

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.

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)]

HCR 4 Engrossed

2018 Regular Session

Abraham

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.