The original instrument was prepared by Benjamin A. Huxen, II. The following digest, which does not constitute a part of the legislative instrument, was prepared by J. Ashley Mitchell Carter.

DIGEST

SB 393 Engrossed

2016 Regular Session

Carter

<u>Proposed law</u> calls a constitutional convention, including the following provisions:

- (1) Provides for convention to convene at five o'clock p.m. on July 10, 2016, to revise the state constitution "in order to provide for state revenue and finance and matters relating thereto," subject to the terms, conditions, and provisions of the Act.
- (2) Provides for 144 delegates consisting of two houses, a Senate and a House of Representatives. The Senate shall be composed of delegates who are serving as senators in the legislature. The House of Representatives shall be composed of delegates who are serving as representatives in the legislature.
- (3) Limits convention authority to make substantive changes to matters of state finance and the raising of revenue and the allocation and expenditure of funds therefor. Designates specific provisions that the convention may include in the proposed revision or in alternative provisions as follows and prohibits including others:
 - (a) Article III, entitled "Legislative Branch", but only Section 2(A) thereof and then only to the extent necessary to provide for the legislature to enact legislation during the 2017 Regular Session that is necessary to implement any changes occasioned by revision of provisions of Article VII of the constitution as proposed by the convention.
 - (b) Article VII, entitled "Revenue and Finance", but only Sections 5, 9 through and including 11, and 14(B).
- (4) Authorizes additional nonsubstantive changes to be included in the revision solely for purposes of orderly arrangement, style and conformity. Provides procedure for judicial determination of scope of convention authority and questions relating to construction and validity of the Act and for expedited hearing and decision.
- (5) Provides for the delegates to adopt joint rules of procedure for the convention by separate majority vote of each house, which may create and establish such committees as the delegates may deem appropriate. Prohibits proxy voting. Requires the fiscal staffs of the DOA, Senate, House, and the legislative fiscal officer to meet and publish official data to be used by the delegates in their deliberations.
- (6) Provides that staff services for the convention shall be provided by the staffs of the House

of Representatives and the Senate, as determined by the presiding officers. 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. Requires the fiscal staffs of the DOA, Senate, House, and the legislative fiscal officer to publish official data to be used by the convention.

- (7) Provides that delegates shall not receive a per diem of and travel allowances as provided for members of the legislature after August 9, 2016. Provides that delegates must prefile all proposals to amend the constitution by Tuesday, July 19, 2016.
- (8) Requires the convention, upon completion of its work, to submit to the people through a ballot vote, the revised constitution and any alternative provisions agreed upon. Provides that the revision, and any alternative provisions proposed for submission, shall be submitted to the people for their adoption or rejection at the statewide election called by the governor to be held on November 8, 2016 and called by the governor no later than August 16, 2016. Requires majority approval of the revision and of alternative proposals for adoption.
- (9) Provides for commissioners as provided above for the delegates' election and for costs to be paid as provided by law for elections in which constitutional amendments appear on the ballot. Provides for convention to determine manner for submission of alternative proposals. Provides that, upon promulgation of the results of the election by the secretary of state, if the revision is ratified and adopted by the people, the governor shall proclaim the revision, including alternative provisions adopted, to be the Constitution of Louisiana. Provides that the revision and any such alternative provisions adopted shall become effective at midnight on the 10th day after the day of the governor's proclamation, except as otherwise provided in the revision or in any alternative provisions adopted.
- (10) Provides that, if any provision or item of this Act, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provision, item, or application.

Effective upon signature of governor or lapse of time for gubernatorial action.

Summary of Amendments Adopted by Senate

<u>Committee Amendments Proposed by Senate Committee on Senate and Governmental</u> <u>Affairs to the original bill</u>

- 1. Changes the date on which the constitutional convention will convene from August 20, 2016, to July 10, 2016.
- 2. Changes the date by which the delegates may prefile to July 19, 2016.
- 3. Changes the date by which the proposed revision and alternative provisions must be adopted from September 19, 2016, to August 9, 2016.
- 4. Changes the date after which no delegate shall receive a per diem for attending the convention from September 19, 2016, to August 9, 2016.
- 5. Removes the requirement that the convention submit its work to the governor upon completion and adds that the convention's work will be submitted to the people through a ballot vote.
- 6. Specifies that the election that will be called by the governor must be called by or before August 16, 2016.