by the governor.

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

2 (5) A representative of the Louisiana State University Paul M. Hebert Law Center  
3 appointed by the dean of the law center.

4 (6) A representative of the Southern University Law Center appointed by the  
5 chancellor of the law center.

6 (7) A representative of the Tulane University Law School appointed by the dean of  
7 the law school.

8 (8) A representative of Loyola University New Orleans College of Law appointed  
9 by the dean of the college of law.

10 (9) A representative of the Public Affairs Research Council of Louisiana appointed  
11 by the council.

12 (10) A representative of the Council for a Better Louisiana appointed by the council.

13 BE IT FURTHER RESOLVED that in making appointments to the commission, the  
14 appointing authorities shall seek to provide diversity in the commission's membership,  
15 including diversity of geography, race, and gender.

16 BE IT FURTHER RESOLVED that a vacancy in commission membership shall be  
17 filled in the manner of the original appointment.

18 BE IT FURTHER RESOLVED that the commission shall hold its organizational  
19 meeting within sixty days after adjournment sine die of the 2018 Third Extraordinary  
20 Session of the Legislature on the call of the speaker of the House of Representatives and the  
21 president of the Senate acting jointly and that at such organizational meeting the commission  
22 shall elect a chairman, a vice chairman, and such other officers as it finds necessary and shall  
23 adopt rules for its own procedure which shall be subject to later amendment by the  
24 commission.

25 BE IT FURTHER RESOLVED that the commission shall make such studies as it  
26 finds necessary or appropriate to make recommendations to the legislature on all matters  
27 relevant to the convening and conduct of a constitutional convention, including a plan for  
28 the conduct of an effective constitutional convention, which plan shall include but not be  
29 limited to:

30 (1) A policy agenda for the convention which shall include:

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

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

6 (c) Pertinent background material and data relative to significant policy areas.

7 (2) Background and other materials that the committee determines will be useful to  
8 the work of the convention.

9 (3) Proposals for elimination of statutory materials from the constitution, together  
10 with recommendations for legislative action relative thereto.

11 (4) Recommendations for convention organization and deliberations, including the  
12 composition of the membership of the convention, officers and committees, and significant  
13 provisions for rules of procedure.

14 (5) Timetables for convening, for staff work, for completion of a draft constitution,  
15 for the election to submit the proposal to the voters of the state, and for effectiveness of the  
16 new constitution.

17 (6) An analysis of staffing and other resources needed and available to address  
18 policy issues and to skillfully draft constitutional language.

19 (7) Recommendations for budget needs for effective conduct of a convention.

20 (8) Recommendations for procedures for submission of alternative proposals to the  
21 voters and ballot structure.

22 BE IT FURTHER RESOLVED that the commission shall make every effort to  
23 maximize public input and participation, including conducting meetings at times and places  
24 convenient to the public.

25 BE IT FURTHER RESOLVED that the commission shall complete its study and  
26 determine its recommendations to the legislature no later than January 15, 2019, and shall  
27 submit to each member of the legislature and to the governor, no later than February 14,  
28 2019, the complete results of its study and a report of its findings and its recommendations  
29 based thereon.

1 BE IT FURTHER RESOLVED that the commission, for the purposes of conducting  
2 the study as provided in this Resolution, may utilize the personnel, facilities, and services  
3 of the legislative auditor, the legislative fiscal officer, and the staffs of the House of  
4 Representatives and the Senate, and that the commission may request and utilize such  
5 counsel, assistance, personnel, facilities, and advice as may be obtained from any and all  
6 public sources and from any and all private sources, including but not necessarily restricted  
7 to private research agencies, individuals, and organizations.

8 BE IT FURTHER RESOLVED that the commission may make or cause to be made  
9 any studies it finds useful for the purposes of this Resolution through legislative personnel  
10 or in cooperation with any public or private agency, including but not limited to universities,  
11 colleges, foundations, charitable corporations, and research organizations, and the  
12 commission may call upon the members or staffs of any and all departments or agencies of  
13 the state for data and assistance, and all such departments and agencies shall cooperate with  
14 the commission.

15 BE IT FURTHER RESOLVED that the commission may receive grants, donations,  
16 or gifts of money or services from public or private organizations or from any other source,  
17 to be utilized for the purposes of the commission.

18 BE IT FURTHER RESOLVED that the commission may create or appoint advisory  
19 commissions or task forces, to act in an advisory capacity or to assist in its studies,  
20 composed of such representatives of the public or private sectors as it deems appropriate.

21 BE IT FURTHER RESOLVED that all expenses directly incurred by the commission  
22 may be paid from any funds available for the purpose and, with the approval of the presiding  
23 officers of the two houses of the Legislature of Louisiana, from funds available to such  
24 presiding officers for expenses of the legislature.

25 BE IT FURTHER RESOLVED that the commission shall be deemed dissolved upon  
26 the adjournment sine die of the 2019 Regular Session of the Legislature of Louisiana.

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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)]

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HCR 5 Original

2018 Third Extraordinary Session

Foil

Proposed concurrent resolution creates the Constitutional Convention Study Commission to make necessary studies and analysis to examine the feasibility and advisability of calling a constitutional convention to revise the Constitution of La.

Provides that the commission be composed of the following members:

- (1) Two members of the House of Representatives and one former member of the House of Representatives appointed by the speaker of the House.
- (2) Two members of the Senate and one former member of the Senate appointed by the president of the Senate.
- (3) Four members appointed by the governor.
- (4) One member appointed by the chief justice of the La. Supreme Court.
- (5) A representative of the LSU Paul M. Hebert Law Center appointed by the dean of the law center.
- (6) A representative of the SU Law Center appointed by the chancellor of the law center.
- (7) A representative of the Tulane University Law School appointed by the dean of the law school.
- (8) A representative of Loyola University New Orleans College of Law appointed by the dean of the college of law.
- (9) A representative of the Public Affairs Research Council of La. appointed by the council.
- (10) A representative of the Council for a Better La. appointed by the council. by the council.

Requires the appointing authorities, in making appointments, to seek to provide diversity in the commission's membership, including diversity of geography, race, and gender. Provides for vacancies to be filled in the manner of the original appointment.

Requires the commission to hold its organizational meeting within 60 days after adjournment sine die of the 2018 3rd E.S. on the call of the House speaker and the Senate president acting jointly. Requires the commission, at the organizational meeting, to elect a chairman, a vice chairman, and other officers it finds necessary and to adopt rules for its own procedure.

Requires the commission to make such studies as it finds necessary or appropriate to make recommendations to the legislature on all matters relevant to the convening and conduct of a constitutional convention including a plan for the conduct of an effective constitutional convention which plan shall include but not be limited to:

- (1) A policy agenda for the convention which shall include:

- (a) Identification of significant policy areas that must be addressed in order to propose a constitution that will serve the state effectively.
  - (b) Alternative proposals for provisions on significant policy areas, together with explanations and explanatory materials therefor, including multiple optional approaches and solutions as appropriate to facilitate the work of the convention in addressing issues.
  - (c) Pertinent background material and data relative to significant policy areas.
- (2) Background and other materials that the committee determines will be useful to the work of the convention.
  - (3) Proposals for elimination of statutory materials from the constitution, together with recommendations for legislative action relative thereto.
  - (4) Recommendations for convention organization and deliberations, including the composition of the membership of the convention, officers and committees, and significant provisions for rules of procedure.
  - (5) Timetables for convening, for staff work, for completion of a draft constitution, for the election to submit the proposal to the voters of the state, and for effectiveness of the new constitution.
  - (6) An analysis of staffing and other resources needed and available to address policy issues and to skillfully draft constitutional language.
  - (7) Recommendations for budget needs for effective conduct of a convention.
  - (8) Recommendations for procedures for submission of alternative proposals to the voters and ballot structure.

Requires the commission to make every effort to maximize public input and participation, including conducting meetings at times and places convenient to the public and requires the commission to complete its study and determine its recommendations by Jan. 15, 2019, and to submit study results and a report of its findings and recommendations to each legislator and the governor by Feb. 14, 2019.

Authorizes the commission to utilize the 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 use such counsel, assistance, personnel, facilities, and advice as may be obtained from any and all public or private sources.

Authorizes the commission to make, or cause to be made, studies useful to its purposes through legislative personnel or in cooperation with any public or private agency and to call upon departments or agencies of the state for data and assistance. Requires departments and agencies to cooperate with the commission.

Authorizes the commission to receive grants, donations, or gifts of money or services from public or private organizations or from any other sources and to create or appoint advisory commissions or task forces for advice or assistance, composed of representatives of the public or private sectors.

Provides that expenses directly incurred by the commission may be paid from any funds available for the purpose and, with the approval of the legislative presiding officers, from funds available to such presiding officers for expenses of the legislature.

Provides that the commission shall be dissolved upon the adjournment sine die of the 2019 R.S.