

2022 Regular Session

HOUSE BILL NO. 259

BY REPRESENTATIVE MAGEE

CONSTITUTION/CONVENTION: Provides for calling a limited constitutional convention and preparations therefor

1 AN ACT

2 To provide for the calling of a constitutional convention for the purpose of framing a new
3 constitution; to place restrictions on the convention and to limit the convention to the
4 consideration and submission of certain matters; to provide for legislative findings;
5 to fix the time and place for the convention; to provide for the qualifications and
6 appointment of delegates; to provide for the organization and staff of the convention;
7 to provide for advisory members to the convention; to require that the constitution
8 as adopted by the convention be submitted to the qualified electors for adoption and
9 to provide relative to such submission; to provide for the application of specified
10 laws, including provisions of law containing criminal penalties, to advisory
11 members, delegates, and staff of the convention; to require appropriation of funds
12 for the convention and provide with respect to convention funds; to fix the effective
13 date of the new constitution if approved by the electorate; to provide for an effective
14 date; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. Legislative findings. The legislature finds that:

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

1 (B) The need to address a number of key policy areas that require constitutional
2 change has become apparent, including such matters as the state's tax structure and
3 budgetary practices that hamper the state's economic growth and competitiveness as well as
4 the quality of life of Louisiana residents; the dedication of state revenues and the resulting
5 inability of the legislature to allocate resources where needed, particularly for the needs of
6 health care and higher education; the fiscal restraints on local governments that dramatically
7 limit their authority to meet fiscal and budgetary demands; and other matters.

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

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

16 Section 2. Call for convention; delegates. (A) A constitutional convention is hereby
17 called, to convene on August 1, 2022, at noon, which shall be held for the purpose of
18 framing a new constitution for the state of Louisiana subject to the terms, conditions, and
19 provisions in this Act.

20 (B)(1) There shall be one hundred twenty delegates to the convention, who shall be
21 appointed no later than July 15, 2022, as follows:

22 (a) The speaker of the House of Representatives shall appoint five delegates from
23 each of the congressional districts from which the Louisiana members of the United States
24 House of Representatives were elected in 2020.

25 (b) The president of the Senate shall appoint five delegates from each of the
26 congressional districts from which the Louisiana members of the United States House of
27 Representatives were elected in 2020.

28 (c) The governor shall appoint five delegates from each of the congressional districts
29 from which the Louisiana members of the United States House of Representatives were
30 elected in 2020.

1 (d) The chief justice of the supreme court, after consultation with the associate
2 justices of the supreme court, shall appoint five delegates from each of the congressional
3 districts from which the Louisiana members of the United States House of Representatives
4 were elected in 2020.

5 (2) Each delegate to the convention shall be an elector of the state of Louisiana, shall
6 be at least eighteen years of age, and shall be a resident of the state of Louisiana. In
7 addition, each delegate shall be domiciled in the congressional district from which he is
8 selected at the time he is appointed.

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

11 (4) The appointment of any public official or public employee as a delegate to the
12 convention and his service in the convention and the appointment of any public official or
13 public employee to the staff or advisory committee of the convention and his service on such
14 staff or committee, as authorized and provided in this Act, shall not be construed to
15 constitute dual officeholding or dual employment within the prohibitions of Part III of
16 Chapter 2 of Title 42 of the Louisiana Revised Statutes of 1950. Each delegate shall be
17 considered to be an elected official within the scope of and subject to the provisions of the
18 Code of Governmental Ethics, Chapter 15 of Title 42 of the Louisiana Revised Statutes of
19 1950. Each staff member of the convention and advisory committee member shall be
20 considered to be a public employee within the scope of and subject to the provisions of the
21 Code of Governmental Ethics, Chapter 15 of Title 42 of the Louisiana Revised Statutes of
22 1950. For purposes of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950, the
23 agency and the governmental entity of delegates, advisory committee members, and staff
24 members of the convention shall be the convention. For purposes of any other office or
25 employment of any such delegate, advisory committee member, or staff member, the
26 provisions of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950 shall remain
27 applicable. Each delegate to the convention, advisory committee member, and each staff
28 member of the convention shall be considered to be a public officer, public official, public
29 employee, or person in a position of public authority for purposes of the application of the
30 provisions of the Louisiana Criminal Code.

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

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

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

12 (B) The convention shall have authority to propose substantive changes only with
13 respect to matters contained in the following provisions of the Constitution of Louisiana of
14 1974, as amended, and no other:

15 (1) Article VI, entitled "Local Government".

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

17 (3) Article VIII, entitled "Education", but only with respect to Sections 5, 6, 7, 7.1,
18 8, 12, and 13.

19 (4) Article X, entitle "Public Officials and Employees."

20 (5) Article XII, entitle "General Provisions", but only with respect to Sections 6, 7,
21 8, 8.1, 9, 10, and 16.

22 (6) Provisions in the Constitution of Louisiana of 1974 concerning revenue or a fund
23 or subfund, account, or other designation of funds.

24 (7) Article XIV, entitled "Transitional Provisions", but only as necessary to provide
25 an orderly transition for any substantive changes proposed pursuant to the convention's
26 authority set forth in Paragraphs (1) through (6) of this Subsection.

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

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

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

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

5 (c) Cause the term of office of any elected official of the state or of any political
6 subdivision thereof to be reduced or shortened prior to the expiration of the term of office
7 being held at the time of the adoption of the new constitution, or cause the salary of any such
8 official to be reduced prior to the expiration of the term of office being held at the time of
9 the adoption of a new constitution.

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

11 (D) In addition to the authority to propose substantive changes as provided in
12 Subsection (B) of this Section, but solely for the purposes of orderly arrangement, style and
13 conformity, the convention may incorporate in its proposed revision or in any alternative
14 provision nonsubstantive changes in other provisions of the constitution but only to the
15 extent that they are: (1) germane to the matters enumerated in Subsection (B) of this Section
16 and (2) essential in order to conform to the substantive changes being proposed. For the
17 same purposes, the convention may: (1) renumber or rearrange provisions, (2) transfer or
18 divide provisions, (3) change reference designations to conform to redesignated provisions,
19 and (4) make any other purely formal or clerical changes in keeping with the purpose of the
20 revision.

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

23 (F) Any action to determine a question of the construction or validity of this Act, to
24 determine the scope of authority of the convention, or to determine the conformity of any
25 action of the convention with the provisions of this Act shall be brought in the Nineteenth
26 Judicial District Court. The matter shall be tried by preference over other matters and the
27 court shall render a decision as soon as practicable. In the event of an appeal, the appellate
28 court shall place the matter on its preferential docket, shall hear it without delay, and shall
29 render a decision as soon as practicable.

1 Section 5. Convention organization. (A)(1) The delegates to the convention chosen
2 as provided in this Act shall meet in the House Chamber in the state capitol, or at such other
3 suitable location in the capital city as shall be determined jointly by the presiding officers
4 of the legislature, at noon on August 1, 2022. The chief justice, or in his absence any
5 associate justice of the supreme court designated by the court, shall attend the convention
6 at the opening thereof and shall preside until the chairman has been elected. The secretary
7 of state shall attend the opening of the convention and call the roll of the delegates,
8 whereupon the temporary presiding officer shall administer to the delegates the following
9 oath:

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

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

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

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

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

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

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

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

3 (C) The rules of procedure adopted by the convention pursuant to Paragraph (B)(1)
4 of this Section shall be subject to later change as the delegates shall provide therein. No
5 delegate shall be allowed to vote by proxy, and the rules shall so provide. No committee of
6 the convention, including the executive committee, shall exceed seventeen members, and
7 the rules shall so provide.

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

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

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

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

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

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

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

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

28 (D) As soon as possible after the members of the executive committee are elected,
29 the executive committee shall prepare a budget of anticipated expenses of the convention

1 based on the amount of the appropriation for the convention and any other funds available
2 for expenditure.

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

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

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

22 Section 7. Advisory members to the convention. (A) The convention, subject to its
23 rules of procedure, may request the assistance of advisory members to the convention who
24 shall be composed of twenty-seven members as follows:

25 (1) A member appointed with the concurrence of the Public Affairs Research
26 Council of Louisiana, the Louisiana Budget Project, and the Council for a Better Louisiana.

27 (2) A member appointed with the concurrence of the Louisiana Association of
28 Business and Industry and the National Federation of Independent Business.

29 (3) A member appointed with the concurrence of Blueprint Louisiana and the
30 Committee of 100 for Economic Development.

1 (4) A representative of the Louisiana AFL-CIO appointed by the Louisiana AFL-
2 CIO.

3 (5) A member of any Louisiana chapter of the National Association for the
4 Advancement of Colored People appointed by the chairman of the national board of
5 directors of the association.

6 (6) A representative of elected parish officials appointed with the concurrence of the
7 Louisiana Sheriffs' Association, the Louisiana Assessors' Association, and the Louisiana
8 Clerks of Court Association.

9 (7) A representative of local governmental bodies appointed with the concurrence
10 of the Louisiana Municipal Association, the Police Jury Association of Louisiana, and the
11 Louisiana School Boards Association.

12 (8) One representative of the Louisiana State Law Institute appointed by the
13 Louisiana State Law Institute.

14 (9) A representative of the Louisiana State University system appointed by the
15 Board of Supervisors of Louisiana State University and Agricultural and Mechanical
16 College.

17 (10) A representative of the Southern University system appointed by the Board of
18 Supervisors of Southern University and Agricultural and Mechanical College.

19 (11) A representative of the University of Louisiana system appointed by the Board
20 of Supervisors for the University of Louisiana System.

21 (12) One member appointed by the Louisiana Association of Independent Colleges
22 and Universities.

23 (13) A representative of the Louisiana Farm Bureau Federation appointed by the
24 Louisiana Farm Bureau board of directors.

25 (14) One member appointed with the concurrence of the Louisiana District Judges
26 Association, the Conference of Court of Appeal Judges, and the chief justice of the
27 Louisiana Supreme Court.

28 (15) Four members of the Louisiana House of Representatives appointed by the
29 speaker of the House of Representatives.

30 (16) Four members of the Louisiana Senate appointed by the president of the Senate.

1 (17) Four members appointed by the governor.

2 (18) One representative of the Louisiana Tax Institute appointed by the board of the
3 Louisiana Tax Institute.

4 (B)(1) Appointments made pursuant to this Section shall be submitted to the
5 chairman of the convention and the secretary of state no later than fifteen days after the
6 convention requests the appointments. The secretary of state shall issue a commission to
7 each person appointed as provided in this Section.

8 (2) If a person appointed as an advisory member is unable to serve for any reason,
9 the vacancy shall be filled in the manner of the original appointment.

10 (C) Advisory members appointed pursuant to this Section may participate in
11 discussion and debate only in committees established by the convention and only if
12 authorized in the rules of the convention but shall not have the right to vote. No advisory
13 member shall be allowed to participate in more than two committees formed by the
14 convention nor shall any advisory member be allowed to participate on the executive
15 committee.

16 Section 8. Compensation of delegates. No delegate may accept any compensation
17 from any source for work performed as a delegate to the convention. However, if a delegate
18 is engaged in regular, bona fide employment, should the delegate's employer choose to
19 continue to pay the usual compensation while the delegate is engaged in the work of the
20 convention, such delegate may accept that compensation, notwithstanding any provision of
21 law to the contrary.

22 Section 9. Appropriation; use of funds. (A) Any appropriation for the expenses of
23 the convention shall be used solely to defray the necessary expenses of the constitutional
24 convention for which provision is made in this Act, including the payment for supplies,
25 materials, equipment, printing, and reproduction of materials, and all other necessary
26 expenses incurred in connection with the convention and its work.

27 (B) Any funds appropriated for the convention shall be withdrawn from the state
28 treasury in accordance with warrants signed by the chairman of the convention, and all
29 checks for the disbursement of funds shall be signed by the chairman and the vice chairman

1 of the convention or by the chairman or vice chairman and such other person as shall be
2 designated by the convention.

3 (C) The legislature shall make adequate appropriations to the convention for so long
4 as the convention remains in existence and for so long thereafter as is necessary to assure
5 the payment of all expenses incurred in connection with the work of the convention. The
6 convention shall not be deemed to be a budget unit of the state and therefore shall not be
7 subject to the provisions of Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950.
8 The financial books and records of the convention, however, shall be subject to audit by the
9 legislative auditor.

10 Section 10. Submission of proposed constitution; election. (A) Upon completion
11 of its work, and not later than July 1, 2023, and subject to the limitations provided in Section
12 4 of this Act, the convention shall submit a proposed draft of a new constitution for the state
13 to the governor. At the discretion of the convention, but subject to the limitations provided
14 in Section 4 of this Act, the convention may also propose and submit at the same time such
15 alternative provisions as it deems appropriate. The constitution as drafted by the convention,
16 together with any alternative provisions proposed for submission, shall be submitted to the
17 people for adoption or rejection. Within ten days after submission of the proposed draft to
18 the governor, he shall by proclamation call an election to be held at the same time as the
19 gubernatorial primary election in 2023 for the purpose of submitting the proposed draft to
20 the people for adoption or rejection.

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

28 (C) The convention may submit to the electors of the state the proposal for
29 acceptance or rejection of the constitution and any alternative provisions in such form and
30 manner as it may determine and may direct the proper election officials to take the necessary

1 steps to effectuate such determination of the convention in presenting the proposed
2 constitution and any alternative provisions to the electors. Adoption of the constitution and
3 of any such alternative provisions shall require the favorable vote of a majority of the
4 electors voting on the respective proposition.

5 (D) Upon promulgation of the results of the election by the secretary of state, if the
6 constitution is ratified and adopted by the people in the election for which provision is made
7 in this Section, the governor shall proclaim the constitution, including such alternative
8 provisions as are adopted by the people at the election, to be the Constitution of Louisiana.
9 The constitution, including such alternative provisions as are so adopted, shall become
10 effective at midnight on December 31, 2023, except as otherwise provided in the constitution
11 adopted or in any such alternative provisions adopted.

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

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

23 Section 12. If any provision or application of this Act that authorizes the convention
24 to consider only certain subject matters and certain provisions of the constitution and
25 prohibits the convention from considering other subject matters and provisions is held
26 invalid, including without limitation any provision of Section 4 of this Act, then this entire
27 Act shall be invalid and of no effect. However, if any other provision of this Act or the
28 application thereof is held invalid, such invalidity shall not affect other provisions or
29 applications of this Act that can be given effect without the invalid provision or application.

1 Section 13. This Act shall become effective upon signature by the governor or, if not
 2 signed by the governor, upon expiration of the time for bills to become law without signature
 3 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 5 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 259 Original

2022 Regular Session

Magee

Abstract: Calls a limited constitutional convention to convene on Aug. 1, 2022, to be composed of 120 delegates, appointed from congressional districts by the speaker of the House, president of the Senate, governor, and chief justice of the supreme court. Requires convention to complete draft of proposed constitution by July 1, 2023.

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 Aug. 1, 2022, to frame a new constitution for the state, subject to the terms, conditions, and provisions of the Act.
- (2) Provides for 120 delegates, appointed by July 15, 2022, from each of 2020 congressional districts as follows:
 - (a) The speaker of the House shall appoint five delegates from each of the congressional districts.
 - (b) The president of the Senate shall appoint five delegates from each of the congressional districts.
 - (c) The governor shall appoint five delegates from each of the congressional districts.
 - (d) The chief justice, after consultation with the associate justices, shall appoint five delegates from each the congressional districts.
- (3) Requires that delegates be qualified electors of the state and be domiciled in the district from which appointed. Excepts service of delegates and service of the staff of the convention from dual employment/dual officeholding laws. Delegates, advisory committee members, and staff are subject to the code of ethics. Further, delegates, advisory committee members, and staff are considered public officers, public officials, public employees, or person 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.

- (4) Provides for filling of vacancies in manner of original appointment within 30 days.

Proposed law grants to the convention the authority to frame a new state constitution. However, provides that the convention may propose substantive changes only 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).
- (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 X (Public Officials and Employees).
- (5) Article XII (General Provisions), but only with respect to Sections 6, 7, 8, 8.1, 9, 10, and 16.
- (6) Any provision of the constitution concerning revenue or a fund, subfund, account, or other designation of funds.
- (7) Article XIV (Transitional Provisions), but only as necessary to provide an orderly transition for proposed changes pursuant to items (1) through (6) 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 that the convention shall adopt rules of procedure when it convenes. Prohibits proxy voting. Limits committee membership to 17 members.

Proposed law provides for the initial meeting of the convention on Aug. 1, 2022. 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 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 appoints the chairman, vice chairman, and membership of each such committee.
- (5) Requires that the House chamber, Senate 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.
- (7) Provides that the convention may provide in its rules for advisory members who may participate in discussion and debate in up to two committees only, but shall not be allowed to vote and shall not participate on the executive committee. Provides that if so requested by the convention, the appointments shall be made and submitted to the chairman of the convention and the secretary of state no later than 15 days after the request. Provides that the advisory members shall consist of:
 - (a) A member appointed with the concurrence of the Public Affairs Research Council of La., the La. Budget Project, and the Council for a Better La.
 - (b) A member appointed with the concurrence of the La. Assoc. of Business and Industry and the National Federation of Independent Business.

- (c) A member appointed with the concurrence of Blueprint La. and the Committee of 100 for Economic Development.
- (d) A representative of the La. AFL-CIO appointed by the La. AFL-CIO.
- (e) A member of any La. chapter of the National Assoc. for the Advancement of Colored People appointed by the chairman of the national board of directors of the association.
- (f) A representative of elected parish officials appointed with the concurrence of the La. Sheriffs' Assoc., the La. Assessors' Assoc., and the La. Clerks of Court Assoc.
- (g) A representative of local governmental bodies appointed with the concurrence of the La. Municipal Assoc., the Police Jury Assoc. of La., and the La. School Boards Assoc.
- (h) One representative of the La. State Law Institute appointed by the La. State Law Institute.
- (i) A representative of the La. State University system appointed by the Bd. of Supervisors of La. State University and Agricultural and Mechanical College.
- (j) A representative of the Southern University system appointed by the Bd. of Supervisors of Southern University and Agricultural and Mechanical College.
- (k) A representative of the University of La. system appointed by the Bd. of Supervisors for the University of La. system.
- (l) One member appointed by the La. Assoc. of Independent Colleges and Universities.
- (m) A representative of the La. Farm Bureau Federation appointed by the La. Farm Bureau board of directors.
- (n) One member appointed with the concurrence of the La. District Judges Assoc., the Conference of Court of Appeal Judges, and the chief justice of the La. Supreme Court.
- (o) Four members of the La. House of Representatives appointed by the speaker of the House of Representatives.
- (p) Four members of the La. Senate appointed by the president of the Senate.
- (q) Four members appointed by the governor.
- (r) One representative of the La. Tax Institute appointed by the board of the La. Tax Institute.

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 requires the convention, upon completion of its work and subject to the subject matter limitations on the convention, to submit the proposed constitution to the governor and the presiding officers of the legislature no later than July 1, 2023. Requires the presiding officers to post the proposed constitution on the legislative website within 24 hours of receipt. Provides that the proposed constitution 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 gubernatorial primary election in 2023 (Oct. 14, 2023). 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 to be the Constitution of La. Provides that the new constitution shall become effective at midnight on Dec. 31, 2023, except as otherwise provided in the constitution.

Proposed law provides that if any provision or application of proposed law 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 proposed law in its entirety shall be invalid and of no effect. Specifies, however, that if any other provision of proposed law or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of proposed law 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>
Appointment of 120 convention delegates	7/15/22
Convention to convene	8/1/22 (noon)
Convention to submit draft constitution to the governor and presiding officers by	7/1/23

<i>What</i>	<i>Date</i>
Election for submission of proposed constitution	10/14/23 (Gubernatorial primary election)
Constitution becomes effective if adopted	12/31/23 (midnight)