

2024 Regular Session

HOUSE BILL NO. 800

BY REPRESENTATIVE BEAULLIEU

CONSTITUTION/CONVENTION: Provides for calling a limited constitutional convention

1 AN ACT

2 To provide for the calling of a limited constitutional convention for the purpose of framing
3 a new constitution; to provide for legislative findings; to fix the time and place for
4 the convention; to provide for the delegates of the convention; to provide for the
5 organization and staff of the convention; to require that the constitution as adopted
6 by the convention be submitted to the qualified electors for adoption and to provide
7 relative to such submission; to provide for the application of specified laws,
8 including provisions of law containing criminal penalties, to delegates and staff of
9 the convention; to provide for the disbursement of funds for the convention and
10 otherwise provide with respect to funds for the convention; to place limitations on
11 the convention to propose changes; to fix the effective date of the new constitution
12 if approved by the electorate; to provide for an effective date; and to provide for
13 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 almost fifty years since the Constitution of Louisiana became
17 effective at midnight on December 31, 1974, and during these years the document which
18 constitutes the state's basic law has been amended two hundred sixteen times. At more than
19 seventy-five thousand words, the Constitution of Louisiana ranks among the largest
20 constitutions in the nation.

1 (B) The constitution today contains many provisions that restrict the legislature in
2 effectively addressing state and constituent needs, and the document also includes extensive
3 provisions that are so detailed as to be statutory rather than constitutional in nature and, as
4 a result, require continual constitutional amendment when change is needed.

5 (C) The state constitution needs to be streamlined to the fundamental and
6 foundational law of the state, including the basic principles of the state, the structure of
7 government, and the fundamental rights of citizens. Other extremely detailed provisions in
8 the constitution should be transitioned out of the constitution and made statutory to allow
9 for flexibility and innovation in legislative solutions to problems of the present and the
10 future.

11 Section 2. Call for convention; delegates. (A) A constitutional convention is hereby
12 called, to convene at 5:30 p.m. on May 20, 2024, which shall be held for the purpose of
13 framing a new constitution for the state of Louisiana subject to the limitations provided in
14 Section 4 of this Act.

15 (B)(1) There shall be one hundred seventy-one delegates to the convention who shall
16 selected as follows:

17 (a) One hundred and five delegates shall be the members of the House of
18 Representatives of the Legislature of Louisiana.

19 (b) Thirty-nine delegates shall be the members of the Senate of the Legislature of
20 Louisiana.

21 (c) Twenty-seven delegates shall be appointed by the governor.

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

23 (3) The service of a legislator or other public official or public employee as a
24 delegate to the convention and the employment or appointment of any public official or
25 public employee to the staff of the convention and his service on such staff, as authorized
26 and provided in this Act, shall not be construed to constitute dual officeholding or dual
27 employment within the prohibitions of Part III of Chapter 2 of Title 42 of the Louisiana
28 Revised Statutes of 1950. Each delegate shall be considered to be an elected official within
29 the scope of and subject to the provisions of the Code of Governmental Ethics, Chapter 15

1 of Title 42 of the Louisiana Revised Statutes of 1950. Each staff member of the convention
2 shall be considered to be a public employee within the scope of and subject to the provisions
3 of the Code of Governmental Ethics, Chapter 15 of Title 42 of the Louisiana Revised
4 Statutes of 1950. For purposes of Chapter 15 of Title 42 of the Louisiana Revised Statutes
5 of 1950, the agency and the governmental entity of delegates and staff members of the
6 convention shall be the convention. For purposes of any other office or employment of any
7 such delegate or staff member, the provisions of Chapter 15 of Title 42 of the Louisiana
8 Revised Statutes of 1950 shall remain applicable. Each delegate to the convention and each
9 staff member of the convention shall be considered to be a public officer, public official,
10 public employee, or person in a position of public authority for purposes of the application
11 of the provisions of the Louisiana Criminal Code. No delegate shall accept or deposit a
12 campaign contribution as defined in R.S. 18:1483 and no campaign fundraising function
13 shall be held for or by a delegate during the time period established in this Act for the
14 conduct of the convention. The provisions of the Public Records Law shall apply to the
15 convention, its committees, and delegates to the same extent and with the same limitations
16 as applicable to records of the legislature and members of the legislature. The provisions
17 of the Open Meetings Law shall apply to the convention and its committees in the same
18 manner as applicable to the legislature and either house or committees thereof.

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

23 Section 3. Vacancies. (A) In the event of the death or the inability due to a
24 documented illness of a legislative delegate to serve, whether before or during the
25 convention, the presiding officer of the house of the legislature in which the delegate serves
26 as a legislator may fill such vacancy by appointment of a person from the same legislative
27 district who possesses the same age, residence, and domicile requirements contained in
28 Article III, Section 4 of the Constitution of Louisiana for membership in the legislature.

1 (B) In the event of the death or the inability due to a documented illness of a
2 gubernatorially appointed delegate to serve, whether before or during the convention, the
3 governor may fill the vacancy.

4 Section 4.(A) Subject to the limitations contained in Subsection B of this Section,
5 the convention shall have authority to frame a new constitution for the state which shall be
6 submitted to the electors of the state for their approval or rejection.

7 (B) The convention shall be limited in its authority with respect to all matters
8 contained in the Constitution of Louisiana of 1974, as amended, to the following:

9 (1) Determining the provisions of the constitution that constitute the fundamental
10 and foundational law of the state that should remain in the constitution, including the basic
11 principles of the state, the structure of government, and the fundamental rights of citizens.

12 (2) Determining the provisions of the constitution that do not constitute the
13 fundamental or foundational law of the state that should be transitioned out of the
14 constitution and made statutory.

15 (3) Determining the language in the constitution that is outdated or transitional in
16 nature which can be removed or updated without affecting the effect of the constitutional
17 provisions.

18 (4) Proposing a new constitution based upon the determinations made in accordance
19 with this Subsection.

20 (C) In addition to the authority to propose changes as provided in Subsection (B) of
21 this Section, but solely for the purposes of orderly arrangement, style and conformity, the
22 convention may incorporate in its proposed revision nonsubstantive changes to the
23 provisions of the constitution but only to the extent that they are essential in order to
24 conform to the changes being proposed. For the same purposes, the convention may:
25 (1) renumber or rearrange provisions, (2) transfer or divide provisions, (3) change reference
26 designations to conform to redesignated provisions, and (4) make any other purely formal
27 or clerical changes in keeping with the purpose of the revision.

28 (D) Any action by the convention in contravention of the provisions of this Section
29 shall be null and void and of no effect.

1 (E) Any action to determine a question of the construction or validity of this Act, to
2 determine the scope of authority of the convention, or to determine the conformity of any
3 action of the convention with the provisions of this Act shall be brought in the Nineteenth
4 Judicial District Court. The matter shall be tried by preference over other matters, and the
5 court shall render a decision as soon as practicable. In the event of an appeal, the appellate
6 court shall place the matter on its preferential docket, shall hear it without delay, and shall
7 render a decision as soon as practicable.

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

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

19 Section 6. Convention organization. (A)(1) The delegates to the convention chosen
20 as provided in this Act shall convene in the House Chamber in the state capitol, or at such
21 other suitable location in the capital city as shall be determined jointly by the presiding
22 officers of the legislature, at 5:30 p.m. on May 20, 2024. The speaker of the House of
23 Representatives shall preside until the chairman has been elected. The secretary of state, or
24 her designee, shall attend the opening of the convention and call the roll of the delegates and
25 shall administer the following oath to the delegates:

26 "I, . . . , do solemnly swear (or affirm) that I will support the constitution and laws of
27 the United States and the constitution and laws of this state and that I will faithfully and
28 impartially discharge and perform all the duties incumbent on me as a delegate to the
29 convention, according to the best of my ability and understanding, and that I will observe

1 and obey the limitation of authority contained in the Act under which this convention has
2 assembled. So help me God."

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

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

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

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

11 (3) Either elect from among their number an executive committee, the membership
12 of which shall be determined by the delegates but which shall include among its members
13 all of the elected officers of the convention, or elect to have the legislators who serve on the
14 Legislative Budgetary Control Council serve as the executive committee of the convention.

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

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

21 (C) Prior to the convening of the convention, members of the House of
22 Representatives and Senate staffs as designated by the presiding officers of the legislature
23 shall prepare a draft of rules of procedure for consideration, amendment, and adoption by
24 the convention when it convenes. Such proposed rules shall be based upon the rules of the
25 constitutional convention convened in 1973, except as inconsistent with the provisions of
26 this Act. The rules of procedure adopted by the convention shall be subject to later change
27 as the delegates shall provide therein. No delegate shall be allowed to vote by proxy and the
28 rules shall so provide. No committee of the convention, including the executive committee,
29 shall exceed seventeen members and the rules shall so provide.

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

3 Section 7. Staff; budget; committees. (A) Staff support for the convention shall be
4 provided by the staffs of the House of Representatives, the Senate, the legislative fiscal
5 office, the legislative auditor's office, and other legislative agencies. In addition, as soon
6 as possible after the members of the executive committee are selected, the executive
7 committee shall request the provision of professional, research, technical, and clerical
8 employees from any public or private sources the committee deems necessary to accomplish
9 the work of the convention.

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

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

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

16 (3) Personnel from the faculty of in-state law schools as requested by the committee.

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

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

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

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

1 (F) Unless the legislature is in session, the House chamber, the Senate chamber, and
2 the legislative committee rooms in the state capitol shall be available for use by the
3 convention and its committees. If the facilities at the state capitol are not available or are
4 not sufficient for use by the convention or its committees, the convention or its committees
5 shall meet at a suitable location in the capital city, which location shall be determined by the
6 chairman of the convention, and public notice of the location shall be given and posted at
7 suitable locations in the state capitol. The convention shall have full authority to use the
8 facilities and services of any board, commission, department, or agency of the state or of any
9 political subdivision of the state, and all such entities shall cooperate with the convention to
10 the fullest extent in furnishing services, facilities, and employees upon request. In addition,
11 the convention may use the facilities and services of other persons and organizations.

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

17 Section 8. Compensation of delegates. The delegates to the convention shall receive
18 the same per diem and travel allowances provided for members of the legislature pursuant
19 to R.S. 24:31 and 31.1 for their attendance at the convention and committee thereof. No
20 delegate shall receive a per diem or travel allowance for any day for which the delegate also
21 received a per diem or travel allowance for his duties a legislator or for other public service.
22 No delegate may accept any compensation from any other source for work performed as a
23 delegate to the convention. However, if a delegate is engaged in regular, bona fide
24 employment, should the delegate's employer choose to continue to pay the usual
25 compensation while the delegate is engaged in the work of the convention, such delegate
26 may accept that compensation, notwithstanding any provision of law to the contrary.

27 Section 9. Appropriation; use of funds. (A) Any appropriation for the expenses of
28 the convention shall be used solely to defray the necessary expenses of the constitutional
29 convention for which provision is made in this Act, including the payment for supplies,

1 materials, equipment, printing, and reproduction of materials, and all other necessary
2 expenses incurred in connection with the convention and its work.

3 (B) Any funds appropriated for the convention shall be withdrawn from the state
4 treasury in accordance with warrants signed by the chairman of the convention, and all
5 checks for the disbursement of funds shall be signed by the chairman and the vice chairman
6 of the convention or by the chairman or vice chairman and such other person as shall be
7 designated by the convention.

8 (C) The convention shall not be deemed to be a budget unit of the state and therefore
9 shall not be subject to the provisions of Chapter 1 of Title 39 of the Louisiana Revised
10 Statutes of 1950. The financial books and records of the convention, however, shall be
11 subject to audit by the legislative auditor.

12 (D) The presiding officers of the legislature may authorize the use of funds
13 appropriated to the legislature for Fiscal Year 2023-2024 to defray expenses of the
14 constitutional convention.

15 Section 10. Submission of proposed constitution; election. (A) Upon completion
16 of its work, and not later than July 15, 2024, and subject to the limitations provided in
17 Section 4 of this Act, the convention shall submit a proposed draft of a new constitution for
18 the state to the governor. The constitution as drafted by the convention shall be submitted
19 to the people for adoption or rejection. Within ten days after submission of the proposed
20 draft to the governor, he shall by proclamation call an election to be held at the same time
21 as the congressional primary election in 2024 for the purpose of submitting the proposed
22 draft to the people for adoption or rejection.

23 (B) The election shall be held and the results shall be promulgated in accordance
24 with the Louisiana Election Code. All electors duly qualified to vote in the state at the time
25 of the election shall be entitled to vote without regard to party affiliation on the proposition
26 for or against adoption of the revision of the constitution proposed by the convention. The
27 costs of the election shall be paid as provided in the Louisiana Election Code for elections
28 in which a constitutional amendment appears on the ballot.

1 (C) The convention may submit to the electors of the state the proposal of
 2 acceptance or rejection of the constitution and may direct the proper election officials to take
 3 the necessary steps to effectuate such determination of the convention in presenting the
 4 proposed constitution to the electors. Adoption of the constitution shall require the favorable
 5 vote of a majority of the electors voting on the proposition.

6 (D) Upon promulgation of the results of the election by the secretary of state, if the
 7 constitution is ratified and adopted by the people in the election for which provision is made
 8 in this Section, the governor shall proclaim the constitution to be the Constitution of
 9 Louisiana. The constitution shall become effective at midnight on December 31, 2024,
 10 except as otherwise provided in the constitution adopted.

11 Section 11. This Act shall become effective upon signature by the governor or, if not
 12 signed by the governor, upon expiration of the time for bills to become law without signature
 13 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
 14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 15 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 800 Original

2024 Regular Session

Beaulieu

Abstract: Calls a constitutional convention to convene on May 20, 2024, to be composed of 171 delegates, who are the 105 members of the House of Representatives, the 39 members of the Senate, and 27 delegates appointed by the governor. Requires the convention to complete a new constitution by July 15, 2024.

Proposed law states legislative findings that there is a need to address a number of areas that require constitutional change, that the constitution restricts the legislature in effectively addressing state and constituent needs, and that revision of the state constitution is needed to address the state's critical needs and transition provisions that do not constitute the fundamental and foundational law of this state to statutory provisions, and to craft provisions that allow legislative solutions without the need to constantly amend the constitution.

Constitutional Convention

Proposed law provides for a constitutional convention as follows:

- (1) Calls the convention to convene at 5:30pm on May 20, 2024, to frame a new constitution for the state.

- (2) Provides for 171 delegates (the 105 members of the House of Representatives; the 39 members of the Senate; and 27 delegates appointed by the governor).
- (3) Excepts service of delegates and staff of the convention from dual employment/dual officeholding laws. Delegates and staff are subject to the code of ethics. Further, delegates and staff are considered public officers, public officials, public employees, or persons in a position of public authority for purposes of the application of the provisions of the La. Criminal code. Attorney delegates and staff are entitled to continuance of cases in which they are counsel of record while attending sessions and convention work. Prohibits campaign contributions and fundraisers by delegates during the time of the convention. Provides that records of the convention and delegates are subject to the Public Records Law to the same extent and limitations applicable to the legislature and legislators.
- (4) Provides for filling of vacancies in legislative delegates' offices by appointment by the appropriate presiding officer of a qualified person from the same district. Provides the governor may fill a vacancies in his appointed delegate offices.

Proposed law grants to the convention the authority to frame a new state constitution subject to limitations.

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 or elect to have the legislator members of the Legislative Budgetary Control Council serve as the executive committee; 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 law provides for the initial meeting of the convention on May 20, 2024. 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 in-state 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 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 law provides for compensation of delegates and payment of convention expenses:

- (1) Prohibits a delegate from accepting any compensation from any other source 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. Authorizes the presiding officers to utilize funds appropriated to the legislature to defray 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.

Submission to Voters/Effectiveness

Proposed law requires the convention, upon completion of its work and subject to the subject matter limitations on the convention, to submit to the governor the proposed constitution by July 15, 2024. Provides that the constitution proposed for submission shall be submitted to the people for their adoption or rejection at a special election. Requires the governor to call the election within 10 days after the draft is submitted, to be held at the same time as the congressional primary in 2024 (Nov. 5, 2024). 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 as adopted, to be the Constitution of La. Provides that the constitution shall become effective at midnight on Dec. 31, 2024, except as otherwise provided in the constitution.

Effective upon signature of governor or lapse of time for gubernatorial action.

Timetable for Major Provisions of Bill

<i>What</i>	<i>Date</i>
Convention to convene	5/20/2024 (5:30 pm)
Convention to submit draft constitution to the governor by	7/15/2024
Election for submission of proposed constitution	11/5/24 (Congressional primary & Presidential election)
Constitution becomes effective if adopted, unless otherwise specified	12/31/24 (midnight)