

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 4

BY REPRESENTATIVE ABRAHAM

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

1                                   A CONCURRENT RESOLUTION

2 To provide for the selection and authority of commissioners to attend an Article V  
3           Convention called for proposing amendments to the U.S. Constitution, as provided  
4           for in Article V of that Constitution.

5           WHEREAS, it is necessary for each state to provide for the selection of  
6 commissioners to attend any Article V Convention.

7           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
8 adopt the following procedures for the selection of commissioners to attend an Article V  
9 Convention:

10           Section 1. Selection of Commissioners

11           When a convention is called to propose amendments to the U. S. Constitution  
12 pursuant to Article V of the U.S. Constitution, the selection and participation of  
13 commissioners from Louisiana to such convention shall be governed by this Resolution.

14           Section 2. Number, Eligibility, and Selection of Commissioners

15           A. Louisiana shall have five commissioners and three alternate commissioners to the  
16 convention.

17           B. Commissioners and alternates shall be citizens of the State of Louisiana and shall  
18 otherwise meet the same qualifications necessary to hold office in the state legislature.  
19 Commissioners and alternates may include persons holding public office, subject to further  
20 limits described below, except that no person will be eligible who is (1) a member of the

1 United States House of Representatives or Senate, (2) an employee of the United States, (3)  
2 an employee or other representative of a contractor with the United States, or (4) an elected  
3 official holding a statewide office. Commissioners and alternates are also subject to those  
4 existing ethics rules which apply to members of the legislature.

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

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

### 13 Section 3. Authority of Commissioners

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

23 B. Prior to the Article V Convention, the legislature shall consider "Recommended  
24 Commissioner Instructions" presented to it by the Joint Legislative Committee as discussed  
25 further in Section 4 below, and shall by concurrent resolution provide duly approved  
26 instructions to the commissioners and alternates regarding the scope of matters they may  
27 consider and vote on at convention, including rules of procedure and proposed amendments.  
28 Such instructions may be changed by the legislature prior to or during the convention. These  
29 instructions shall include, but shall not be limited to:

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

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

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

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

10          2. Any limits identified in the Louisiana legislature's application for the convention.

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

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

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

1 otherwise exceeded the scope of the legislature's application for the convention or the  
2 legislature's instructions to the commissioners. The Joint Legislative Committee shall act  
3 to ensure that the commissioners remain faithful to the terms of the convention application  
4 and the legislature's instructions. Before or during the Article V Convention, the Joint  
5 Legislative Committee may advise the commissioners on questions which arise regarding  
6 the scope of the convention and the legislative instructions to commissioners.

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

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

12 Section 5. Conflicts with Convention Rules or Procedures

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

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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 4 Original

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