
DIGEST

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HCR No. 5

Abstract: Creates the Constitutional Convention Study Commission to study the feasibility and advisability of a constitutional convention and to make recommendations to the legislature for the calling of such convention if a convention is found feasible and advisable.

Proposed concurrent resolution creates the Constitutional Convention Study Commission to make necessary studies and analysis to examine the feasibility and advisability of calling a constitutional convention to revise the Constitution of La.

- (1) Provides that the commission be composed of 15 members as follows:
 - (a) Two members of the La. House of Representatives appointed by the speaker of the House of Representatives.
 - (b) Two members of the La. Senate appointed by the president of the Senate.
 - (c) Two members appointed by the governor.
 - (d) Two members appointed by the chief justice of the La. Supreme Court.
 - (e) A representative of the La. State Law Institute appointed by the institute.
 - (f) A representative of the LSU Paul M. Hebert Law Center or the LSU E. J. Ourso College of Business appointed by the joint concurrence of the chancellor of the law center and the dean of the business college.
 - (g) A representative of the SU Law Center or the SU College of Business appointed by the joint concurrence of the chancellor of the law center and the dean of the business college.
 - (h) A representative of the Tulane University Law School or the Tulane University A.B. Freeman School of Business appointed by the joint concurrence of the dean of the law school and the dean of the business school.
 - (i) A representative of the Loyola University New Orleans College of Law or the Loyola University New Orleans Joseph A. Butt, S.J., College of Business

appointed by the joint concurrence of the dean of the college of law and the dean of the business college.

- (j) A representative of the Public Affairs Research Council of La. appointed by the council.
- (k) A representative of the Council for a Better La. appointed by the council.

Relative to the appointments provided for in (f) through (i) above, requires the appointing authorities to consult with each other and make their appointments so as to provide that two of such members shall be representatives of law schools and two shall be representatives of business schools. Further provides that if the appointing authorities provided for in (f) through (i) above do not make an appointment as provided, the House speaker and the Senate president shall make any appointment necessary to provide for such required membership, giving consideration to any recommendations of the appointing authorities.

Requires that, in making appointments, the appointing authorities shall seek to provide diversity in the commission's membership, including diversity of geography, race, and gender.

Provides for filling of a vacancy in the manner of the original appointment.

- (2) Requires that the commission hold its organizational meeting within 60 days after adjournment sine die of the 2013 R.S. on the call of the House speaker and the Senate president acting jointly.

Requires the commission, at the organizational meeting, to elect a chairman, a vice chairman, and other officers it finds necessary and to adopt rules for its own procedure.

- (3) Requires the commission to make such studies as it finds necessary or appropriate to determine the feasibility and advisability of calling a constitutional convention to revise the state constitution and, if a convention is found to be feasible and advisable, to make recommendations to the legislature on all matters relevant to the convening and conduct of a constitutional convention including a plan for the conduct of an effective constitutional convention which plan shall include but not be limited to:

- (a) A policy agenda for the convention which shall include:
 - (i) Identification of significant policy areas that must be addressed in order to propose a constitution that will serve the state effectively.
 - (ii) Alternative proposals for provisions on significant policy areas, together with explanations and explanatory materials therefor, including multiple optional approaches and solutions as appropriate to facilitate the work of the convention in addressing issues.
 - (iii) Pertinent background material and data relative to significant policy areas.

- (b) Background and other materials that the committee determines will be useful to the work of the convention.
 - (c) Proposals for elimination of statutory materials from the constitution, together with recommendations for legislative action relative thereto.
 - (d) Recommendations for convention organization and deliberations, including the composition of the membership of the convention, officers and committees, and significant provisions for rules of procedure.
 - (e) Timetables for convening, for staff work, for completion of a draft constitution, for the election to submit the proposal to the voters of the state, and for effectiveness of the new constitution.
 - (f) An analysis of staffing and other resources needed and available to address policy issues and to skillfully draft constitutional language.
 - (g) Recommendations for budget needs for effective conduct of a convention.
 - (h) Recommendations for procedures for submission of alternative proposals to the voters and ballot structure.
- (4) Requires the commission to complete its study and determine its recommendations by Jan. 15, 2014, and by Feb. 14, 2014, to submit study results and a report of its findings and recommendations to each legislator and the governor.
- (5) Authorizes the commission to utilize the personnel, facilities, and services of the legislative auditor, the legislative fiscal officer, and the staffs of the House of Representatives and the Senate and to request and use such counsel, assistance, personnel, facilities, and advice as may be obtained from any and all public or private sources.
- (6) Authorizes the House speaker and the Senate president to each assign one or more full-time staff persons to provide staff support to the commission.
- (7) Requires that each of the following assign employees as follows to provide staff support to the commission:

<u>Assigned by</u>	<u>Number</u>	<u>Full-time/ Half-time</u>
Legislative fiscal officer	One	Full-time
Director of the La. State Law Institute	One	Half-time
Chief justice of the La. Supreme Court	One	Half-time
Each university that appoints a member to the commission	One	Half-time

- (8) Authorizes the commission to make, or cause to be made, studies useful to its purposes

through legislative personnel or in cooperation with any public or private agency and to call upon departments or agencies of the state for data and assistance. Requires departments and agencies to cooperate with the commission.

- (9) Authorizes the commission to receive grants, donations, or gifts of money or services from public or private organizations or from any other sources and to create or appoint advisory commissions or task forces for advice or assistance, composed of representatives of the public or private sectors.
- (10) Provides that expenses directly incurred by the commission may be paid from any funds available for the purpose and, with the approval of the legislative presiding officers, from funds available to such presiding officers for expenses of the legislature.
- (11) Provides that the commission shall be dissolved upon the adjournment sine die of the 2014 R.S.