

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 382** HLS 16RS 589  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> March 24, 2016 10:30 AM	<b>Author:</b> HAVARD
<b>Dept./Agy.:</b> Legislature	<b>Analyst:</b> Willie Marie Scott
<b>Subject:</b> Constitutional Convention	

CONSTITUTION/CONVENTION OR INCREASE GF EX See Note Page 1 of 2  
 Provides for calling a limited constitutional convention for fiscal purposes.

The proposed legislation provides for the calling of a constitutional convention to convene on 1/9/2017 for the purpose of framing a new constitution relative to the state's tax structure and budgetary practices; the dedication of state revenue; local government fiscal restraints; and other matters. The final draft of the proposed constitution shall be completed no later than 5/31/2018; and a proposed draft to the Governor no later than 6/5/2018. The proposed constitutional shall be submitted to the people at the congressional primary election to be held on 11/6/2018. It further provides for the election of 105 delegates on 11/8/2016 and 12/10/2016 and the appointment of 18 delegates for a total of 123 convention delegates. It also provides for the election of a chairman, vice chairman, membership of an executive committee, and chief clerical officer. The Executive Committee may create and establish substantive and procedural committees as deemed necessary. No committee of the convention, including the Executive Committee, shall exceed 17 members; and may meet either as a full body or in committees until it completes the drafted constitution. The Executive Committee shall employ a **(Continue on Page 2)**

<b>EXPENDITURES</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	INCREASE	INCREASE	INCREASE	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>				<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>REVENUES</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>				<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

The proposed legislation will result in an indeterminable increase in SGF expenditures. The cost relative to expenses of a constitutional convention cannot be accurately estimated due to the number of variables that make up the costs of such an initiative. SGF costs are expected to be significant and are discussed below.

The majority of the costs associated with the proposed legislation would be the per diem paid to the 17 members of the Executive Committee and the 106 delegates of the constitutional convention. The legislative per diem rate is \$157 and the cost of related benefits (7.65% includes FICA 6.2% and Medicare 1.45%) is approximately \$12 for a daily cost of approximately \$169/day. Based upon these figures, the daily cost for the committee would be \$2,873 and the daily cost of the constitutional convention would be \$17,914. The total cost would depend upon the number of meeting days held. The legislation also allows the Executive Committee to create or establish substantive and procedural committees. Expenditures relative to additional committees are indeterminable. There will also be costs for payment of salaries and expenses of necessary employees, supplies, materials, equipment, printing and reproduction of materials, and all other necessary expenses incurred in connection with the committee(s) and the constitutional convention.

The Department of State budgets for up to 10 constitutional amendments for the fall statewide elections as regular practice and any cost associated with this proposed constitutional amendment will be absorbed with the agency's budget. The LLA has indicated that the cost of providing an audit of the financial books and records of the constitutional convention by a CPA firm is estimated to be \$30,000. Additionally, the Ethics Administration indicated there could be additional postage costs associated with mailing notice of delinquency letters if delegates fail to file or fail to file timely. Any increase in postage costs will likely be absorbed by the agency. The staffs of the House of Representatives and the Senate will likely absorb any additional duties with existing staff and resources.

**Note:** The total budget for the 1973-74 constitutional convention was approximately \$2.9 M of which \$1 M was delegate per diem costs and \$850,000 was budgeted for the salary expenses for convention staff.

**REVENUE EXPLANATION**

The proposed legislation grants the constitutional convention the authority to accept grants, donations or gifts of money and services from public and private sources to defray the expenses of the committee and constitutional convention. The amount that may be received from non-governmental entities, if any, can not be estimated. Automatic late filing fees are assessed for every day required campaign finance reports are late. The fees are \$60 per day for district office candidates, and additional civil penalties may be imposed for reports more than 10 days late. The increase in **(Continue on Page 2)**

- |   |  |              |
|---|--|--------------|
| <u>Senate</u>   | <u>Dual Referral Rules</u>   | <u>House</u> |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}       | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}                    |              |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |              |

*Evan Brasseaux*  
**Evan Brasseaux**  
**Staff Director**

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**CONTINUED EXPLANATION from page one:**

director of research, research assistants, secretarial/clerical personnel, and such other professional, research, technical and clerical employees. Compensation of staff personnel shall be established by the Executive Committee; and delegates of the convention shall be paid the same per diem as member of the legislature. The convention may accept grants, donations or gifts of money or services, including the use of facilities and staff from public or private sources to defray the expenses of the convention. Expenses of the constitutional convention shall be paid from an appropriation made by the legislature.

**CONTINUED REVENUE EXPLANATION from page one:**

revenue is indeterminable since it will depend on the number of candidates that may fail to file or file late and the number of days reports are filed late. All fees assessed are deposited into the SGF.

Senate      Dual Referral Rules      House

13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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