

1 WHEREAS, a serious analysis and revision of the state constitution is needed if the
2 state is to conduct a genuine examination of the state's critical needs, to undertake an in-
3 depth consideration of reform proposals, and to craft provisions that allow for flexibility and
4 innovation in legislative solutions to problems of the present and the future.

5 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
6 create a committee to provide for an in-depth study of the need for, and for preparation of
7 a plan for the conduct of, a convention to revise the Constitution of Louisiana, and the
8 legislature expresses legislative intent to call a constitutional convention based upon the
9 results of such study, all as more specifically provided in this Concurrent Resolution.

10 BE IT FURTHER RESOLVED that, in order to conduct the needed study and
11 prepare a plan for a constitutional convention, a committee is hereby created, to be
12 designated as the Evaluation and Drafting Committee, and that the purpose of the committee
13 shall be to evaluate and determine if a constitutional convention is needed to address the
14 issues facing the state and its people and, if it determines that a convention is needed, to
15 develop and propose a plan for the conduct of an effective constitutional convention,
16 including a draft proposed constitution with alternative proposals for provisions on
17 significant policy areas.

18 BE IT FURTHER RESOLVED that the Evaluation and Drafting Committee shall be
19 composed of thirteen members as follows:

20 (1) Two members of the Louisiana House of Representatives appointed by the
21 speaker of the House of Representatives.

22 (2) Two members of the Louisiana Senate appointed by the president of the Senate.

23 (3) Two members appointed by the governor.

24 (4) One member appointed by the chief justice of the Louisiana Supreme Court.

25 (5) A representative of the Louisiana State Law Institute appointed by the Louisiana
26 State Law Institute.

27 (6) A representative of the Louisiana State University Paul M. Hebert Law Center
28 or the Louisiana State University E. J. Ourso College of Business appointed by the joint
29 concurrence of the chancellor of the law center and the dean of the business college.

1 (7) A representative of the Southern University Law Center or the Southern
2 University College of Business appointed by the joint concurrence of the chancellor of the
3 law center and the dean of the business college.

4 (8) A representative of the Tulane University Law School or the Tulane University
5 A.B. Freeman School of Business appointed by the joint concurrence of the dean of the law
6 school and the dean of the business school.

7 (9) A representative of the Loyola University New Orleans College of Law or the
8 Loyola University New Orleans Joseph A. Butt, S.J., College of Business appointed by the
9 joint concurrence of the dean of the college of law and the dean of the business college.

10 (10) A representative of the Public Affairs Research Council of Louisiana appointed
11 by the council.

12 BE IT FURTHER RESOLVED that:

13 (1) The appointments to the Evaluation and Drafting Committee shall be made and
14 shall be submitted to the secretary of state not later than Monday, August 3, 2015; that, not
15 later than August 10, 2015, the secretary of state shall provide each member appointed with
16 a list of the membership appointed to the committee; that the secretary of state shall issue
17 a commission to each person appointed to the committee; and that any vacancy in the
18 membership of the committee shall be filled in the manner of the original appointment.

19 (2) The committee shall hold its organizational meeting not later than Tuesday,
20 September 8, 2015, on the call of the speaker of the House of Representatives and the
21 president of the Senate acting jointly, and the committee shall elect a chairman, a vice
22 chairman, and such other officers as it shall find necessary.

23 BE IT FURTHER RESOLVED that the committee shall have the following powers
24 and duties:

25 (1) The committee shall undertake such studies as necessary to evaluate if a
26 constitutional convention is needed to address the issues facing the state and its people and,
27 based upon such study, shall make a determination as to whether or not a constitutional
28 convention is needed.

1 (2) If the committee determines that a constitutional convention is needed, it shall
2 prepare a plan for the conduct of an effective constitutional convention, which plan shall
3 include but not be limited to:

4 (a) A policy agenda for the convention which shall include:

5 (i) Identification of significant policy areas that must be addressed in order to
6 propose a constitution that will serve the state effectively.

7 (ii) A draft of a proposed constitution for the state, including provisions addressing
8 such significant policy areas, as well as all other provisions necessary for an effective
9 constitution.

10 (iii) Materials explaining the proposed provisions on significant policy areas and the
11 reasons therefor.

12 (iv) Alternative proposals for provisions on significant policy areas, together with
13 explanations and explanatory materials therefor, including multiple optional approaches and
14 solutions as appropriate to facilitate the work of the convention in addressing issues.

15 (v) Pertinent background material and data relative to significant policy areas.

16 (b) Background and other materials that the committee determines will be useful to
17 the work of the convention.

18 (c) Proposals for elimination of statutory materials from the constitution, together
19 with recommendations for legislative action relative thereto.

20 (d) Recommendations for convention organization and deliberations, including
21 significant provisions for rules of procedure.

22 (e) Recommendations for budget needs for effective conduct of a convention.

23 (f) Recommendations for procedures for submission of alternative proposals to the
24 voters and ballot structure.

25 (3) The committee shall undertake all necessary study and analysis necessary to
26 complete such plan and submit such plan to the legislature.

27 (4) The committee may create or appoint advisory committees or task forces to act
28 in an advisory capacity or to assist in its studies, composed of such representatives of the
29 public or private sectors as it deems appropriate.

1 (5)(a) As soon as possible after the members of the Evaluation and Drafting
2 Committee have been appointed, the committee shall assemble such staff as it deems
3 necessary to assist it in completing its duties on a timely basis. Such staff may include:

4 (i) Such professional, research, and other employees as the committee deems
5 necessary to carry out its duties; the committee is hereby authorized to employ such staff and
6 such staff shall be compensated as provided in this Concurrent Resolution.

7 (ii) Personnel provided by the Louisiana State University, Southern University,
8 Tulane University, and Loyola University law schools from the faculty as requested by the
9 committee.

10 (b) The committee may utilize the personnel, facilities, and services of the legislative
11 auditor, the legislative fiscal officer, and the staffs of the House of Representatives and the
12 Senate, and the committee may request and utilize such counsel, assistance, personnel,
13 facilities, and advice as may be obtained from any and all public sources and from any and
14 all private sources, including but not necessarily restricted to universities, colleges,
15 foundations, charitable corporations, private research agencies, individuals, and
16 organizations.

17 (c) The committee may call upon the members or staffs of any and all departments
18 or agencies of the state for data and assistance, and all such departments and agencies shall
19 cooperate with the committee.

20 (6) The committee shall complete its work no later than March 1, 2016, and shall
21 submit to the legislature its evaluation and determination of whether or not a constitutional
22 convention is needed, and if it determines that a convention is needed, it shall also submit,
23 accompanying such evaluation, a plan for the conduct of an effective constitutional
24 convention; it shall submit a copy of the evaluation and the plan to the governor, and when
25 the constitutional convention convenes, it shall submit a copy to the convention.

26 BE IT FURTHER RESOLVED that:

27 (1) The committee may accept grants, donations, gifts, monies, aid, facilities, and
28 services from public or private sources for the purpose of completing its work and preparing
29 and submitting the plan for the conduct of the constitutional convention; any such grants,
30 monies, facilities, services, and donations, as well as the names of the donors thereof, shall

1 be recorded in the record of the proceedings of the committee and of the convention, and
2 such records shall be open to inspection by any person.

3 (2) The members of the Evaluation and Drafting Committee shall be paid the same
4 per diem for each day of conducting the work of the committee and for each day of
5 attendance at meetings of the committee, and the members of the committee shall be subject
6 to the same limitations on other compensation, as this Concurrent Resolution provides that
7 the convention call will make applicable to the compensation of convention delegates.

8 (3) Per diem of committee members and all other expenses directly incurred by the
9 committee may be paid from any funds available for the purpose and, with the approval of
10 the presiding officers of the two houses of the Louisiana Legislature, from funds available
11 to such presiding officers for expenses of the legislature.

12 (4) Legislative committee rooms in the state capitol shall be available for use by the
13 committee, unless required for legislative committee meetings, and, in addition, the
14 committee may use the facilities and services of any board, commission, department, or
15 agency of the state or of any political subdivision of the state, and all such entities shall
16 cooperate with the committee to the fullest extent in furnishing services and facilities upon
17 request; the committee may use the facilities and services of other persons and organizations.

18 BE IT FURTHER RESOLVED that, if the Evaluation and Drafting Committee
19 determines that a constitutional convention is needed, the Evaluation and Drafting
20 Committee shall be dissolved thirty days after submission of a copy of the plan for the
21 conduct of the constitutional convention to the convention, except that if a different
22 termination date is provided in the rules of the convention, the Evaluation and Drafting
23 Committee shall be dissolved on that date; however, if the Evaluation and Drafting
24 Committee determines that a convention is not necessary, the Evaluation and Drafting
25 Committee shall be dissolved upon adjournment sine die of the 2016 Regular Session of the
26 Legislature of Louisiana.

27 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby express
28 its firm intent to call a constitutional convention if the Evaluation and Drafting Committee
29 determines that a constitutional convention is needed, such convention to convene on
30 September 5, 2017, at 12:00 noon and to be for the purpose of framing a new constitution

1 for the state of Louisiana, and the legislature does further express its intent to include in the
2 call for the convention, to be enacted by the legislature, provisions that will make the
3 convention subject to the terms, conditions, and provisions set forth in this Concurrent
4 Resolution.

5 BE IT FURTHER RESOLVED that the call for the convention shall provide relative
6 to the convention delegates, including provisions that:

7 (1) There shall be one hundred twenty-three delegates to the convention as follows:

8 (a) One delegate shall be elected from each of the districts from which members of
9 the House of Representatives of the Louisiana Legislature are elected in 2015.

10 (b) The members of the constitutional convention Evaluation and Drafting
11 Committee shall be delegates to the convention.

12 (c)(i) Five additional delegates shall be appointed as follows:

13 (aa) A representative of the Louisiana Association of Business and Industry
14 appointed by the association.

15 (bb) A representative of the Louisiana AFL-CIO appointed by the Louisiana AFL-
16 CIO.

17 (cc) A representative of the Louisiana League of Women Voters appointed by the
18 league.

19 (dd) A representative of the Louisiana National Association for the Advancement
20 of Colored People appointed by the association.

21 (ee) A representative of the Louisiana Municipal Association and the Police Jury
22 Association of Louisiana appointed by the joint concurrence of the two associations.

23 (ii) These appointments shall be made and shall be submitted to the secretary of state
24 not later than December 5, 2016.

25 (2) The secretary of state shall issue a commission to each delegate.

26 (3) Each delegate to the convention shall be an elector of the state of Louisiana, shall
27 be at least eighteen years of age, and shall be a resident of the state of Louisiana, and each
28 delegate elected from a representative district shall be a resident of the district from which
29 he is elected at the time he qualifies as a candidate for election as a delegate.

1 (4) The election or appointment of any public official or public employee as a
2 delegate to the convention and his service in the convention or as a member of the
3 Evaluation and Drafting Committee and his service on the committee and the appointment
4 of any public official or public employee to the staff of the convention or the staff of the
5 Evaluation and Drafting Committee and his service on such staff shall not be construed to
6 constitute dual officeholding or dual employment within the prohibitions of Part III of
7 Chapter 2 of Title 42 of the Louisiana Revised Statutes of 1950.

8 (5) A delegate elected from a representative district shall be considered an elected
9 official within the scope of and subject to the provisions of Chapter 15 of Title 42 of the
10 Louisiana Revised Statutes of 1950; a delegate who is not an elected delegate, a member of
11 the Evaluation and Drafting Committee, or a member of the staff of the convention or of the
12 Evaluation and Drafting Committee shall be considered a public employee within the scope
13 of and subject to the provisions of Chapter 15 of Title 42 of the Louisiana Revised Statutes
14 of 1950; for purposes of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950,
15 the agency and the governmental entity of delegates and staff members of the convention
16 shall be the convention and the agency and the governmental entity of members and staff
17 members of the Evaluation and Drafting Committee shall be both the committee and the
18 convention; and for purposes of any other office or employment of any such delegate,
19 committee member, or staff member, the provisions of Chapter 15 of Title 42 of the
20 Louisiana Revised Statutes of 1950 shall remain applicable.

21 (6) The delegates to the convention, the staff of the convention, and the members
22 and staff of the Evaluation and Drafting Committee shall be subject to the public bribery
23 provisions of the laws of this state.

24 (7) Each candidate for election as a delegate to the constitutional convention and
25 each elected delegate shall be subject to the provisions of the Campaign Finance Disclosure
26 Act, and the office of delegate shall be a district office for the purposes of that Act.

27 (8) Any attorney at law serving as a delegate to the convention shall be entitled to
28 the absolute right of the continuance of any case in which he is bona fide counsel of record
29 in any court of the state during his attendance upon the sessions and work of the convention.

1 (9)(a) The one hundred five delegates to the convention to be elected from
2 representative districts shall be elected at a special election.

3 (b) The special primary election for such delegates shall be held at the primary
4 election on Tuesday, November 8, 2016, and, if necessary, the special general election for
5 delegates shall be held at a statewide election to be held on Saturday, December 10, 2016.

6 (c) The governor shall issue a proclamation and give notice of the election to be held
7 as provided in this Section not less than forty-five days before the date of the election as
8 fixed in this Section.

9 (d) Each person desiring to become a candidate for election as a delegate from a
10 representative district shall qualify as a candidate from the particular representative district
11 he seeks to represent by filing a statement of candidacy with the secretary of state not later
12 than the closing of the qualifying period for candidates in the primary election on November
13 8, 2016, as otherwise provided by law, and qualification as a candidate shall be without
14 regard to party affiliation.

15 (e) The election of a person to the office of delegate shall be in accordance with
16 provisions for the election of candidates for public office in the Louisiana Election Code,
17 and except as otherwise provided in the call for the convention enacted in accordance with
18 this Concurrent Resolution, the primary and general elections for convention delegates shall
19 be conducted and the results thereof published and promulgated in accordance with the
20 Louisiana Election Code.

21 (f) All qualified electors shall be entitled to vote in their respective election precincts
22 without regard to party affiliation.

23 (g) The votes for candidates for the office of delegate shall be tabulated as in the
24 case of candidates for public office.

25 (h) The costs of the elections authorized by this Act for election of delegates shall
26 be paid as provided by the Louisiana Election Code for payment of costs of elections in
27 which a candidate for the state legislature appears on the ballot.

28 (i) All offenses, prosecutions, penalties, and punishments arising out of or in
29 connection with the elections required by this Concurrent Resolution shall be governed by
30 the applicable laws of the state.

1 (10) In the event of the death or the inability or unwillingness of a delegate to serve,
2 whether before or during the convention:

3 (a) In the case of an elected delegate, the speaker of the House of Representatives,
4 the president of the Senate, and the governor shall fill such vacancy within thirty days after
5 the vacancy occurs by appointment, by unanimous consent of the three officials, of a person
6 from the same district who possesses the qualifications for delegate.

7 (b) In the case of any delegate other than an elected delegate, the vacancy shall be
8 filled in the same manner as the original selection within thirty days after the vacancy
9 occurs.

10 BE IT FURTHER RESOLVED that the call for the convention shall grant the
11 convention authority to frame a new constitution for the state, including such alternative
12 provisions as it deems appropriate, which shall be submitted to the electors of the state for
13 their approval or rejection, but such call shall prohibit the convention from framing any
14 article or provision whereby:

15 (1) The bonded or other indebtedness of the state or of any parish, municipality,
16 district, or other political subdivision or authority of the state would be impaired.

17 (2) The term of office of members of the legislature or of any other elected or of any
18 appointed official of the state or of any political subdivision thereof would be reduced or
19 shortened prior to the expiration of the term of office being held at the time of the adoption
20 of the new constitution, or the salary of any such official would be reduced prior to the
21 expiration of the term of office being held at the time of the adoption of a new constitution.

22 (3) The state capital is removed or could be removed from Baton Rouge.

23 (4) Article I of the constitution, entitled "Declaration of Rights", is changed or
24 altered in any way.

25 BE IT FURTHER RESOLVED that the call for the convention shall also provide that
26 any action to determine a question of the construction or validity of this Concurrent
27 Resolution or to determine the scope of authority of the convention shall be brought in the
28 Nineteenth Judicial District Court; the matter shall be tried by preference over other matters,
29 and the court shall render a decision as soon as practicable, and that, in the event of an

1 appeal, the appellate court shall place the matter on its preferential docket, shall hear it
2 without delay, and shall render a decision as soon as practicable.

3 BE IT FURTHER RESOLVED that the call for the convention shall provide that:

4 (1) The delegates to the convention shall meet in the House chamber in the state
5 capitol, or at such other suitable location in the capital city as shall be determined jointly by
6 the presiding officers of the legislature, at 12:00 noon on Tuesday, September 5, 2017; that
7 the chief justice, or in his absence any associate justice of the supreme court designated by
8 the court, shall attend the opening of the convention and shall preside until the chairman has
9 been elected, and that the secretary of state shall attend the opening of the convention and
10 call the roll of the delegates, whereupon the temporary presiding officer shall administer to
11 the delegates the following oath:

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

18 (2) No delegate shall be qualified to serve as such unless and until he has taken and
19 subscribed to the required oath.

20 (3) After the oath has been administered, the delegates shall proceed to effect the
21 permanent organization of the convention and shall:

22 (a) Adopt rules of procedure for the convention, which rules shall not be inconsistent
23 with the provisions of this Concurrent Resolution.

24 (b) Elect from among their number a chairman, a vice chairman, and such other
25 officers as they deem necessary.

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

29 (d) Elect a chief clerical officer of the convention who shall not be a delegate and
30 whose duties shall be provided by the rules of procedure for the convention.

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

3 BE IT FURTHER RESOLVED that, prior to the convening of the convention,
4 members of the House of Representatives and Senate staffs, as designated by the presiding
5 officers of the legislature, shall prepare a draft of rules of procedure for consideration,
6 amendment, and adoption by the convention when it convenes and that:

7 (1) Such proposed rules shall be based upon the rules of the constitutional convention
8 convened in 1973, except as inconsistent with the call for the convention and this Concurrent
9 Resolution.

10 (2) The rules of procedure adopted by the convention shall be subject to later change
11 as the delegates shall provide therein.

12 (3) No delegate shall be allowed to vote by proxy and the rules shall so provide.

13 (4) No committee of the convention, including the executive committee, shall exceed
14 seventeen members and the rules shall so provide.

15 BE IT FURTHER RESOLVED that, after completing organizational activities, the
16 convention may meet either as a full body or in committees until it completes its duties.

17 BE IT FURTHER RESOLVED that the call for the convention shall provide for
18 convention staff and shall provide that:

19 (1) As soon as possible after the members of the executive committee are elected,
20 the executive committee shall employ a research director, research assistants, and secretarial
21 and clerical personnel as provided in Paragraph (2) below and may also employ such other
22 professional, research, technical, clerical, and stenographic employees as the committee shall
23 deem necessary.

24 (2) The staff of the constitutional convention may include but shall not be limited
25 to the following who shall not be delegates to the convention:

26 (a) A director of research who shall possess such qualifications as determined by the
27 committee.

28 (b) Research assistants in such number and possessing such qualifications as
29 determined by the committee.

1 (c) Personnel provided by the Louisiana State University, Tulane University, Loyola
2 University, and Southern University law schools from the faculty as requested by the
3 committee.

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

5 (3) The secretary of state shall advertise for applicants for the staff of the
6 constitutional convention and shall receive such applications for staff service prior to the
7 first meeting of the convention and shall present the applications he has received to the
8 executive committee on the day the convention convenes; however, if the executive
9 committee deems necessary, it may receive additional applications after the convention
10 convenes.

11 (4) Compensation of staff personnel shall be established by the executive committee.

12 BE IT FURTHER RESOLVED that, as soon as possible after the members of the
13 executive committee are elected, the executive committee shall prepare a budget of
14 anticipated expenses of the convention, including staff salaries and other necessary
15 expenditures, based on the amount of the appropriation for the convention and any other
16 funds available for expenditure.

17 BE IT FURTHER RESOLVED that the executive committee may create and
18 establish such substantive and procedural committees as it deems appropriate and that the
19 chairman of the convention shall appoint the chairman, vice chairman, and the membership
20 of each such committee.

21 BE IT FURTHER RESOLVED that the call shall provide for facilities and services,
22 including provisions that:

23 (1) Unless the legislature is in session, the House chamber and the legislative
24 committee rooms in the state capitol shall be available for use by the convention and its
25 committees.

26 (2) If the facilities at the state capitol are not available or are not sufficient for use
27 by the convention or its committees, the convention or its committees shall meet at a suitable
28 location in the capital city, which location shall be determined by the chairman of the
29 convention, and public notice of the location shall be given and posted at suitable locations
30 in the state capitol.

1 (3) The convention shall have full authority to use the facilities and services of any
2 board, commission, department, or agency of the state or of any political subdivision of the
3 state, and all such entities shall cooperate with the convention to the fullest extent in
4 furnishing services, facilities, and employees upon request, and the convention may use the
5 facilities and services of other persons and organizations.

6 BE IT FURTHER RESOLVED that the convention shall have full authority to accept
7 grants, monies, aid, facilities, and services from public or private sources for the purpose of
8 accomplishing its task of framing a new constitution and any such grants, monies, facilities,
9 services, and donations, as well as the names of the donors thereof, shall be recorded in the
10 record of the proceedings of the convention, and such records shall be open to inspection by
11 any person.

12 BE IT FURTHER RESOLVED that the call for the convention shall require that the
13 final draft of the proposed constitution shall be completed no later than June 27, 2018.

14 BE IT FURTHER RESOLVED that the call for the convention shall provide that:

15 (1) Delegates to the convention shall receive a per diem for each day of actual
16 attendance at meetings of the convention or of committees thereof in the amount provided
17 for members of the legislature for attendance at legislative sessions, but no delegate shall be
18 paid a per diem after June 27, 2018, or the date the final draft is completed, whichever is
19 earlier.

20 (2) No delegate may accept any other compensation from any source for work
21 performed as a delegate to the convention; however, if a delegate is engaged in regular, bona
22 fide employment, should the delegate's employer choose to continue to compensate while
23 the delegate is engaged in the work of the convention, such delegate may accept that
24 compensation, notwithstanding any provision of law to the contrary.

25 BE IT FURTHER RESOLVED that the call for the convention shall provide that:

26 (1) Any appropriation for the expenses of the convention shall be used solely to
27 defray the necessary expenses of the constitutional convention for which provision is made
28 in this Concurrent Resolution, including the payment of per diem of delegates, salaries, and
29 expenses of necessary employees, supplies, materials, equipment, printing, and reproduction

1 of materials, and all other necessary expenses incurred in connection with the convention
2 and its work.

3 (2) Any funds appropriated for the convention shall be withdrawn from the state
4 treasury in accordance with warrants signed by the chairman of the convention, and all
5 checks for the disbursement of funds shall be signed by the chairman and the vice chairman
6 of the convention or by the chairman or vice chairman and such other person as shall be
7 designated by the convention.

8 (3) The legislature shall make adequate appropriations to the convention for so long
9 as the convention remains in existence and for so long thereafter as is necessary to assure
10 the payment of all expenses incurred in connection with the work of the convention.

11 (4) The convention shall not be deemed to be a budget unit of the state and therefore
12 shall not be subject to the provisions of Chapter 1 of Title 39 of the Louisiana Revised
13 Statutes of 1950; however, the financial books and records of the convention shall be subject
14 to audit by the legislative auditor.

15 BE IT FURTHER RESOLVED that the call for the convention shall provide that:

16 (1) Upon completion of its work, the convention shall submit a proposed draft of a
17 new constitution for the state to the governor.

18 (2) At the discretion of the convention, it may also propose and submit at the same
19 time such alternative provisions as it deems appropriate.

20 (3) The constitution as drafted by the convention, together with any alternative
21 provision proposed for submission, shall be submitted to the people for adoption or rejection,
22 and within thirty days after submission of the proposed draft to the governor, he shall by
23 proclamation call an election, to be held at the same time as the congressional primary
24 election in 2018, for the purpose of submitting the proposed draft and any alternative
25 provisions to the people for adoption or rejection.

26 (4) The election shall be held and the results shall be promulgated in accordance
27 with the Louisiana Election Code.

1 (5) All electors duly qualified to vote in the state at the time of the election shall be
2 entitled to vote without regard to party affiliation in their respective precincts on the
3 proposition for or against adoption of the revision and on the question or questions of
4 adoption of such alternative provisions as may be proposed by the convention.

5 (6) The costs of the election shall be paid as provided in the Louisiana Election Code
6 for elections in which a constitutional amendment appears on the ballot.

7 (7) The convention may submit to the electors of the state the proposal for
8 acceptance or rejection of the constitution and any alternative provisions in such form and
9 manner as it may determine and may direct the proper election officials to take the necessary
10 steps to effectuate the determination of the convention in presenting the proposed
11 constitution and any alternative provisions to the electors.

12 (8) Adoption of the constitution and of any such alternative provisions shall require
13 the favorable vote of a majority of the electors voting on the respective proposition.

14 (9) Upon promulgation of the results of the election by the secretary of state, if the
15 constitution is ratified and adopted by the people in the election for which provision is made
16 in this Section, the governor shall proclaim the constitution, including such alternative
17 provisions as are adopted by the people at the election, to be the Constitution of Louisiana.

18 BE IT FURTHER RESOLVED that the constitution, including such alternative
19 provisions as are so adopted, shall become effective at midnight on December 31, 2018,
20 except as otherwise provided in the constitution adopted or in any such alternative provisions
21 adopted.

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)]

HCR 24 Original

2015 Regular Session

Abramson

Establishes an Evaluation and Drafting Committee that will determine if a constitutional convention is needed, and if so, propose a plan for an effective convention, including a proposed constitution. Expresses legislative intent to call a constitutional convention to be convened on Sept. 5, 2017, composed of 123 delegates, 105 to be elected from representative districts and 18 appointed delegates, charged with preparing a proposed new constitution no later than June 27, 2018, and provides details about the contents of such convention call.

Proposed concurrent resolution 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 concurrent resolution creates the Evaluation and Drafting Committee. Provides that its purpose is to evaluate and determine if a constitutional convention is needed, and if it determines that a convention is needed, to develop and propose a plan for the conduct of an effective constitutional convention, including a draft proposed constitution with alternative provisions.

- (1) Provides that the committee is composed of 13 members, to be appointed by Monday, Aug. 3, 2015, as follows:
 - (a) Two members of the House of Representatives appointed by the speaker.
 - (b) Two members of the Senate appointed by the Senate president.
 - (c) Two members appointed by the governor.
 - (d) One member appointed by the chief justice of the La. Supreme Court.
 - (e) A representative of the La. State Law Institute appointed by the La. State Law Institute.
 - (f) A representative of the LSU Paul M. Hebert Law Center or the LSU E. J. Ourso College of Business appointed jointly by the law center chancellor and the business college dean.
 - (g) A representative of the Southern University Law Center or the Southern University College of Business appointed jointly by the law center chancellor and the business college dean.
 - (h) A representative of the Tulane University Law School or the Tulane University A.B. Freeman School of Business appointed jointly by the law school dean and the business school dean.
 - (i) A representative of the Loyola University New Orleans College of Law and the Loyola University New Orleans Joseph A. Butt, S.J., College of Business appointed jointly by the law school dean and the business college dean.

- (j) A representative of the Public Affairs Research Council of La. appointed by the council.
- (2) Requires the committee to hold its organizational meeting not later than Tuesday, Sept. 8, 2015, and elect a chairman, a vice chairman, and other officers it finds necessary. Provides for filling of committee vacancies in the manner of the original appointments.
- (3) Requires the committee to undertake studies necessary to evaluate if a constitutional convention is needed to address the issues facing the state and its people and, based upon such study, to determine if a constitutional convention is needed.
- (4) Requires, if the committee determines that a constitutional convention is needed, that the committee prepare a plan for the conduct of an effective constitutional convention, such plan to include:
 - (a) A policy agenda for the convention including: identification of significant policy areas to be addressed; a draft of a proposed constitution, including provisions addressing significant policy areas and other necessary provisions; materials explaining the significant policy issue proposals; alternative proposals on significant policy areas, together with explanations and explanatory materials (to include multiple optional approaches and solutions); pertinent background material and data on significant policy areas.
 - (b) Background and other materials useful to the convention.
 - (c) Proposals for elimination of statutory materials and recommendations for legislative action relative thereto.
 - (d) Recommendations for convention organization and deliberations, including significant rules of procedure.
 - (e) Recommendations for convention budget needs.
 - (f) Recommendations for procedures for submission of alternative proposals to the voters and ballot structure.
- (5) Authorizes the committee to create or appoint advisory committees or task forces to advise or assist in its studies, composed of representatives of the public or private sectors.
- (6) Requires the Evaluation and Drafting Committee to assemble necessary staff, to include: committee employees (authorizes employment of professional, research, and other employees with compensation to be established by the committee and paid as provided in the Resolution (see 9 below)); personnel provided by the LSU, Southern University, Tulane University, and Loyola University law schools from the faculty as requested by the committee. 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.
- (7) Requires the committee to complete its work and submit to the legislature by March 1, 2016, its evaluation and determination of whether or not a constitutional convention is needed, and if it determines that a convention is needed, to also submit its plan for the conduct of an effective constitutional convention. Requires that a copy of such report be submitted to the governor and to the constitutional convention when it convenes.

- (8) Authorizes the committee to accept grants, donations, gifts, monies, aid, facilities, and services from public or private sources which shall be recorded with the names of the donors thereof in the record of the committee and the convention and shall be open to inspection by any person.
- (9) Provides that Evaluation and Drafting Committee members be paid the same per diem for each day of committee work and each day of committee meeting attendance, and makes committee members subject to the same limitations on other compensation, as the resolution provides that the convention call will make applicable to the compensation of convention delegates. (See below). Provides that per diem and other expenses of the committee may be paid from any funds available for the purpose and, with the approval of the presiding officers of the two houses of the La. Legislature, from funds available for expenses of the legislature.
- (10) Requires that legislative committee rooms in the state capitol be available for committee use (unless needed for legislative committees). Permits the committee to use facilities and services of any state or local department or agency and requires that they cooperate by furnishing services and facilities upon request. Also authorizes the committee to use the facilities and services of other persons and organizations.
- (11) Provides that the Evaluation and Drafting Committee shall be dissolved 30 days after submission of the plan for the conduct of the constitutional convention to the convention unless a different termination date is provided in convention rules. If the committee determines that a convention is not necessary, provides that it shall be dissolved upon adjournment sine die of the 2016 R.S.

Proposed concurrent resolution expresses legislative intent to call a constitutional convention, if the Evaluation and Drafting Committee determines a constitutional convention is needed, and to include in the call provisions making the convention subject to the terms, conditions, and provisions set forth in the resolution as follows:

- (1) The convention is to convene at noon on Sept. 5, 2017, to frame a new constitution for the state.
- (2) Provides for 123 delegates as follows:
 - (a) 105 delegates to be elected from the House of Representatives' 2015 election districts.
 - (b) 13 delegates who shall be the members of the Evaluation and Drafting Committee (see above).
 - (c) Five additional delegates appointed not later than Dec. 5, 2016, as follows:
 - (i) A representative of the La. Association of Business and Industry appointed by the association.
 - (ii) A representative of the La. AFL-CIO appointed by the La. AFL-CIO.
 - (iii) A representative of the La. League of Women Voters appointed by the league.
 - (iv) A representative of the La. National Association for the Advancement of Colored People appointed by the association.
 - (v) A representative of the La. Municipal Association and the Police Jury Association of La. appointed jointly by the associations.

- (3) Requires that delegates be qualified electors of the state and that elected delegates be residents of the district from which elected. Excepts selection and service of members and staff of the Evaluation and Drafting Committee and delegates and staff of the convention from dual employment/dual officeholding laws. Members of the Evaluation and Drafting Committee, delegates, and staff are subject to the code of ethics, public bribery laws, and, in the case of elected delegates and candidates for delegate, the campaign finance laws. Attorney delegates are entitled to continuance of cases in which they are counsel of record while attending sessions and convention work.
- (4) Provides that the election for delegates shall be held at the primary election on Tuesday, Nov. 8, 2016, and if a general election is necessary, on Dec. 10, 2016. Candidates qualify without regard to party affiliation. Election is to be in accordance with provisions for election of candidates for public office in the La. Election Code (election code).
- (5) Provides for conduct of the elections in accordance with the election code, except for any conflicts with the call for the convention enacted in accordance with the resolution. Voters vote without regard to party affiliation. Provides for application of state law to tabulation of votes in delegates' election. Provides for election costs to be paid as provided by the La. Election Code as in the case of elections for the state legislature.
- (6) Provides for filling of vacancies in elected delegates' offices by joint appointment by the governor, the speaker of the House, and the president of the Senate of a qualified person from the same district. Provides for filling other vacancies in the same manner as the original selection. A vacancy must be filled within 30 days after it occurs.

Proposed concurrent resolution provides that the call for the convention shall grant the convention authority to frame a new state constitution, including such alternative provisions as it deems appropriate. Provides the procedure for judicial determination of the scope of the authority of the convention and questions relating to the scope and authority of the convention and for expedited hearings and decisions. Requires the call to prohibit any article or provision whereby:

- (1) State or local bonded indebtedness is impaired.
- (2) Terms of office of elected or appointed state or local officials are reduced or shortened prior to the expiration of the term of office at the time the new constitution is adopted or the salaries of such officials reduced prior to the expiration of such terms.
- (3) The state capital is removed or may be removed from Baton Rouge.
- (4) Art. I (Declaration of Rights) is altered in any way.

Proposed concurrent resolution requires that the call provide for convention organization, including the following:

- (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 concurrent resolution provides for the initial meeting of the convention on Sept. 5, 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 concurrent resolution includes requirements for the call relative to 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.
- (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 concurrent resolution provides for the call to include the following relative to 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 of committees thereof. Prohibits payment of per diem after June 27, 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.
- (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 concurrent resolution provides that the call require that the final draft of a proposed constitution be completed not later than June 27, 2018. Requires the call also to provide that:

- (1) Upon completion of its work, the convention shall submit to the governor the proposed constitution and any alternative provisions agreed upon.
- (2) The constitution and any alternative provisions proposed for submission shall be submitted to the people for their adoption or rejection at a special election, such election to be called by the governor within 30 days after the draft is submitted, to be held at the same time as the congressional primary election in 2018, to be held and the results thereof promulgated in accordance with the La. Election Code, and costs thereof to be paid as provided in the election code for elections in which a constitutional amendment appears on the ballot.
- (3) The favorable vote of a majority of voters voting on the respective proposition shall be required to approve the constitution and any alternative proposals.

Proposed concurrent resolution provides for the convention to determine the manner for submission of alternative proposals. Upon promulgation of the results of the election by the secretary of state, if the constitution is ratified and adopted by the people, requires the governor to 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.