
HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Substitute for Original House Bill No. 385 by Representative Ivey as proposed by the House Committee on House and Governmental Affairs

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To provide for the calling of a constitutional convention for the purpose of framing a new constitution; to place restrictions on the convention and to limit the convention to the consideration and submission of matters related to certain specified fiscal and related subjects; to provide for legislative findings; to fix the time and place for the convention; to provide for the selection of delegates; to provide for preparations and planning for the convention; to provide for the organization and staff of the convention; to require that the constitution as adopted by the convention, including any alternative provisions, be submitted to the qualified electors for adoption and to provide relative to such submission; to provide for the application of specified laws, including provisions of law containing criminal penalties, to delegates and staff of the convention; to require appropriation of funds for the convention and provide with respect to convention funds; to fix the effective date of the new constitution if approved by the electorate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Legislative findings. The legislature finds that:

(A) It has been more than forty-three years since the Constitution of Louisiana became effective at midnight on December 31, 1974, and during these years the document which constitutes the state's basic law has been amended some one hundred eighty-nine times.

(B) The need to address a number of key policy areas that require constitutional change has become apparent, including such matters as the state's tax structure and budgetary practices that hamper the state's economic growth and competitiveness as well as the quality of life of Louisiana residents; the dedication of state revenues and the resulting inability of the legislature to allocate resources where needed, particularly for the needs of

health care and higher education; the fiscal restraints on local governments that dramatically limit their authority to meet fiscal and budgetary demands; and other matters.

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

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

Section 2. Call for convention; delegates. (A) A constitutional convention is hereby called, to convene on August 20, 2018, at noon, which shall be held for the purpose of framing a new constitution for the state of Louisiana subject to the terms, conditions, and provisions in this Act.

(B) There shall be ninety-three delegates to the convention.

(1) Sixty-four delegates shall be selected as provided in Subsection C of this Section.

(2) Twenty-nine delegates shall be appointed as follows:

(a) One delegate shall be appointed with the concurrence of the Public Affairs Research Council of Louisiana, the Louisiana Budget Project, and the Council for a Better Louisiana.

(b) One delegate shall be appointed with the concurrence of the Louisiana Association of Business and Industry and the National Federation of Independent Business.

(c) One delegate shall be appointed with the concurrence of Blueprint Louisiana and the Committee of 100 for Economic Development.

(d) One delegate shall be appointed by the Louisiana AFL-CIO.

(e) One delegate shall be appointed from a Louisiana chapter of the National Association for the Advancement of Colored People by the chairman of the national board of directors of the association.

(f) One delegate shall be appointed by the Louisiana Sheriffs' Association.

(g) One delegate shall be appointed by the Louisiana Assessors' Association.

(h) One delegate shall be appointed by the Louisiana Clerks of Court Association.

(i) One delegate shall be appointed by the Louisiana Municipal Association.

(j) One delegate shall be appointed by the Police Jury Association of Louisiana.

(k) One delegate shall be appointed by the Louisiana School Boards Association.

(l) One delegate who is representative of the Louisiana State University system shall be appointed by the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College.

(m) One delegate who is representative of the Southern University system shall be appointed by Board of Supervisors of Southern University and Agricultural and Mechanical College.

(n) One delegate who is representative of the University of Louisiana System shall be appointed by the Board of Supervisors for the University of Louisiana system.

(o) One delegate who is representative of the Louisiana Community and Technical College System shall be appointed by the Board of Supervisors of the Community and Technical Colleges.

(p) One delegate who is representative of the Louisiana Farm Bureau Federation shall be appointed by the Louisiana Farm Bureau board of directors.

(q) One delegate shall be appointed by the chief justice of the Louisiana Supreme Court.

(r) Three delegates shall be appointed by the speaker of the House of Representatives.

(s) Three delegates shall be appointed by the president of the Senate.

(t) Six delegates shall be appointed by the governor.

(2) The appointments required by this Subsection shall be made and shall be submitted to the secretary of state not later than July 25, 2018. Not later than July 30, 2018, the secretary of state shall provide each delegate with a list of all the delegates selected for the convention.

(3) The secretary of state shall issue a commission to each delegate selected as provided in this Section.

(4) Each delegate to the convention shall be an elector of the state of Louisiana, shall be at least eighteen years of age, and shall be a resident of the state of Louisiana.

(5) The selection of any public official or public employee as a delegate to the convention and his service in the convention and the appointment of any public official or public employee to the staff of the convention or its committees, as authorized and provided in this Act, shall not be construed to constitute dual officeholding or dual employment within the prohibitions of Part III of Chapter 2 of Title 42 of the Louisiana Revised Statutes of 1950. Each delegate shall be considered to be an elected official within the scope of and subject to the provisions of the Code of Governmental Ethics, Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950. Each person who serves as staff of the convention shall be considered to be a public employee within the scope of and subject to the provisions of the Code of Governmental Ethics, Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950. For purposes of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950, the agency and the governmental entity of delegates and staff members of the convention shall be the convention. For purposes of any other office or employment of any such delegate or staff member, the provisions of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950 shall remain applicable. Each delegate to the convention and each staff member of the convention shall be considered to be a public officer, public official, public employee, or person in a position of public authority for purposes of the application of the provisions of the Louisiana Criminal Code.

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

(C) Members of the legislature shall be selected as delegates to the convention in the following manner:

(1) Eight members shall be selected from each of the districts for the election of members to the State Board of Elementary and Secondary Education. Each member selected shall be resident of the respective State Board of Elementary and Secondary Education district from which he seeks election. Of the eight members selected from each respective State Board of Elementary and Secondary Education district, one shall be a member of the

House of Representatives affiliated with the Democratic Party elected by the members of the House of Representatives affiliated with the Democratic Party who reside within the district; one shall be a member of the Senate affiliated with the Democratic Party elected by the members of the Senate affiliated with the Democratic Party who reside within the district; one shall be a member of the House of Representatives affiliated with the Republican Party elected by the members of the House of Representatives affiliated with the Republican Party who reside within the district; one shall be a member of the Senate affiliated with the Republican Party elected by the members of the Senate affiliated with the Republican Party who reside within the district; and four shall be elected at-large in the district by the members of the House of Representatives and of the Senate who reside within the district.

(2) The elections shall occur in the chamber of the House of Representatives beginning at one o'clock in the afternoon on July 23, 2018. If the legislature is in session at the time of the elections, the elections shall occur during a joint session of the legislature. If the legislature is not in session at the time of the elections, the presiding officers of the legislature shall call a joint meeting of the House of Representatives and the Senate in order to conduct the elections required by this Subsection. The presiding officers shall give the members of the legislature notice of the joint session or joint meeting at least seven days prior to convening the joint session or meeting, as the case may be. The form for the notice of candidacy shall be transmitted to each member of the legislature at the same time the notice of the joint session or meeting is transmitted to the members.

(3) Each legislator who wishes to be a candidate for delegate shall file a notice of candidacy with the chief clerical officer of his house of the legislature specifying the position he seeks no later than forty-eight hours prior to the election. All notices of candidacy shall be public. The chief clerical officers of the legislature shall work together to provide for the ballots for the elections.

(4) Each candidate who receives of a majority of the votes cast by the members eligible to vote for a position shall be elected as delegate. If no candidate receives a majority of the votes cast by the members eligible to vote for a position, a run-off election between the two candidates who received the highest number of votes shall occur. For the at-large elections, the number of votes required to constitute a majority shall be greater than the

result obtained by dividing the total number of votes cast for all of the candidates by four and dividing the result so obtained by two. If more than four candidates receive a majority, the four candidates receiving the highest number of votes shall be elected.

(5) The chief clerical officers of the legislature shall transmit the name of each member elected as a delegate to the secretary of state no later than July 25, 2018.

Section 3. Vacancies. In the event of the death or the inability or unwillingness of any delegate to serve, whether before or during the convention, the vacancy shall be filled in the same manner as the original selection within thirty days after the vacancy.

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

(B) The convention shall have authority to propose substantive changes, including one or more alternative provisions, with respect to matters of state and local government finance, and higher education, which authority regarding such matters shall be limited to proposals regarding the raising of revenue; the allocation and expenditure of funds; the review, limitation, or control of the expenditure of funds; education funding; and the management and control of higher education institutions. Specifically, the convention may propose such substantive changes, including one or more alternative provisions, with respect to matters contained in the following provisions of the Constitution of Louisiana of 1974, as amended, and no other:

(1) Article VI, entitled "Local Government", but only with respect to Part II entitled "Finance" and comprised of Sections 26 through 37; and Part III, entitled "Levee Districts and Regional Flood Protection Authorities" and comprised of Sections 38 through 42.

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

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

(4) Article XIV, entitled "Transitional Provisions", but only as necessary to provide an orderly transition for any substantive changes proposed pursuant to the convention's authority set forth in Paragraphs (1), (2), and (3) of this Subsection.

(C)(1) The convention shall not propose substantive changes to any provisions of the constitution not set forth in Subsection (B) of this Section.

(2) The convention shall not propose any changes that will:

(a) Change or affect Article I of the constitution, entitled "Declaration of Rights", in any way.

(b) Cause any bonded or other indebtedness of the state or of any parish, municipality, district, or other political subdivision or authority of the state to be impaired.

(c) Cause the term of office of any elected official of the state or of any political subdivision thereof to be reduced or shortened prior to the expiration of the term of office being 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 the term of office being held at the time of the adoption of a new constitution.

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

(D) In addition to the authority to propose substantive changes as provided in Subsection (B) of this Section, but solely for the purposes of orderly arrangement, style and conformity, the convention may incorporate in its proposed revision or in any alternative provision nonsubstantive changes in other provisions of the constitution but only to the extent that they are: (1) germane to the matters enumerated in Subsection (B) of this Section and (2) essential in order to conform to the substantive changes being proposed. For the same purposes, the convention may: (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.

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

(F) Any action to determine a question of the construction or validity of this Act, to determine the scope of authority of the convention, or to determine the conformity of any

action of the convention with the provisions of this Act shall be brought in the Nineteenth Judicial District Court. The matter shall be tried by preference over other matters and the court shall render a decision as soon as practicable. In the event of an appeal, the appellate court shall place the matter on its preferential docket, shall hear it without delay, and shall render a decision as soon as practicable.

Section 5. Convention organization. (A)(1) The delegates to the convention chosen as provided in this Act shall meet in the House Chamber in the state capitol, or at such other suitable location in the capital city as shall be determined jointly by the presiding officers of the legislature, at noon on Monday, August 20, 2018. The chief justice, or in his absence any associate justice of the supreme court designated by the court, shall attend the convention at the opening thereof and shall preside until the chairman has been elected. The secretary of state shall attend the opening of the convention and call the roll of the delegates, whereupon the temporary presiding officer shall administer to the delegates the following oath:

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

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

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

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

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

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

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

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

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

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

Section 6. Staff; budget; committees. (A) As soon as possible after the members of the executive committee are elected, the executive committee shall request the provision of professional, research, technical, and clerical employees from any public or private sources the committee deems necessary to accomplish the work of the convention.

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

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

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

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

(4) Personnel provided by the Louisiana State Law Institute.

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

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

(D) As soon as possible after the members of the executive committee are elected, the executive committee shall 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.

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

(F) Unless the legislature is in session, the House chamber and the legislative committee rooms in the state capitol shall be available for use by the convention and its committees. If the facilities at the state capitol are not available or are not sufficient for use by the convention or its committees, the convention or its committees shall meet at a suitable location in the capital city, which location shall be determined by the chairman of the convention, and public notice of the location shall be given and posted at suitable locations in the state capitol. The convention shall have full authority to use the facilities and services of any board, commission, department, or agency of the state or of any political subdivision of the state, and all such entities shall cooperate with the convention to the fullest extent in furnishing services, facilities, and employees upon request. In addition, the convention may use the facilities and services of other persons and organizations. The chairman of the convention and the presiding officers of the legislature shall be responsible for providing that audio and video of the entirety of all proceedings of the convention and its committees shall

be public and broadcast live via the Internet and that audio and video recordings of those proceedings are archived and available on the legislature's website.

(G) The convention shall have full authority to accept grants, monies, aid, facilities, and services from public or private sources for the purpose of accomplishing its task of framing a new constitution. Any such grants, monies, facilities, services, and donations, as well as the names of the donors thereof, shall be recorded in the record of the proceedings of the convention, and such records shall be open to inspection by any person. Further, the chairman of the convention and the presiding officers of the legislature shall be responsible for posting all such information and all of the expenditures for the convention in a easily understood and searchable format on a prominent place on the legislature's website.

(H) The final draft of the proposed constitution shall be completed no later than June 19, 2019.

Section 7. Compensation of delegates. No delegate may accept any compensation from any source for work performed as a delegate to the convention. However, if a delegate is engaged in regular, bona fide employment, should the delegate's employer choose to continue to pay the usual compensation while the delegate is engaged in the work of the convention, such delegate may accept that compensation, notwithstanding any provision of law to the contrary.

Section 8. Appropriation; use of funds. (A) Any appropriation for the expenses of the convention shall be used solely to defray the necessary expenses of the constitutional convention for which provision is made in this Act, including the payment for supplies, materials, equipment, printing, and reproduction of materials, and all other necessary expenses incurred in connection with the convention and its work.

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

(C) The legislature shall make adequate appropriations to the convention for so long as the convention remains in existence and for so long thereafter as is necessary to assure

the payment of all expenses incurred in connection with the work of the convention. The convention shall not be deemed to be a budget unit of the state and therefore shall not be subject to the provisions of Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950. The financial books and records of the convention, however, shall be subject to audit by the legislative auditor.

Section 9. Submission of proposed constitution; election. (A) Upon completion of its work, and not later than June 28, 2019, and subject to the limitations provided in Section 4 of this Act, the convention shall submit a proposed draft of a new constitution for the state to the governor. At the discretion of the convention, but subject to the limitations provided in Section 4 of this Act, the convention may also propose and submit at the same time such alternative provisions as it deems appropriate. The constitution as drafted by the convention, together with any alternative provisions proposed for submission, shall be submitted to the people for adoption or rejection. Within five days after submission of the proposed draft to the governor, he shall by proclamation call an election to be held at the same time as the gubernatorial primary election in 2019 for the purpose of submitting the proposed draft and any alternative provisions to the people for adoption or rejection.

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

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

(D) Upon promulgation of the results of the election by the secretary of state, if the constitution is ratified and adopted by the people in the election for which provision is made in this Section, the governor shall proclaim the constitution, including such alternative provisions as are adopted by the people at the election, to be the Constitution of Louisiana. The constitution, including such alternative provisions as are so adopted, shall become effective at midnight on December 31, 2019, except as otherwise provided in the constitution adopted or in any such alternative provisions adopted.

Section 10. If any provision or application of this Act that 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, including without limitation any provision of Section 4 of this Act, then this entire Act shall be invalid and of no effect. However, if any other provision of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

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

2018 Regular Session

Abstract: Calls a limited constitutional convention. Calls convention to convene on August 20, 2018, to be composed of 93 delegates, 64 legislators elected by legislators residing in each BESE district and 29 appointed. Requires convention to complete a new constitution by June 19, 2019. Limits convention to changes relative to state and local finance, raising revenue, allocation and expenditure of funds, education funding, and higher education.

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 August 20, 2018, to frame a new constitution for the state, subject to the terms, conditions, and provisions of the Act.
- (2) Provides for 93 delegates as follows:
 - (a) Sixty-four legislative delegates (eight legislators selected by the legislators residing in each respective BESE district) at a joint session or joint meeting of the legislature held on on July 23, 2018.
 - (b) Twenty-nine delegates appointed as follows:
 - (i) One delegate appointed with the concurrence of the Public Affairs Research Council of La., the La. Budget Project, and the Council for a Better La.
 - (ii) One delegate appointed with the concurrence of the La. Association of Business and Industry and the National Federation of Independent Business.
 - (iii) One delegate appointed with the concurrence of Blueprint La. and the Committee of 100 for Economic Development.
 - (iv) One delegate appointed by the La. AFL-CIO.
 - (v) One delegate appointed from a La. chapter of the National Association for the Advancement of Colored People by the chairman of the national board of directors of the association.
 - (vi) One delegate appointed by the La. Sheriffs' Association
 - (vii) One delegate appointed by the La. Assessors' Association
 - (viii) One delegate appointed by the La. Clerks of Court Association.
 - (ix) One delegate appointed by the La. Municipal Association.
 - (x) One delegate appointed by the Police Jury Association of La.
 - (xi) One delegate appointed by the La. School Boards Association.
 - (xii) One delegate who is representative of the La. State University system appointed by the Board of Supervisors of La. State University and Agricultural and Mechanical College.
 - (xiii) One delegate who is representative of the Southern University system appointed by Board of Supervisors of Southern University and Agricultural and Mechanical College.
 - (xiv) One delegate who is representative of the University of La. System shall be appointed by the Board of Supervisors for the University of La. system.
 - (xv) One delegate who is representative of the La. Community and Technical College System appointed by the Board of Supervisors of the Community and Technical Colleges.
 - (xvi) One delegate who is representative of the La. Farm Bureau Federation appointed by the La. Farm Bureau board of directors.
 - (xvii) One delegate appointed by the chief justice of the La. Supreme Court.
 - (xviii) Three delegates appointed by the speaker of the House of Representatives.
 - (xix) Three delegates appointed by the president of the Senate.
 - (xx) Six delegates appointed by the governor.
- (3) Provides for filling vacancies in the same manner as the original selection within 30 days of vacancy.

Proposed law grants to the convention the authority to frame a new state constitution, including such alternative provisions as it deems appropriate. However, provides that the convention may propose substantive changes only with respect to matters of state and local government finance, and higher education, which authority regarding such matters shall be limited to proposals regarding the raising of revenue; the allocation and expenditure of funds; the review, limitation, or control of the expenditure of funds; education funding; and the management and control of higher education institutions. Specifies that the convention may propose such substantive changes, including alternative provisions, 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) but only Part II (Finance) and Part III (Levee Districts and Regional Flood Protection Authorities).
- (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 XIV (Transitional Provisions), but only as necessary to provide an orderly transition for proposed changes pursuant Paragraphs (1), (2), and (3) 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 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 August 20, 2018. 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 executive 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. Provides that the chairman of the convention and the presiding officers of the legislature shall be responsible for providing that audio and video of the proceedings are public and broadcast live via the internet and archived and available on the legislature's website.
- (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. Provides that the chairman of the convention and the presiding officers of the legislature shall be responsible for posting all such information and expenditures for the convention in an easily understood and searchable format on a prominent place on the legislature's website.

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 June 19, 2019. 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 and any alternative provisions agreed upon no later than June 28, 2019. Provides that the constitution and any alternative provisions proposed for submission shall be submitted to the people for their adoption or rejection at a special election. Provides for the convention to determine the manner for submission of alternative proposals. Requires the governor to call the election within 5 days after the draft is submitted, to be held at the same time as the gubernatorial primary election in 2019 (Oct. 12, 2019). 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 and any alternative proposals.

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, including alternative provisions adopted, to be the Constitution of La. Provides that the constitution and any such alternative provisions adopted shall become effective at midnight on Dec. 31, 2019, except as otherwise provided in the constitution or in any alternative provisions adopted.

Proposed law provides that if any provision or application of the Act 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 this entire Act shall be invalid and of no effect. Specifies, however, that if any other provision of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Act 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>
Legislative delegates elected on	7/23/18
Appointed delegates appointed by	7/25/18
Convention to convene	8/20/18 (noon)
Convention to complete final draft	6/19/19
Convention to submit draft constitution to the governor by	6/28/19
Election for submission of proposed constitution to electors	10/12/19 (gubernatorial primary election)
Constitution becomes effective if adopted	12/31/19 (midnight)