
DIGEST

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HB 800 Re-Reengrossed

2024 Regular Session

Beaullieu

Abstract: Calls a constitutional convention to convene no earlier than May 30, 2024, and at least three days after the speaker of the House issues a proclamation setting time and date of convening. Provides the convention is composed of 171 delegates, who are the 105 members of the House of Representatives, the 39 members of the Senate, and 27 delegates appointed by the governor. Requires the convention to complete a new constitution by August 15, 2024.

Proposed law states legislative findings that there is a need to address a number of areas that require constitutional change, that the constitution restricts the legislature from effectively addressing state and constituent needs, and that revision of the state constitution is needed to address the state's critical needs and transition provisions that do not constitute the fundamental and foundational law of this state to statutory provisions, and to craft provisions that allow legislative solutions without the need to constantly amend the constitution.

Constitutional Convention

Proposed law provides for a constitutional convention as follows:

- (1) Calls the convention to convene no earlier than May 30, 2024, and at least three days after the speaker of house issues a proclamation setting time and date of convening, to frame a new constitution for the state.
- (2) Provides for 171 delegates (the 105 members of the House of Representatives; the 39 members of the Senate; and 27 delegates appointed by the governor).
- (3) Excepts service of delegates and staff of the convention from dual employment/dual officeholding laws. Delegates and staff are subject to the code of ethics. Further, delegates and staff are considered public officers, public officials, public employees, or persons in a position of public authority for purposes of the application of the provisions of the La. criminal code. Provides that service of a judge as a delegate is not grounds for recusal. Attorney delegates and staff are entitled to continuance of cases in which they are counsel of record while attending sessions and convention work. Prohibits acceptance or deposit of campaign contributions and fundraisers by delegates during the time of the convention. Provides that records of the convention and delegates are subject to the Public Records Law to the same extent and limitations applicable to the legislature and legislators.
- (4) Provides for filling of vacancies in legislative delegates' offices by appointment by the

appropriate presiding officer of a qualified person from the same district. Provides the governor may appoint to fill a vacancy in his appointed delegate offices.

Proposed law grants to the convention the authority to frame a new state constitution based upon specified determinations subject to specific limitations.

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 or elect to have the legislator members of the Legislative Budgetary Control Council serve as the executive committee; 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. Provides that action by the convention requires a favorable vote of House delegates, Senate delegates, and gubernatorially appointed delegates, each group of delegates voting separately, a quorum of the convention being present. Prohibits proxy voting. Limits committee membership to 17 members.

Proposed law provides for the initial meeting of the convention no earlier than May 30, 2024, and at least three days after the speaker of house issues a proclamation setting time and date of convening. Provides that after organizational activities are completed, the convention may meet either as a full body or in committees until it completes its duties. Authorizes committees of the convention to begin meeting after the organization activities. Each committee shall report activities to the full convention no later than Aug.1, 2024.

Proposed law provides for convention staff, budget, committees, meeting site, and other assistance:

- (1) Requires the executive committee to request the provision of professional, research, technical, and clerical staff from public or private sources as deemed necessary.
- (2) Provides that the attorney general or her designee shall serve as legal advisor to the convention and that convention staff may include but not be limited to a research director, research assistants, personnel provided by the in-state law schools from the faculty as requested by the committee, and such other staff as deemed necessary by the executive committee. Allows the staff of the convention to continue to receive compensation from the staff person's regular bona fide employment.
- (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.

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

- (1) Prohibits a delegate from accepting any compensation from any other source 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 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. Authorizes the presiding officers to utilize funds appropriated to the legislature to defray 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.

Submission to Voters/Effectiveness

Proposed law 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 by Aug. 15, 2024. Provides that the constitution proposed for submission shall be submitted to the people for their adoption or rejection at a special election. Requires the governor to call the election within 10 days after the draft is submitted, to be held at the same time as the congressional primary in 2024 (Nov. 5, 2024). 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.

Proposed law provides that the provisions of the proposed revision of the constitution shall be

severable and provides that if any provision is deemed null and void and of no effect by final judgment of a court of competent jurisdiction after adoption by the convention but prior to its submission to the electors, then the provision deemed null and void shall be removed from the proposed revision of the constitution by the secretary of state and the remainder of the proposed revision of the constitution shall be submitted to the electors in accordance proposed law. Further provides that if any provision of the revision of the constitution, or the application thereof, is deemed invalid after ratification by the electors, such invalidity shall not affect other provisions, items, or applications of the revision which can be given effect without the invalid provision, item, or application.

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 as adopted, to be the Constitution of La. Provides that the constitution shall become effective at midnight on Dec. 31, 2024, except as otherwise provided in the constitution.

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

Timetable for Major Provisions of Bill

| <i>What</i> | <i>Date</i> |
|---|---|
| Convention to convene | 5/30/2024 (or 3 days after call of speaker, whichever is later) |
| Convention to submit draft constitution to the governor by | 8/15/2024 |
| Election for submission of proposed constitution | 11/5/24 (Congressional primary & Presidential election) |
| Constitution becomes effective if adopted, unless otherwise specified | 12/31/24 (midnight) |

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Provide specific vote requirement for action by the convention.
2. Require convention to retain without affecting the effect of Articles I, II, III, and IV of the Const. of La.
3. Change deadline to submit proposed const. to the governor from July 15 to June 3, 2024, and allow extension of deadline but not beyond July 15, 2024.
4. Authorize convention to address duplicative and redundant provisions and to determine if additional requirements on the proposal and adoption of future constitutional amendments is necessary or desirable.
5. Provide that the attorney general or her designee is legal advisor to the convention.
6. Provide that service by a judge as a delegate shall not be construed as grounds for recusal.
7. Make technical changes.

The House Floor Amendments to the reengrossed bill:

1. Change time of convening from May 20, 2024, to no earlier than May 30, 2024, and at least three days after proclamation of speaker of the House setting time and date; change deadline for submission of proposed constitution to the governor from June 3, 2024 (with possible extension to July 15), to Aug. 15, 2024.
2. Require convention to retain without affecting the effect of Article V, Sections 23, 26, and 27; Article VII, Sections 3(B), 9, 10(D)(3), and 20; Article VIII, Sections 7 (as it relates the Bd. of Supervisors of Southern University and A&M College) and 13; and Article X, Sections 10(A)(1)(b) and 29.
3. Remove specific authority for the convention to accept grants, facilities, and services from public and private sources.
4. Provide that after the convention completes organizational activities, any committee of the convention may meet and each committee shall report to the full convention no later than Aug. 1, 2024.