
DIGEST

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HB 375 Original

2016 Regular Session

Cromer

Abstract: Calls a constitutional convention to convene on Jan. 9, 2017, to be composed of 106 appointed delegates. Requires convention to complete a new constitution by May 31, 2018.

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.

Proposed law provides for a constitutional convention as follows:

- (1) Calls the convention to convene at noon on Jan. 9, 2017, to frame a new constitution for the state.
- (2) Provides for 106 delegates to be appointed as follows:
 - (a) Six delegates appointed by the La. House of Representatives, of whom one shall be appointed from each congressional district.
 - (b) Six delegates appointed by the La. Senate, of whom one shall be appointed from each congressional district.
 - (c) Six delegates appointed by the governor, of whom one shall be appointed from each congressional district.
 - (d) Six delegates appointed by the La. Supreme Court, of whom one shall be appointed from each congressional district.
 - (e) Sixty-four delegates, of whom one shall be appointed by each parish governing authority.
 - (f) One delegate appointed by the president of Centenary College of La. .
 - (g) One delegate appointed by the president of Dillard University.
 - (h) One delegate appointed by the president of Grambling State University.

- (i) One delegate appointed by the president of La. College.
 - (j) One delegate appointed by the president of La. Tech University.
 - (k) One delegate appointed by the president of La. State University.
 - (l) One delegate appointed by the president of Loyola University New Orleans.
 - (m) One delegate appointed by the president of McNeese State University.
 - (n) One delegate appointed by the president of Nicholls State University.
 - (o) One delegate appointed by the president of Northwestern State University.
 - (p) One delegate appointed by the president of Southeastern La. University.
 - (q) One delegate appointed by the president of Southern University.
 - (r) One delegate appointed by the president of Tulane University.
 - (s) One delegate appointed by the president of the University of La. at Lafayette.
 - (t) One delegate appointed by the president of the University of La. at Monroe.
 - (u) One delegate appointed by the president of the University of New Orleans.
 - (v) One delegate appointed by the president of Xavier University of La. .
 - (w) One delegate appointed by the La. Assoc. of Independent Colleges and Universities to be representative of its member institutions not included above.
- (3) Requires that delegates be qualified electors of the state. Excepts selection and service of delegates and staff of the convention from dual employment/dual officeholding laws. Delegates, and staff are subject to the code of ethics and public bribery laws. Attorney delegates are entitled to continuance of cases in which they are counsel of record while attending sessions and convention work.
- (4) 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. Further permits the convention, for the purposes of orderly arrangement, style and conformity, to incorporate nonsubstantive changes in other provisions of the constitution 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 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 Jan. 9, 2017. 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 employ a research director, research and clerical staff, and other employees deemed necessary. Specifies certain staff membership. Provides for soliciting staff applications. Provides for executive committee to set staff compensation.
- (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. Requires the secretary of state, prior to the first meeting of the convention, to advertise and receive applications for staff service and present those applications to the executive committee on the day the convention convenes.

Authorizes the committee to use 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 utilize counsel, assistance, personnel, facilities, and advice from public and private sources. Authorizes the committee to call upon the members or staffs of state departments or agencies for data and assistance and requires them to cooperate with the committee.

- (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.
- (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.

Proposed law provides for compensation of delegates and payment of convention expenses:

- (1) Provides per diem for delegates in the same amount provided for the legislature for each day of actual attendance at meetings of the convention or committees thereof. Prohibits payment of per diem after May 31, 2018, or the date the final draft is completed, whichever is earlier. Prohibits a delegate from accepting any additional 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 per diem, salaries, and expenses of employees, 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.

Proposed law provides that the final draft of a proposed constitution be completed not later than May 31, 2018. 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 15, 2018. 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 15 days after the draft is submitted, to be held at the same time as the congressional primary election in 2018 (Nov. 6, 2018). 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, 2018, except as otherwise provided in the constitution or in any alternative provisions adopted.

Proposed law provides that if any 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>
Appointment of convention delegates & submission to secretary of state not later than	10/10/16
Convention to convene	1/9/17 (noon)
Convention to complete final draft & deadline for delegates' per diem	5/31/18
Convention to submit draft constitution to the governor by	6/15/18
Election for submission of proposed constitution	Congressional primary election in 2018– 11/6/18
Constitution becomes effective if adopted	12/31/18 (midnight)