

**Records of the
Louisiana Constitutional
Convention of 1973:
Committee Documents**

VOLUME XIV-A

LOUISIANA CONSTITUTIONAL CONVENTION RECORDS COMMISSION

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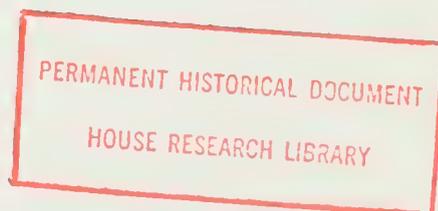
Records of the Louisiana Constitutional Convention of 1973: Committee Documents

VOLUME FOURTEEN A

by

LOUISIANA CONSTITUTIONAL CONVENTION RECORDS COMMISSION

Moise W. Dennery, Chairman
A. Edward Hardin, Coordinator of Research



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LOUISIANA CONSTITUTIONAL CONVENTION RECORDS COMMISSION



LOUISIANA CONSTITUTIONAL CONVENTION RECORDS COMMISSION

MEMBERS OF THE COMMISSION:

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Vice-Chairman David R. Poynter

Chris J. Roy

Max N. Tobias, Jr.

Mark T. Carleton

Louis E. Newman

W. Lee Hargrave

C. B. Ellis

Thomas Jacques

Donald J. Lemieux

Norman M. Duncan

Sallie Farrell (February, 1975 - June, 1975)

A. Edward Hardin, Coordinator of Research

USER GUIDES ARE REPRODUCED IN VOLUME XIV-B

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**COMMITTEE ON
STYLE AND DRAFTING**

I. Minutes

MINUTES

Minutes of the January 30, 1973 organizational meeting of the Style and Drafting Committee of the Constitutional Convention of 1973
 Held, pursuant to call by the Chairman of the Convention in accordance with the rules
 Independence Hall, Baton Rouge, La.
 Tuesday, January 30, 1973, 5:30 P.M.

Presiding: Chris J. Roy, Vice President of the Convention,
 Then, Albert Tate, Jr., elected Chairman of the Committee.

<u>Present</u>		<u>Absent</u>
All members:		
Asseff	Kelly	None
Avant	Perez	
Conroy	Rachal	
Dennis	Schmitt	
Gravel	Tate	
Guarisco	Tobias	
Kean	Willis	

Plus Roy, Vice President

The meeting was called to order by Chris J. Roy, Vice President of the Convention, designated by the Chairman to preside until the officers were elected. Upon motions duly made and seconded, the following officers were elected, the nominations being closed after each one's nomination:

Albert Tate, Jr., Chairman
 Max N. Tobias, Jr., Vice Chairman
 Dr. Emmett Asseff, Secretary

Committee's
 After general discussion of the future function, a duly seconded resolution was adopted authorizing the Chairman to create a committee for drafting guidelines and to circulate them for committee study. The resolution as adopted also authorized approval of such guidelines by the entire committee upon telephone poll, after circulation of the guidelines, unless five or more members requested a meeting.

The organizational committee meeting then adjourned.

The above minutes prepared and read by me represent a true and correct record of the proceedings of our organizational committee meeting.


 ALBERT TATE, JR., Chairman

MINUTE

Minutes of the February 16, 1973 meeting of the sub-committee on Drafting Guidelines of the Committee on Style and Drafting of the Constitutional Convention of 1973
 Held, pursuant to notice mailed by the Secretary of the Convention on February 1, 1973 at
 Committee Room 8, State Capitol
 Baton Rouge, Louisiana
 Friday, February 16, 1973, 2:00 P.M.

Presiding: R. Gordon Kean, Chairman of the Sub-committee

<u>Present:</u>	<u>Absent:</u>
Asseff	None
Gravel	
Kean	
Tate	
Tobias	

Agenda: To consider a draft of the Drafting Guidelines prepared by delegate Asseff.

The sub-committee resolved itself into a committee of the whole. Delegate Asseff's draft was taken up, and after discussion was adopted with revisions as approved by the sub-committee. Delegate Asseff dissented in part. The draft is attached as Appendix A.

Per the Committee's original resolution, copies of this draft are to be mailed to each member of the full Committee on Style and Drafting, to be considered by it at the meeting scheduled to be held at 3:00 P.M. on Friday, February 23, 1973, in Committee Room 8, State Capitol, Baton Rouge, Louisiana.

The above minutes prepared and read by me represent a true and correct record of the proceedings of the February 16, 1973 meeting of the Sub-committee on Drafting Guidelines, of the Committee on Style and Drafting.


 ALBERT TATE, JR., Chairman

February 16, 1973

I respectfully dissent from the procedure followed in the adoption of the manual and its contents and approach. It is unrealistic, too legalistic, and for attorneys. I resent my Manual being used without consulting me and without my consent.

Emmett Asseff
 Delegate, District 7

Secretary of the Convention on February 1
and February 19, 1973, at:

Committee Room 8, State Capitol
Baton Rouge, Louisiana
Friday, February 23, 1973

Presiding: Albert Tate, Jr., Chairman

<u>Present:</u> Avant Conroy Dennis Kean Kelly Rachal Schmitt Tate Tobias Willis	<u>Absent:</u> Asseff Gravel Guarisco Perez
--	---

- Agenda: 1. To consider proposed manual for style and drafting.
2. To appoint subcommittees.

The meeting was called to order by Chairman Tate.

1. The minutes of Committee meeting of January 30 were read and approved.

2. The minutes of the subcommittee on drafting guidelines of February 16, 1973 were read and approved. They are attached as Appendix "A".

3. Delegate Kean moved that the Committee note that Chairman Tate called to the attention of the committee the letter of Delegate Asseff of February 13, 1973 and that the committee took no action. Unanimously adopted.

4. Mrs. Norma Duncan, Research Director, was invited to describe the method of operation of the research staff, and its relationship to the work of this committee.

5. Chairman Kean of the Subcommittee on Drafting Guidelines reported the draft manual section by section. After discussion and with amendment, the Committee unanimously adopted the Manual on Style and Drafting as revised by the full meeting. The approved manual is attached as Appendix "B".

6. Delegate Kean moved that the Chairman appoint a subcommittee to review substantive committee proposals during the drafting stages, and to make recommendations for stylistic change, if any, in accord with the guidelines and in the interests of uniformity and consistency, and further moved

page -3-

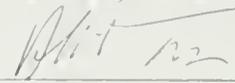
that the staff and this subcommittee will advise all members of the full committee of the proposals considered and the recommendations, if any, for change, so that the

members of the committee will be fully and correctly informed. The motion was carried.

7. Delegate Schmitt moved that the Chairman be authorized to create any additional subcommittee, if needed, subject to mail or telephone call of the full committee, and to appoint the members of said subcommittee(s). The motion was unanimously adopted.

8. The committee adjourned at 6:30 p.m., subject to future call of the chairman.

The above minutes prepared and read by me represent a true and correct record of the proceedings of the February 23, 1973 meeting of the Committee on Style and Drafting.


ALBERT TATE, JR., Chairman

NOTES

Appendix A is reproduced above as an Appendix to Minutes of February 16, 1973. Appendix B, Manual on Style and Drafting, as adopted is found at I Journal 769-771.

MINUTES

Minutes of meeting of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice mailed by the Secretary of the Convention on June 6, 1973

Committee Room 1, State Capitol Building, Baton Rouge, Louisiana, June 14, 1973, 6:30 p.m.

Present:

Justice Albert Tate, Jr.
Dr. Emmett Asseff
David Conroy
R. Gordon Kean
Donald G. Kelly
Chalin O. Perez
Earl J. Schmitt, Jr.
Max N. Tobias, Jr.
J. Burton Willis
Chris J. Roy, ex officio

Absent:

John L. Avant
Judge James L. Dennis
Camille F. Gravel, Jr.
Anthony J. Guarisco, Jr.
Anthony M. Rachal, Jr.

Chairman Tate called the meeting to order at 6:30 p.m. After roll call and a quorum established, the chairman stated the purpose of this meeting to be consideration of style and drafting changes and the functions of the committee under the rules of procedure and discuss plans for committee's operations during convention.

The minutes of the meeting of February 23, 1973 were read and approved.

Delegate Asseff conveyed a message from Delegate Stovall requesting that if this committee takes any action with respect to a minority report, the action be reported to the Committee on Rules, Credentials and Ethics, of which Rev. Stovall is chairman.

Chairman Tate asked Mrs. Norma Duncan, director of research, to offer suggestions for changes in the Manual on Style and Drafting. Copies of the Legislative Powers and Functions proposal draft were distributed for use in this discussion.

The committee's decisions were as follows:

1. Delegate Perez offered a motion that the delegates be furnished a copy of each substantive committee's proposal containing source and comment and any other pertinent information each committee might deem necessary for informational purpose, and that each such proposal be prepared without source, comment and other information for introduction.

Motion adopted.

2. The committee's attention was directed to the conflict between Rules 39, 40 and 41, with respect to the stating of the author of committee proposals. The rules are not clear as to whether the author should be designated as

(1) the committee chairman on behalf of the committee, or

- 2 -

(2) a listing of the names of all members of the committee supporting the proposal. Delegate Tobias offered a motion that this matter of conflict be referred to the Committee on Rules, Credentials and Ethics. The motion was unanimously adopted.

3. A motion offered by Delegate Asseff with an amendment offered by Delegate Perez was adopted to read as follows: That the research staff be authorized to request the various respective substantive committees to use an article number for proposals which will be assigned to the articles by the research staff generally following the numbering used in the 1921 Constitution.

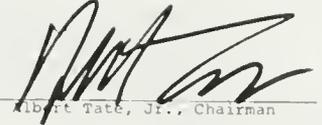
4. Delegate Kean offered a motion to delete the under-scoring of the title of the articles and sections in the formal proposals. Delegate Conroy offered an amendment to the motion that in the final printing of the instrument the headings be in boldface print. Motion adopted with amendment.

5. Delegate Perez offered a motion that the research staff be requested to designate the members of the staff who will be assigned to this committee and that they present suggestions as to the mechanics by which this committee will perform its duties, and that the committee meet again at such time as any proposals are submitted to it under Rule 44(f). The motion was adopted. Dr. Asseff expressed objection to the committee's taking this approach in performing its duties.

In discussion it was suggested that it would be helpful if a table of contents could be furnished with the informational copies of committee proposals.

House Concurrent Resolution No. 224 of the 1973 fiscal session of the legislature was discussed and the chairman requested the research staff to make available copies for the members of this committee.

The meeting adjourned at 9:00 p.m.


Albert Tate, Jr., Chairman

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.

Independence Hall, Baton Rouge, Louisiana, Thursday, July 19, 1973

6:20 p.m.

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Present:

Albert Tate, Jr.
John L. Avant
David Conroy
James L. Dennis
Camille F. Gravel, Jr.
R. Gordon Kean
Donald G. Kelly
Max N. Tobias, Jr.
J. Burton Willis

Absent:

Dr. Emmett Asseff
Anthony J. Guarisco, Jr.
Chalin O. Perez
Anthony M. Rachal, Jr.
Earl J. Schmitt, Jr.
Chris J. Roy, Ex. O.

Chairman Tate called the meeting to order at 6:20 p.m. immediately after adjournment of the convention. The roll was called and a quorum established.

2

Delegate Gravel moved to report COMMITTEE PROPOSAL NO. 4 favorably to the convention. There being no objections, the motion carried.

After a brief explanation and discussion of DELEGATE RESOLUTION ND. 20, Mr. Kean moved to defer action on the resolution. Motion carried.

The meeting was adjourned at 6:30 p.m.


Justice Albert Tate, Jr., Chairman


Max N. Tobias, Jr., Vice Chairman

Dr. Emmett Asseff, Secretary

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention

Senate Lounge, State Capitol
Baton Rouge, Louisiana

Wednesday, August 15, 1973, 5:20 p.m.

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Present: Albert Tate, Jr.
John L. Avant
David Conroy
James L. Dennis
Camille F. Gravel, Jr.
Anthony J. Guarisco, Jr.
R. Gordon Kean
Donald G. Kelly
Chalin O. Perez
Anthony M. Rachal, Jr.
Earl J. Schmitt, Jr.
Max N. Tobias, Jr.
J. Burton Willis
Chris J. Roy, Ex O.

Absent: Dr. Emmett Asseff

Delegate Gravel moved to change the word "extraordinary" to "special" throughout the article. The motion carried with six for and five against.

Mr. Guarisco moved to delete "Annual, Extraordinary" on line 29 of page 1. Motion carried with no objection.

Delegate Avant moved to adopt amendments 10, 11, 13, 14, 15, 16, and 17 as prepared by the staff.

Mr. Gravel offered as an amendment to Mr. Avant's motion the following: On line 31 of page 1, delete the word "capitol" and insert in lieu thereof the word "capital". Delegate Avant accepted the amendment to his motion. The motion carried with no opposition.

Mr. Kean moved to adopt Amendment Nos. 18-25 and 27-31 as prepared by the staff. Motion carried without opposition.

Mr. Tobias moved to change the word "which" to "but" on line 25 of page 2. Motion withdrawn.

Delegate Kean moved to adopt lines 10-26 of page 2 as amended. Motion carried without objection.

Mr. Perez moved to add at the beginning of line 27, page 2, the following: "(C) Emergency Session." Motion carried without objection. The committee adopted lines 27-30 as amended.

Mr. Perez moved that the staff be instructed in the future to suggest only style and drafting changes.

Delegate Gravel offered a substitute motion to commend the staff on the work done on the article and to instruct them to continue in the manner in which the legislative article was

Chairman Tate called the meeting to order. A quorum being present, the meeting proceeded.

2

Mr. Gravel moved to change the title on line 16 of page 1, from "LEGISLATIVE DEPARTMENT" to "LEGISLATIVE BRANCH." Motion carried.

Delegate Avant moved that the titles to sections be deleted. Motion withdrawn. After much discussion, Mr. Avant resubmitted the motion.

Delegate Gravel offered a substitute motion that the title of Section 1 read: "Power of Legislature; Composition; Continuous Body". He then withdrew the motion and offered the following title: "Legislative Power; Composition; Continuous Body". The motion carried with no objections.

Delegate Gravel moved to have Section 1(A) read as amended by the staff. Motion withdrawn.

Delegate Dennis moved to adopt the changes made by the staff. The motion carried with seven voting in favor of the motion and five opposing it.

Mr. Tobias moved to delete all subtitles added by the staff. The motion was defeated with only Mr. Tobias supporting it.

Mr. Gravel moved to adopt Section 1(B) as amended by the staff.

Mr. Perez offered the following amendment to Mr. Gravel's motion:

On page 1, line 27, delete the words "of the legislature" and add at the end of line 28 the words "and be withdrawn from the files of the legislature."

Delegate Gravel accepted the amendment. The motion carried with Delegates Dennis and Conroy opposed to it.

prepared. Delegate Schmitt called for a division of the question. The commendation to the staff was adopted without opposition. The motion to instruct them to continue in the same manner carried with eight for and three against.

Delegate Gravel moved to adjourn subject to call by the chairman. Motion carried without objection.


Albert Tate, Jr., Chairman


Max N. Tobias, Vice Chairman


Dr. Emmett Asseff, Secretary

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention

Convention

Committee Room 3, State Capitol

Baton Rouge, Louisiana

Wednesday, September 12, 1973, 1:00 p.m.

Present: Honorable Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Present:

- Albert Tate, Jr.
- Emmett Asseff
- David Corron
- James D. Dennis
- Jamille F. Gravel, Jr.
- Anthony J. Guarascio, Jr.
- Donald G. Kelly
- Chalir S. Perez
- Max L. Tobias, Jr.
- J. Burton Willis
- Chris J. Roy, Ex. G.

Absent:

- Joseph L. Avant
- F. Gordon Pean
- Anthony M. Radtke, Jr.
- Earl J. Schmitt, Jr.

Chairman Tate called the meeting to order and asked the secretary to call the roll. A quorum being present, the meeting proceeded.

2

Mr. Tate turned to the secretary of the minutes and scanned and offered the following correction to the eighth paragraph of page 1 so that it would read as follows:

"Mr. Tate offered the following amendment:

Mr. Gravel's motion:

"On page 1, line 27, delete the words 'of the Executive Department' and add at the end of line 27 the words 'and the Executive Department' and be withdrawn from the floor of the legislative body."

The motion of the minutes was dispersed with and the minutes were amended as corrected.

Chairman Tate gave each member a copy of the proposed resolution regarding Rule No. 47.

Chairman Tate commented that the staff changes in progress would be introduced in the near future and thereafter introduced to the staff members by the committee members. The committee would then work with staff suggestions and formulate recommendations for the future. When feasible, grants of money to the committee for each paragraph of the proposal will first be introduced in committee as an amendment.

Senator Earl Blair, Chairman of the Committee on Legislative Power and Functions, was present and told the committee that the proposed language in part of the proposed resolution had been staffed.

After some discussion about the staff changes and the proposed language of the committee, Chairman Tate stated that there be no further discussion of an amendment accepted upon tabulation of any member of the committee.

Chairman Tate stated that the following resolution be followed by the committee: (text partially illegible)

The original purpose of the following resolution be followed by the committee: (text partially illegible)

A report containing, side by side, the proposal as drafted and the proposal with changes suggested by the staff. On or before a date fixed by the chairman, committee members could submit written comments and suggestions for consideration. Those comments and suggestions may then be read to the committee with a vote required to determine what changes, if any, would be made in the staff revision proposal.

Dr. Asseff asked that the committee continue to be provided with the marked up work copy of the proposed changes.

After discussion, Delegate Dennis moved the previous question. Motion defeated.

Mrs. Duncan, director of research, told the committee that there would be no real problem to include in the report the reasons for the changes suggested by the staff.

Delegate Willis requested that the comments and explanation by the staff be placed in the middle of the page with room left for the comments of the members of the committee.

Delegate Perez asked to amend the motion to make it clear that any member would have the right to bring any matter to the floor even though he has not submitted it in writing.

Mr. Gravel did not object to the amendment, and the motion carried with no objection.

4

After some discussion of the proposed resolution to amend Rule No. 47, with the committee chaired from David Prater on the subject, the committee decided to take no action on the resolution at this time.

Senator Blair, Chairman of the Committee on Legislative Power and Functions, and Mr. Stamm, Chairman of the Committee on the Executive Department, offered to appoint members of their substantive committee to work on liaison between the committee and their committee.

With no objection to the motion by Mr. Asseff, the committee adjourned at 3:45 p.m. subject to call by the chairman.


 Albert Tate, Jr., Chairman
 May 8, 1973, Vice Chairman
 Emmett Asseff, Secretary

MINUTE

Minutes of the Committee on Style and Drafting of the Constitution, September 12, 1973

Minutes prepared by the secretary and distributed with the report of the committee.

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Present: Albert Tate, Jr. Present: Chalino Perez
Emmett Asseff
John L. Avant
David Conroy
James L. Dennis
Camille F. Gravel, Jr.
Anthony T. Guarisco, Jr.
R. Gordon Kean, Jr.
Donald C. Kelly
Anthony M. Rachal, Jr.
Earl J. Schmitt, Jr.
Max N. Tobias, Jr.
J. Burton Willis
Chris J. Ray, Ex Off.

Chairman Tate called the meeting to order and asked the secretary to call the roll. A quorum being present, the meeting proceeded.

Mr. Tobias moved to dispense with the reading of the minutes of the previous meeting and to adopt them as printed. Motion carried.

The committee immediately began consideration of COMMITTEE PROPOSAL No. 3 as styled by the research staff. Justice Tate asked Lee Hargrave, coordinator, to explain each change, as printed in the right-hand column of Document I. Document I is attached to and made part of these minutes as Appendix A.

Section 1. (A)

Mr. Gravel moved that the second sentence read as follows:

The Senate shall be composed of one senator elected from each senatorial district. The House of Representatives shall be composed of one representative elected from each representative district.

Motion carried.

Section 1. (B)

Mr. Tobias moved to adopt the section as amended by the staff.

Delegate Avant offered a substitute motion that it be adopted as suggested by the staff with a caveat to the convention that as drawn, it may affect a simple resolution and may not be what the convention intended and moved to add "concurrent" on line 22 before the word "resolution". Motion defeated.

Mr. Gravel moved to delete "both houses" in line 23 and adopt the section. Motion carried with Mr. Avant objecting.

Dr. Asseff objected to the use of the word "expire".

Mr. Avant moved to add "of that session" after the word "adjournment" on line 25. Motion defeated.

Section 2.

Delegate Raha moved to adopt all of Section 2 as amended. Motion carried with objection Asseff and other members.

Section 3. (A)

Mr. Kean moved to amend Section 3 as amended. Motion carried.

Mr. Conroy moved to amend Section 3 as amended. Motion carried.

Mr. Kean moved to amend Section 3 as amended. Motion carried.

Section 3. (B)

Section 3. (B)

Mr. Kean moved to amend Section 3 as amended. Motion carried.

Dr. Asseff moved to reconsider all of "Special".

Mr. Kean offered a substitute motion to adopt Section 3. (B) as amended by the staff. Motion carried.

Section 4. (A)

Delegate Kean moved to amend Section 4 as amended. Motion carried.

Mr. Kean moved to amend Section 4 as amended. Motion carried with objection.

Section 4. (B)

Mr. Kean moved to amend Section 4 as amended.

Motion carried.

Section 3.

Mr. Kean moved to adopt Section 3 as amended by the staff. Motion carried.

Section 4. (A)

Mr. Conroy moved to delete the phrase "for the preceding year," on line 14 and insert "for the preceding year" on line 12 after the word "domiciled". Motion carried.

Delegate Kean moved to adopt Section 4. (A) as amended. Motion carried.

Section 4. (B)

Mr. Gravel moved to delete the title in line 1 and 2 and insert in lieu thereof the following: "Domicile: Special Provisions." Motion carried.

Mr. Avant moved to delete "the" in line 4 and insert in lieu thereof the word "a". Motion carried.

Section 4. (B) was approved with the caveat calling the change to the attention of the convention.

Section 4. (C)

Delegate Kean moved to adopt Section 4. (C) as styled by the staff. Motion carried.

Section 4. (D)

Mr. Kean moved to add "as provided by law" at the end of line 4.

Mr. Avant offered a substitute motion to adopt Mr. Kean's motion with a caveat to the convention regarding out the

ambiguity. Substitute motion withdrawn.

Mr. Kean's original motion carried.

Mr. Avant moved that an alternative Section 4. (D) be presented to the convention which would read as follows:

"(D) Vacancy. A vacancy in the legislature shall be filled for the remainder of the term only by election by the people as provided by law."

Delegate Dennis offered a substitute motion to offer the staff proposal as an alternative.

Dr. Asseff suggested calling this to the attention of the Committee on Legislative Powers and Functions.

Delegates Dennis and Avant withdrew their motions.

Mr. Schmitt moved to offer an alternative adding "by the people at the end of line 4. Motion defeated.

Section 4. (D) adopted as amended.

Section 4.

Adopted as amended.

Section 5. (A)

Mr. Gravel moved to delete "total state" on line 25 and insert in lieu thereof "state's". Motion withdrawn.

Delegate Dennis moved to delete the words "the total state" and "as" on line 25. Motion carried with Mr. Kelly objecting.

Section 5. (A) adopted as amended.

Section 5. (B)

Mr. Gravel moved that "itself" on line 3 and "of this Section" on line 4 be deleted. Motion carried.

Mr. Gravel moved to reconsider the amendment and also delete "by" on line 6 and insert in lieu thereof "of" and insert "the representation in" at the end of line 6 and delete "of this Section" on line 8. Motion carried.

Delegate Dennis moved that Section 5. (B) be adopted with the amendments by Mr. Gravel. Motion carried.

Section 5. (C)

Mr. Kean moved that Section 5. (C) as adopted by the convention be adopted in lieu of the staff proposal with the title changed to "Procedure."

Mr. Gravel asked to amend the section by including "for" after "and" and before "petition". Mr. Kean accepted the amendment to his motion and the motion carried.

Section 5.

Adopted as amended.

Section 6. (A)

Mr. Conroy moved to delete "consent" on line 31 and insert in lieu thereof the word "concurrence". Motion carried.

Section 6. (A) adopted as amended.

Delegate Conroy moved to reconsider Section 6. (A) and

delete "consistent" on line 27 and insert in lieu thereof the words "not inconsistent". Motion carried.

Section 6. (A) readopted.

Section 6. (B)

Adopted.

Section 6. (C)

Adopted.

Section 6.

Adopted with amendments.

Section 7.

Mr. Conroy moved to delete "Except for felony," on line 10 and insert "except for felony" after the word "arrest" on line 12. Motion carried.

Section 7 adopted as amended.

Section 8.

Delegate Schmitt moved to delete "violates" on line 28 and insert in lieu thereof "is a violation of". Motion carried.

Section 8 adopted as amended.

Section 9. (A)

Adopted.

Section 9. (B)

Adopted.

Section 9. (C)

Adopted.

Section 9.

Adopted.

Section 10.

Delegate Dennis moved to adopt the section as proposed by the staff. Motion withdrawn.

Mr. Conroy moved to delete lines 26 and 27 and insert in lieu thereof the following: "fiscal records of the state, its agencies, and political subdivisions. He shall". Motion carried.

Delegate Dennis moved to delete "majority vote" and insert in lieu thereof "the concurrence of a" on line 28 and add at the end of line 30 "the concurrence of". Motion carried.

Section 10 adopted as amended.

Section 11.

Delegate Rachal moved to change "Officers" on line 13 to "Officials" and change "no elected public officer" on line 16 to "an elected public official" and insert "not" on line 17 after the word "shall". Motion carried.

Section 11 adopted as amended.

Section 13.

Delegate Gravel moved to delete "effecting" on line 7 and insert in lieu thereof "to enact". Motion carried.

Mr. Gravel moved to delete the comma on line 8 after the word "published" and add a comma on line 9 after the word "days". Motion carried.

Mr. Gravel further moved to delete "or things" on line 12 and change "are" to "is" on line 13. Motion carried.

Section 13 adopted as amended.

Section 14. (A)

Section 14. (A) was divided into two paragraphs by the committee to read as follows:

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Section 14. (A) No Immunity in Contract and Tort. Neither the state nor its agencies or political subdivisions shall be immune from suit and liability in contract or for injury to person or property.

(B) Waiver in Other Suits. The legislature may authorize other suits against the state, its agencies, and political subdivisions. A measure authorizing suit shall waive immunity from suit and liability.

Section 14. (A) & (B) adopted as amended.

Section 14. (C) & (D)

Delegate Gravel asked the staff to prepare a draft combining (C) and (D) of Section 14. Upon completion of the draft by the staff, the following was adopted:

(C) Procedure; Judgments. The legislature shall provide a procedure for suits against the state, a state agency, or a political subdivision. It shall provide for the effect of a judgment, but no public property or public funds shall be subject to seizure. No judgment against the state, a state agency or a political subdivision shall be exigible, payable, or paid except from funds appropriated therefor by the legislature or by the political subdivision against which judgment is rendered.

Section 14.

Adopted as amended.

Section 15.

Delegate Kelly moved to change "execute" to "perform" on line 17. Motion carried.

Section 15 adopted as amended.

Section 16.

Delegate Conroy moved to change the "style of laws" on line 29 to "style of a law". Motion carried.

Section 16 adopted as amended.

10

Section 17. (A)

Delegate Kean moved to insert "only" after "taken" and before "in" on line 28. Motion carried.

Mr. Conroy moved to add "only" after "taken" on line 28. Motion carried with Mr. Kelly objecting.

Section 17. (A) adopted as amended.

Section 17. (B)

The research staff members suggested adding a period after

"revised" on line 6 and deleting "and" on line 7 and capitalizing "no" on line 7. Change adopted.

Section 17. (B) adopted as changed.

Section 17. (C)

Adopted.

Section 17. (D)

Delegate Avant moved to insert "and until" after "unless" on line 31. Motion defeated.

Delegate Dennis moved to delete lines 31-33 and insert in lieu thereof the following: "unless a committee has held a public hearing and reported on the bill." Motion carried.

Mr. Rachal moved to delete "Every" on line 26 and insert in lieu thereof "A". Motion withdrawn.

Delegate Schmitt moved to delete "Every" on line 26 and insert "Each" in lieu thereof. Motion carried.

Section 17. (D) adopted as amended.

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Section 17. (E)

Adopted.

Section 17. (F)

Adopted.

Section 17. (G)

Delegate Kelly moved to change "consent" on line 26 to "favorable vote". Motion carried.

Section 17. (G) adopted as amended.

Section 17.

Adopted as amended.

Section 18. (A)

Adopted.

Section 18. (B)

Mr. Avant moved to adopt the convention language with the title suggested by the staff. Motion carried.

Section 18. (C)

Adopted.

Section 18. (D)

Adopted with "for" added at the end of line 18.

Section 18. (E)

Delegate Kelly moved to delete "consent" on line 33 and insert in lieu thereof "favorable vote". Motion carried.

Section 18. (E) adopted as amended.

12

Section 18.

Adopted as amended.

Section 19. (A)

Delegate Gravel moved to delete "to the governor for his signature, veto, or other action." on lines 15-16 and insert

"to the governor" after "delivered" on line 14. Motion carried.

Section 19. (A) adopted as amended.

Section 19. (B)

Delegate Avant moved to adopt the section as proposed by the staff.

Delegate Gravel offered a substitute motion to add at the end of line 28 the following: "to become effective." Motion carried.

Section 19. (B) adopted as amended.

Section 19.

Adopted as amended.

Section 20. (A)

Mr. Gravel moved to delete "its" on line 8. Motion carried.

Section 20. (A) adopted as amended.

Section 20. (B)

Section 20. (B) was adopted as follows:

"(B) Veto. If the governor does not approve a bill, he may veto it. When he vetoes a bill, he shall return it to the legislature, with his veto message, within twelve days after delivery to him if the legislature is in session. If the legislature adjourns before he vetoes or returns one or more bills, he shall return them, with his veto message, as provided by law. A bill subsequently approved by two-thirds of the elected members of each house shall become law."

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Section 20. (C)

Mr. Conroy moved to delete "with the consent" on line 22 and insert in lieu thereof "upon the vote". Motion carried.

Mr. Conroy moved to delete "officers" on line 31 and insert in lieu thereof "officer of the respective houses". Motion carried.

Mr. Gravel moved to delete "indicate" on line 27 and insert in lieu thereof "declare" and delete "notice" on line 29 and insert in lieu thereof "declaration". Motion carried.

Section 20. (C) adopted as amended.

Section 20.

Adopted as amended.

Section 21.

Mr. Gravel moved to delete "thereafter" on line 13.

Delegate Dennis offered a substitute motion to adopt the language of the convention. Motion carried.

Delegate Egan moved that the following language suggested

Mr. Gravel be included with a note to the convention:

"Section 21. Unless an earlier or later effective date is specified therein, all laws shall become effective at noon on the sixtieth day after final adjournment of the session in which enacted. All laws shall be published in the official state journal prior thereto, as provided by law."

Motion carried.

Section 21.

Adopted as amended.

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Section 22.

Mr. Conroy moved to delete line 16 and 17 and insert

in lieu thereof the following: "the sixtieth day after final adjournment of the next regular". Motion carried.

Section 22 adopted as amended.

Section 23.

Adopted with note that it may belong in the general government article.

Section 24. (A)

Adopted.

Section 24. (B)

Section 24. (B) was adopted with the following changes:

On line 6, delete "consent" and insert in lieu thereof "concurrence".

On line 12, delete "thinks" and insert in lieu thereof "deems".

Delete lines 15-17 and insert in lieu thereof the following: "Nothing herein shall prevent other action, prosecution, or punishment authorized by law."

Section 24.

Adopted as amended.

Section 25.

Adopted.

Section 26.

Adopted.

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Section 27.

Adopted with caveat.

Delegate Asseff asked that the minutes reflect his statement concerning committee actions. A copy of that statement is attached to and made part of these minutes as Appendix B.

Chairman Tate called a meeting of the committee Wednesday, October 10, 1973, immediately after adjournment of the convention. The meeting is to be held on the convention floor.

The meeting was adjourned at 4:30 p.m.


Albert Tate, Jr., Chairman

Max N. Tobias, Vice Chairman

Emmett Asseff, Secretary

NOTES

Comparative presentations are found in Chapter II, below.

October 7, 1973, to the Committee on Legislative Power and Function.

The committee adjourned at 5:10 p.m.

STATEMENT BY EMMETT ASSEFF

Delegate, District 7

For minutes, meeting of Committee on Style and Drafting, Sunday, October 7, 1973

1. The word "expire" is used by the Committee in Section 1 (B) but not by the Committee on Legislative Powers or by the Convention. I oppose the use of the word and urge that it be deleted.
2. The use of such terms as with the concurrence of a majority of the elected members of each house; with the approval of a majority of the elected members of each house; and with the consent of a majority of the elected members of each house sounds pretty. However, they add nothing and do not change the meaning or intent. They certainly do not require a particular procedure for the election of anyone. The phrases "He shall be elected by a majority vote of the elected members of each house" and "He shall be elected with the concurrence of a majority of the elected members of each house" mean exactly the same. Each house may proceed as it pleases as long as each votes by a majority of the elected members of each house. If a particular course of action is desired, we should say it specifically by concurrent resolution.

As, for example, I do not oppose the use of the term, but I do object to the statement that it changes the meaning, for that is not true. It should be noted that if it does change the meaning as claimed, it becomes a substantive change, and the Committee is without authority to make it under the rules.

3. We should vote by a "show of hands." Upon request there should be a record vote.
4. Since the staff has suggested changes, the purpose of our meetings is to consider these changes and others that may be proposed by the committee members. Thus the discussions should be among the members of the committee to be certain that the reaction of each is known. We, not the staff, will have to define the report, and this procedure will minimize dissents. Also, we should keep our suggested changes to what is absolutely essential. Style is a matter of opinion, and changes, regardless of intent, may affect meaning. In doing this we will avoid a floor fight not only among ourselves but also with the substantive committee involved.

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.

House Chamber, State Capitol
Baton Rouge, Louisiana
Wednesday, October 10, 1973

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

<u>Present:</u>	<u>Absent:</u>
Albert Tate, Jr. David Conroy James L. Dennis Camille F. Gravel, Jr. Chalin O. Perez Earl J. Schmitt, Jr. Max N. Tobias, Jr. J. Burton Willis Chris J. Roy, Ex O.	Emmett Asseff John L. Avant Anthony J. Guarisco, Jr. R. Gordon Kean, Jr. Donald G. Kelly Anthony M. Rachal, Jr.

Chairman Tate called the meeting to order and asked the secretary to call the roll. A quorum being present, the meeting proceeded.

Without objection, the committee voted to submit COMMITTEE PROPOSAL NO. 3, with changes adopted by this committee on


Albert Tate, Chairman

Max N. Tobias, Vice Chairman

Emmett Asseff, Secretary

MINUTE

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.

Committee Room 206, State Capitol
Baton Rouge, Louisiana
Friday, October 12, 1973, 9:00 a.m.

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

<u>Present:</u>	<u>Absent:</u>
Albert Tate, Jr. Emmett Asseff John L. Avant David Conroy James L. Dennis Anthony J. Guarisco R. Gordon Kean, Jr. Donald G. Kelly Earl J. Schmitt, Jr. Max N. Tobias, Jr. J. Burton Willis	Camille F. Gravel, Jr. Chalin O. Perez Anthony M. Rachal, Jr. Chris J. Roy, Ex O.

Chairman Tate called the meeting to order and asked the secretary to call the roll. With a quorum present, the chairman announced that the committee would consider COMMITTEE

PROPOSAL NO. 4 as styled by the research staff. A copy of that document is attached to and made part of these minutes as Appendix A.

Delegate Tobias moved that the adoption of the minutes be delayed until a later date. Motion carried.

Chairman Tate reported that the Committee on Legislative Powers and Function had been unable to get a quorum at the meeting called to review changes recommended by the Committee on Style and Drafting.

Delegate Asseff moved that the committee be authorized to appoint a subcommittee to work with any substantive committee relative to the recommendations of this committee. Motion carried.

Delegate Asseff moved that the committee be

the Executive Department basically concurs with the changes suggested by this committee. He explained the position of the Committee on the Executive Department section by section.

Section 1. (A)

Delegate Asseff moved to add "attorney general" on line 7 after "state,". Motion carried.

Section 1. (A) adopted as amended.

Section 1. (B)

Adopted.

Section 1. (C)

Mr. Stagg, Chairman of the Committee on the Executive Department suggested moving Section 22 so that it would become

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Section 1. (C). Delegate Dennis moved that Section 22 become Section 1. (C). Motion carried.

Section 1.

Adopted as amended.

Section 2. (A)

Delegate Asseff moved to add at the end of line 12 the following: "United States and of this". Motion carried.

Delegate Dennis moved to delete "this" in the Asseff amendment and again on line 17 after the word "in" and insert in lieu thereof the word "the". Motion carried.

Delegate Dennis moved to delete "also" on line 15 after the word "general". Motion carried.

Mr. Avant moved to add "In addition," at the beginning of line 15. Motion defeated.

Mr. Willis moved to reinsert "also" on line 15. Motion carried.

Delegate Asseff moved to add at the end of line 19 the following: "the date of his qualification for office." Motion defeated.

Section 2. (B)

Delegate Conroy moved to adopt Section 2. (B) as styled by the staff. Motion carried.

Section 2.

Adopted as amended.

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Section 3. (A)

At the suggestion of Mr. Stagg, the committee adopted the following title for the section: "Election; Term; Limitations".

He also suggested rearranging the list of officers so that it would be consistent with the listing in Section 1. (A).

The committee adopted the suggested change and adopted the subsection as amended.

Section 3. (B)

Delegate Kean moved to delete the title on line 10

and insert in lieu thereof the following: "Commencement of Term." Motion carried.

Section 3. (B) adopted as amended.

Section 3. (C)

Delegate Kean moved to delete the title of the subsection on lines 10-11 and insert in lieu thereof "Additional Limitation." Motion carried.

Section 3.

Adopted as amended.

Section 4.

Mr. Kean moved to adopt Section 4 with a caveat to the convention and alternative language prepared by the staff to clarify the section. Motion carried.

Section 5. (A)

Adopted by the committee with "of" inserted on line 8 after the word "and" and before the word "the".

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Section 5. (B)

Delegate Asseff moved to delete line 21 and insert in lieu thereof the following: "at other times may make reports". Motion carried.

Section 5. (B) adopted as amended.

Section 5. (C)

The committee voted to delete the title on lines 1-2 and insert in lieu thereof "Departmental Reports and Information."

Delegate Asseff moved to delete "Upon request of" on line 1 and insert in lieu thereof the following: "When requested by". Motion carried.

Section 5. (C) adopted as amended.

Section 5. (D)

Adopted.

Section 5. (E)

Delegate Asseff moved to add "shall" at the end of line 8. Motion carried.

Section 5. (E) adopted as amended.

Section 5. (F)

Section 5. (F), Paragraph (1) was adopted, with a caveat to the convention.

Section 5. (F), Paragraph (2) adopted.

Section 5. (G)

Dr. Asseff moved to delete "adopted" on line 3 and insert in lieu thereof the word "passed". Motion carried.

The committee voted to delete "when" on line 3 and insert

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in lieu thereof "of delivery to the governor of" and delete "is delivered to the governor".

Section 5. (G) adopted as amended.

Section 5. (H)

Delegate Asseff moved to delete "enactment" on line 15 and insert in lieu thereof "passage". Motion carried. He also stated that the general provisions regarding vetoes are in the legislative article.

Section 5. (H) adopted as amended.

Section 5. (I)(1)

Delegate Dennis moved to adopt the paragraph as styled by the staff. Motion carried.

Section 5. (I)(2)

The committee voted to change "When" on line 13 to "If".

Section 5. (I)(2) adopted with amendment.

Section 5. (I)(3)

Mr. Kean moved to adopt the paragraph with the following change: On line 22, delete "When" and insert in lieu thereof "If". He also requested a caveat to the convention concerning the omission of the word "regular" on line 26 before the word "session". Section adopted as amended.

Section 5. (I)(4)

Adopted.

Section 5. (I)

Adopted as amended.

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Section 5. (J)

Adopted.

Section 5. (K)

Adopted.

Section 5. (L)

Adopted.

Section 5.

Adopted as amended.

Section 6.

Delegate Asseff moved to put a period after the word "serves" on line 8, delete the word "and" and insert in lieu thereof "He shall" and on line 10, delete the period after the word "governor" and insert in lieu thereof the word "and". Motion carried.

Delegate Schmitt asked the staff to prepare a caveat as to whether the lieutenant governor shall have the right to vote in the committee on which he serves as an ex officio member.

Section 6 adopted as amended and with a caveat.

Section 7.

Delegate Kean moved to adopt the section with the following title: "Secretary of State: Powers and Duties". Motion carried.

Section 8.

Delegate Kean moved to adopt the section. Motion carried.

Delegate Kelly asked the staff to prepare a caveat about combining this section with those in the Judiciary Article

8

which deal with the powers and duties of the attorney general.

The committee voted to delete "state's" on line 6 and add at the end of line 7 the words "of the state."

Section 8 adopted as amended.

Section 9.

Delegate Asseff moved to delete "state" on line 3 and adopt the section as amended. Motion carried.

Section 10.

Delegate Kelly pointed out the first part of the first sentence of Sections 7-12 of the language adopted by the convention and suggested using it in the staff revision.

Mr. Stagg suggested rearranging the titles of Sections 6-12 so that the title of the office would come before powers and duties.

Delegate Kean moved that the suggestions by Mr. Stagg and Mr. Kelly be adopted. Motion carried.

Delegate Asseff moved to delete "of Agriculture" on line 6 and adopt the section as amended with a caveat to the convention.

Delegate Kelly offered a substitute motion to use the language adopted by the convention in the last sentence and include a caveat to the convention. Substitute motion defeated.

Delegate Asseff's original motion carried.

Section 10 adopted as amended.

Section 11.

The committee voted to change the title to read as follows: "Commissioner of Insurance: Powers and Duties" and delete

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"of Insurance" on line 6. The same caveat will be used here as used for Section 11.

Section 11 adopted as amended.

Section 12.

The committee voted to change the title to read as follows: "Commissioner of Elections: Powers and Duties" and to delete "of Elections and Registration" on lines 7-8.

Section 12 adopted as amended.

Section 13.

Delegate Stagg suggested adding "Appointment" at the end of line 1. The committee adopted the change.

The staff members suggested changing "that" on line 17 to "the". The committee adopted the change.

Delegate Dennis moved to delete "Submission of the appointment shall be made" on line 9-11 and insert in lieu thereof "The official shall submit the appointment to the Senate". Motion carried.

Section 13 adopted as amended.

Section 14.

[17]

Delegat. ~~Stagg~~ moved to delete line 14 and insert in lieu thereof the following: "tives, and then (7) as pro-". Motion carried.

Section 14. adopted as amended.

Section 15.

Adopted.

10

Section 16.

Delegate Kean moved to delete "However," on line 9. Motion carried.

Section 16 adopted as amended.

Section 17. (A)

Delegate Avant moved to delete "law" on line 9 and insert in lieu thereof "statute". Motion carried.

Delegate Kean moved to delete "when" on line 14 and insert in lieu thereof "at the time".

Delegate Kelly offered a substitute motion to keep the language proposed by the staff. Motion defeated.

Delegate Kean withdrew his original motion.

Delegate Dennis moved to delete "If" on line 14 and add "and" at the end of line 15, deleting the comma after "office". Motion carried.

Section 17. (A) adopted as amended.

Section 17. (B)

Adopted.

Section 17.

Adopted as amended.

Section 18.

Delegate Kelly moved to add at the end of line 3 the words "as used in this constitution". Motion carried.

Delegate Stagg suggested a caveat noting that perhaps this section should be placed elsewhere in the constitution.

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Section 18 adopted as amended.

Section 19.

Delegate Kelly moved that the following title suggested by Mr. Stagg be adopted: "Declaration of Inability by Statewide Elected Official". Motion carried.

Delegat. Asseff moved to delete "his official" on line 9 and insert in lieu thereof "the" and add "of the office," at the end of line 9. Motion carried.

Section 19 adopted as amended.

Section 20. (A)

Delegate Asseff moved to delete "his official" on line 9 and insert in lieu thereof "the" and on line 10 add after "duties" the word: "of the office". Motion carried.

Delegat. Stagg suggested the following changes that were adopted by the committee.

On line 2, after "Inability" add "of Statewide Elected Official".

On line 11, after "mit" add "a written declaration to this effect".

On line 13, after the word "file" add "a copy of the declaration" and delete "their written declaration of his inability" on lines 15-16.

On line 21, delete "filing" and insert in lieu thereof the words "declaration is filed".

On line 26, after the word "officers" add "of each house".

Section 20. (A) adopted as amended.

Section 20. (B)

Adopted.

12

Section 20. (C)

Delegate Stagg suggested adding "that" after the word "declaring" on line 22. The committee adopted the change.

Section 20. (C) adopted as amended.

Section 20. (D)

Delegate Asseff moved to delete "said" on line 16 and insert in lieu thereof "the". Motion carried.

Section 20. (D) adopted as amended.

Section 20. (E)

Adopted.

Section 20.

Adopted as amended.

Section 21.

Adopted.

Section 22.

Adopted as Section 1. (C) previously.

Section 23.

The committee voted to delete the word "state" on lines 13 and 16 and renumber the section as Section 22.

Delegate Asseff asked that the minutes reflect that he made no recommendations on Section 23.

The committee voted to rearrange the listing of statewide elective officials on lines 13-17 in order that it be consistent with the listing in Section 1. (A).

Section 23 adopted as amended.

13

Delegate Willis moved to direct Chairman Tate to submit COMMITTEE PROPOSAL NO. 4, as amended by this committee, to the Committee on the Executive Department at the close of the day on Wednesday, October 17, 1973. Motion carried.

There being no objection, the meeting adjourned at 1:30 p.m.


Albert Tate, Jr., Chairman

Max N. Tobias, Vice Chairman

Emmett Asseff, Secretary

NOTES

Comparative presentations are found in Chapter II, below.

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.

Treaty Room, White House Inn Baton Rouge, Louisiana

Tuesday, November 6, 1973, 6:15 p.m.

Presiding: Justice Albert Tate, Jr., Chairman of the Committee On Style and Drafting

Present:

Albert Tate, Jr. John L. Avant David Conroy James L. Dennis Camille F. Gravel, Jr. Donald G. Kelly Chalin O. Perez Anthony M. Rachal, Jr. Earl J. Schmitt, Jr. Max N. Tobias, Jr. J. Burton Willis

Absent:

Emmett Asseff Anthony Guarisco, Jr. R. Gordon Kean, Jr. Chris J. Roy, Ex O.

Chairman Tate called the meeting to order and asked the secretary to call the roll. A quorum being present, the meeting proceeded.

2

Delegate Tobias moved to adopt the minutes of the last three meetings as printed. Motion carried.

The committee began consideration of objections by the Committee on Legislative Powers and Functions to the suggested changes by the Committee on Style and Drafting. A copy of those objections is attached to and made part of these minutes as Appendix A.

Delegate Conroy moved to adopt Section 1(B) as recommended by the Committee on Legislative Powers and Functions. Motion carried.

Delegate Gravel moved to accept the recommendation of the Committee on Legislative Powers and Functions and use the word "Extraordinary" instead of the word "Special" in Section 2(B) and throughout the Article. Motion carried.

Delegate Kelly moved to adopt Section 18(C) as recommended by the Committee on Legislative Powers and Functions. Motion carried.

Delegate Kelly moved to adopt the recommended language for Section 20(A). Motion carried.

Attached to and made part of these minutes as Appendix B is a copy of additional amendments to conform with caveats.

Delegate Kelly moved to concur in these three amendments. Motion carried.

Delegate Avant moved that a caveat to Section 4(D) be retained and an amendment be prepared to have the section read as follows:

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(D) Vacancy. A vacancy in the legislature shall be filled for the remainder of the term only by election, by the electors of the respective district as provided by law.

Motion carried.

Delegate Gravel moved to adjourn at 6:35 p.m. Motion carried.

Albert Tate, Jr., Chairman

Max N. Tobias, Vice Chairman

Emmett Asseff, Secretary

APPENDIX A

November 2, 1973

Committee on Style and Drafting Objections by the Committee on Legislative Powers and Functions to the suggested changes by the Committee on Style and Drafting

1. In Section 1(B), the committee recommends deletion of the words "expire at final adjournment and" so that the paragraph would read as follows:

"(B) Continuous Body. The legislature is a continuous body during the term for which its members are elected; however, a bill or resolution not finally passed in any session shall be withdrawn from the files of the legislature."

2. In Section 2(B), the committee recommends that the word "Extraordinary" be used instead of the word "Special". It also recommends that the same substitution be made throughout the Article.

3. At the end of Section 18(C), the committee recommends use of the word "or" instead of "and" so that the paragraph reads:

"(C) General Appropriation Bill; Limitations. The general appropriation bill shall be itemized and shall contain only appropriations for the ordinary operating expenses of government, public charities, pensions, and the public debt or interest thereon."

4. In Section 20(A), the committee recommends the addition of the words "signs it or if he" so that the section would read:

"(A) Lack of Governoratorial Action. A bill, except a joint resolution, shall become law if the governor signs it or if he fails to sign or veto it within ten days after delivery to him if the legislature is in session, or within twenty days if the legislature is adjourned."

APPENDIX B

November 2, 1973

Committee on Style and Drafting Additional Amendments to conform with Caveats (to be suggested by the Committee on Legislative Powers & Functions)

Section 20(B) shall read:

"(B) Veto. If the governor does not approve a bill, he may veto it. When he vetoes a bill, he shall return it to the legislature with his veto message, within twelve days after delivery to him if the legislature is in session. If the governor returns a bill after the legislature adjourns, he shall return it, with his veto message, as provided by law. A bill returned as unconstitutional by a two-third of the electors of the legislature shall become law."

Section 21 should read:

"Section 21. All laws shall take effect on the sixtieth day after final adjournment of the session in which they were enacted, and shall be published in the official journal of the state as provided by law. However, any bill may specify an earlier or later effective date."

APPENDIX B
Page 2

November 2, 1972

Committee on Style and Drafting
Amendment to conform with the possible intent of the Drew amendment

Section 27 would read:

"Section 27. (A) Members of the legislature shall take office on the same day as the governor and other officials elected statewide.

(B) A person elected to fill the remainder of an unexpired legislative term shall take office within thirty days after the secretary of state promulgates the election returns."

MINUTES

Minutes of the Committee on Style
and Drafting of the Constitutional
Convention of 1973

Held pursuant to notice by the
Secretary in accordance with the
Rules of the Convention

Treaty Room White House Inn
Baton Rouge, Louisiana

Wednesday, November 21, 1973, 9:30 a.m.

Presiding: Justice Albert Tate, Jr., Chairman of the
Committee on Style and Drafting

Present:

Albert Tate, Jr.
John L. Avant
David Conroy
James L. Dennis
Camille F. Gravel, Jr.
R. Gordon Kean, Jr.
Max N. Tobias, Jr.
J. Burton Willis

Absent:

Emmett Asseff
Anthony J. Guarisco, Jr.
Donald G. Kelly
Challin O. Perez
Anthony M. Rachal, Jr.
Earl J. Schmitt, Jr.
Chris J. Roy, ex officio

Chairman Tate called the meeting to order. The roll was called and a quorum was established. The chairman announced that the committee would consider COMMITTEE PROPOSALS NO. 25, PREAMBLE AND DECLARATION OF RIGHTS; NO. 33, ELECTIONS; and NO. 23, DUAL EMPLOYMENT AND DUAL OFFICEHOLDING, as styled by the research staff. Copies of those documents are attached to and made part of these minutes as Appendices A, B, and C, respectively.

Chairman Tate asked Mrs. Norma M. Duncan, Director of Research, to explain the suggested changes as printed in the right column of each document.

These minutes reflect the committee's action on the staff styling suggestions in the right column.

COMMITTEE PROPOSAL NO. 25, A PREAMBLE

Mr. Tobias moved to delete "A" from the heading.
Motion carried.

Mr. Conroy moved to adopt the preamble without further change. Motion carried.

ARTICLE I, DECLARATION OF RIGHTS

Section 1.

Mr. Conroy moved the adoption of Section 1 without change.
Motion carried.

Section 2.

Judge Dennis moved adoption of Section 2 without change.
Motion carried.

Section 3.

Mr. Avant moved to amend line 5 to read:

"of the laws. No law shall dis-

and to instruct the staff to add an explanation that this is the same as the phrase in the United States Constitution. Motion carried.

Mr. Avant moved to adoption of Section 3 as amended.
Motion carried.

Section 4.

Mr. Avant moved to amend Section 4 by deleting the first sentence in lines 3 to 11 in the staff's suggested language, and substitute in lieu thereof the language of the first two sentences of Section 4 as adopted by the convention. Motion carried.

Judge Dennis moved to divide Section 4 into separate paragraphs beginning with "Section 4. (A) Property Rights". Motion carried.

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The committee unanimously adopted the succeeding paragraphs after giving due deliberation to the appropriate sequence:

- (B) Expropriation (page 5, line 11, before "Property shall not")
- (C) Jury Trial; Compensation (page 5, line 27, before "In")
- (D) Business Enterprises (page 5, line 33, before "No business")
- (E) Personal Effects (page 6, line 7, before "Personal")
- (F) Levees; Appropriations (page 6, line 10, before "This section")

Mr. Tobias moved to amend the heading to read "Section 4. Property Rights". Motion carried.

Mr. Tobias moved the adoption of Section 4 as amended. Motion carried.

Section 5.

Mr. Avant moved to delete the staff language beginning with "No warrant shall" on line 9 through "reason for the search." on line 17 and to substitute in lieu thereof the language adopted by the convention as printed in the left column beginning with "no warrant shall" on line 7 and continuing through "for the search" on line 13; this latter language to be amended to conform to Article 4, Bill of Rights, of the U.S. Constitution, and to clarify the intent regarding a warrant; therefore the language would read:

"No warrant shall issue without probable cause, supported by oath or affirmation, and particularly describing the place to be searched, the persons or things to be seized, and the lawful purpose or reason for the search."

Motion carried.

Section 5 was adopted as amended.

Section 6.

Mr. Willis moved the adoption of Section 6 without change.
Motion carried.

Section 7.

Mr. Conroy moved the adoption of Section 7 without change.
Motion carried.

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Section 8.

Mr. Willis moved the adoption of Section 8 without change.
Motion carried.

Section 9.

Mr. Avant moved to delete the staff language and substitute

in lieu thereof the language of Section 9 as adopted by the convention. Motion carried.

Mr. Avant moved the adoption of Section 9, as amended. Motion carried.

Section 10.

Mr. Tobias moved to delete "the" from the title. Motion carried.

Mr. Tobias moved the adoption of Section 10 as amended. Motion carried.

Section 11.

Mr. Willis moved to delete the staff language and insert in lieu thereof the following:

"The right to a preliminary examination shall not be denied in felony cases except when the accused is indicted by a grand jury."

Motion carried.

Mr. Willis moved the adoption of Section 11, as amended. Motion carried.

Section 12.

Mr. Avant moved the adoption of Section 12 without change. Motion carried.

Section 13.

Mr. Willis moved to amend Section 13, on line 4, by changing the word "proven" to "proved". Motion carried.

Mr. Conroy moved the adoption of Section 13 as amended. Motion carried.

Section 14.

Mr. Conroy moved the adoption of Section 14 without change. Motion carried.

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Section 15.

Mr. Tobias moved to amend Section 15 by changing the word "sureties" on line 6 to the word "surety". Motion carried.

Judge Dennis moved to amend Section 15, on line 6, inserting a comma after the word "surety", to strike out the word "unless" and insert in lieu thereof the words "except when he is". Motion carried.

Mr. Tobias moved to amend Section 15, on line 16, by striking out the word "and" after the words and punctuation "or less;". Motion carried.

Mr. Tobias moved to adopt Section 15 as amended. Motion carried.

Section 16.

Mr. Tobias moved the adoption of Section 16 without change. Motion carried.

Section 17.

Mr. Conroy moved to amend Section 17 by striking out the word "to" in both instances on line 5. The motion failed.

Section 17 was adopted without further objection and without change.

Section 18.

Section 18 was adopted without objection.

Section 19.

Section 19 was adopted without objection.

Section 20.

Mr. Avant moved to delete the staff language in Section 20 and retain the language as adopted by the convention but with style changes to read as follows:

"Section 20. Every citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote. This right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony."

Motion carried.

Section 20 was unanimously adopted as amended.

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Mr. Avant moved the adoption of Section 21. Motion carried. Section 21.

Mr. Willis moved the adoption of Section 22. Motion carried.

Section 23.

Mr. Willis moved the adoption of Section 23. Motion carried.

Section 24.

Mr. Tobias moved the adoption of Section 24. Motion carried.

Judge Dennis moved to rearrange and renumber the Sections as adopted by the committee. Motion carried. After careful consideration, the committee unanimously adopted the following:

<u>Section:</u>	<u>Former No. of Section:</u>
1. Origin and Purpose of Government	1.
2. Due Process of Law	2.
3. Right to Individual Dignity	3.
4. Freedom of Expression	7.
5. Freedom of Religion	8.
6. Freedom of Assembly and Petition	9.
7. Right to Vote	20.
8. Right to Humane Treatment	17.
9. Property Rights	4.
10. Right to Keep and Bear Arms	21.
11. Right to Privacy	5.
12. Freedom from Intrusion	6.
13. Freedom from Discrimination	22.
14. Prohibited Laws	23.
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15. Access to Courts	19.
16. Writ of Habeas Corpus	18.
17. Rights of Accused	10.
18. Right to Preliminary Examination	11.
19. Initiation of Prosecution	12.
20. Fair Trial	13.
21. Jury Trial in Criminal Cases	14.
22. Right to Bail	15.
23. Right to Judicial Review	16.
24. Unenumerated Rights	24.

The committee unanimously adopted COMMITTEE PROPOSAL NO. 25 as amended without further objection.

COMMITTEE PROPOSAL NO. 33

ARTICLE X. ELECTIONS

Section 1.

Mr. Tobias moved to delete "Right to Vote" from the heading of Section 1, to delete the first two sentences of Section 1, and to adopt Section 1 to read:

"Section 1. Election Code
Section 1. The legislature shall adopt an election code which shall provide for permanent registration of voters and for the conduct of all elections."

Motion carried and Section 1 was adopted as amended.

Section 2.

Mr. Conroy moved to amend Section 2 by dividing the first sentence into two sentences, to read:

"Section 2. In all elections by the people,

voting shall be by secret ballot. The legislature shall provide a method for absentee voting."

Motion carried.

Mr. Conroy moved the adoption of Section 2, as amended. Motion carried.

Section 3.

Mr. Avant moved to delete the staff language in Section 3 in its entirety and insert in lieu thereof the following:

"Section 3. While going to and returning from voting and while exercising the right to vote, an elector shall be privileged from arrest, except for felony or breach of the peace."

Motion carried.

Mr. Avant moved to adopt Section 3, as amended. Motion carried.

Section 4.

Mr. Avant moved to amend Section 4 to read:

"Section 4. Public funds shall not be used to urge an elector to vote for or against a candidate or proposition or be appropriated to a candidate or political organization. This provision shall not prohibit the use of public funds for dissemination of factual information relative to a proposition appearing on an election ballot."

Motion carried.

Mr. Avant moved the adoption of Section 4, as amended. Motion carried.

Section 5.

Judge Dennis moved to amend Section 5 by deleting "Subject to and not inconsistent with this constitution," and to begin the Section with the language on line 5: "The governing authority of". Motion carried.

Mr. Avant moved to amend Section 5 by deleting "governing" from line 17. Motion carried.

Section 5 was adopted as amended.

COMMITTEE PROPOSAL NO. 23

Judge Dennis moved the adoption of CP 23 without change. Motion carried.

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Mr. Willis moved to submit CP No. 25, CP No. 23, and CP No. 33, with changes adopted by this committee to the Committee on Bill of Rights and Elections. Motion carried.

Mr. Conroy moved to cancel the meeting scheduled for Wednesday, November 28, 1973, and to set the time at 9:30 a.m. for meetings scheduled on Thursday, November 29, and Friday, November 30, 1973. Motion carried.

Mr. Tobias moved that the staff immediately call the members absent from today's meeting and notify them of the meeting dates, in addition to notifying the members by certified mail. Motion carried.

The meeting adjourned at 2:30 p.m.


Albert Tate, Chairman

Max N. Tobias, Vice Chairman

Emmett Asseff, Secretary

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NOTES

Comparative presentations are found in Chapter II, below.

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention

Treaty Room, White House Inn
Baton Rouge, Louisiana

Thursday, November 29, 1973, 9:30 a.m.

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Present:

Emmett Asseff
John L. Avant
David Conroy
James L. Dennis
Anthony Guarisco, Jr.
Donald G. Kelly
Chalin O. Perez
Anthony M. Rachal, Jr.
Earl J. Schmitt, Jr.
Albert Tate, Jr.
Max N. Tobias, Jr.
J. Burton Willis

Absent:

Camille F. Gravel, Jr.
R. Gordon Kean, Jr.
Chris J. Roy, ex officio

Chairman Tate called the meeting to order at 9:40 a.m. The roll was called and a quorum was established. The chairman announced that the committee would consider COMMITTEE PROPOSAL NO. 21: FIRST ENROLLMENT, ARTICLE V. JUDICIAL BRANCH, as styled by the research staff. A copy of this document is attached to and made part of these minutes as APPENDIX A.

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Chairman Tate asked Dr. Lee Hargrave, research coordinator, to explain the staff's suggested changes as annotated in the right column.

These minutes reflect the committee's action on the stylized language in the right column.

ARTICLE V. JUDICIAL BRANCH

Section 1.

Mr. Willis moved to amend Section 1 by striking out the words "shall be" on line 5 and inserting in lieu thereof the word "is". Motion carried.

Mr. Willis moved the adoption of Section 1 as amended. Motion carried.

Section 2.

Mr. Conroy moved to amend Section 2, on line 6, to read "and all other needful writs, orders,". Motion carried.

Mr. Tobias moved to amend Section 2 by inserting a comma after the word "Orders" on line 2. Motion carried.

Mr. Kelly moved to amend Section 2 by placing the word "of" at the end of line 10. Motion carried.

Section 2 was adopted as amended.

Section 3.

Section 3 was adopted without change.

Section 4.

Mr. Conroy moved to amend Section 4 by changing line 12 to read "to change by the favorable vote of two-thirds". Motion carried.

Section 4 was adopted as amended.

Section 5.

Dr. Asseff moved to amend the heading of Section 5 to read "Section 5. Supreme Court; Jurisdiction; Rule-Making Power; Assignment of Judges". Motion carried.

Mr. Conroy moved to amend Section 5 by changing line 22 to read "against a member of the bar." Motion carried.

Judge Dennis moved to amend Section 4, Paragraph (D), on lines 33 through 35, to read "In addition to other appeals provided by this constitution, a case shall be". Motion carried.

Mr. Willis moved to amend Paragraph (D) by reversing the order of the first sentence so that it would begin with the words from line 35 "A case shall be". Motion withdrawn.

Mr. Avant moved to amend Paragraph (D) by deleting the first phrase beginning on line 33 and ending with the partial word and punctuation "tion," on line 35, and adding the revised language at the end of Paragraph (D) to read "; or (3) an appeal is otherwise provided for in this constitution." Motion withdrawn.

Mr. Kelly moved the adoption of Paragraph (D) as amended. Motion carried.

Mr. Avant moved to amend Paragraph (E) of Section 5, on line 15, to read "review, as provided by this constitution or by law." There were objections. Mr. Avant withdrew his motion but requested that the record reflect his suggested amendment. Mr. Avant's suggested amendment would have caused Paragraph (E) (Mr. Avant's suggestion is underscored) to read:

"(E) Other Criminal Cases: Review. In all criminal cases not provided for in Paragraph (D)(2) of this Section, a defendant has a right of appeal or review, as provided by this constitution or by law."

Mr. Tobias moved to amend Paragraph (F) of Section 5 by changing, on line 21, "any" to "a". Motion carried.

Section 5 was adopted as amended.

Section 6.

Mr. Kelly moved the adoption of Section 6 without change. Motion carried.

Section 7.

Dr. Asseff moved to amend the heading of Section 7 to read "Supreme Court; Personnel". Objections were heard. By a show of hands, six voted in favor of the motion and two against it. Motion carried.

Section 7 was adopted as amended.

Section 8.

Mr. Tobias moved to amend the heading of Section 8 to read "Section 8. Courts of Appeal; Circuits; Panels; Judgments; Terms". Motion carried.

Judge Dennis moved preparation of a caveat to Section 8, calling attention to the need for clarification of the number of judges on a court of appeal. Motion carried.

Mr. Conroy moved to amend Section 8 by placing the sentence, on lines 11 through 13, "The term of a court of appeal judge shall be ten years." at the end as a separate Paragraph (C). Motion carried.

Mr. Conroy moved to amend Section 8 by dividing it into three paragraphs with headings:

- "(A) Circuits; Panels
- (B) Decisions
- (C) Terms"

Objections to the motion were heard. Mr. Kelly moved the previous question. By a show of hands, four voted in favor of the motion and four against it. The chairman voted against the motion and it was defeated.

Mr. Conroy moved to amend Section 8 by dividing it into paragraphs as follows:

"(A) Circuits; Panels" before the words "The state on line 4.

"(B) Judgments." before the words "A majority of" on line 13.

"(C) Terms." followed by "The term of a court of appeal judge shall be ten years." in accordance with the previously adopted amendment.

By a show of hands, six voted in favor of the motion and one against it. Motion carried.

Section 8 was adopted as amended, subject to the caveat.

Section 9.

The committee unanimously adopted amendments to Section 9 as follows:

The letter "C" was added to "Court" on line 1.

Line 16 was changed to read "change by the favorable vote of two-thirds of".

Mr. Kelly moved that the staff prepare a caveat to report the inconsistency in the convention adopted Delegate Proposal NO. 32 and Section 9. A copy of DP 32 is attached to and made a part of these minutes as APPENDIX B. Motion carried.

Mr. Kelly moved to adopt Section 9 as amended, subject to the caveat. Motion carried.

Section 10.

Mr. Tobias moved to amend the heading of Section 10 to read "Courts of Appeal; Jurisdiction". Motion carried.

Mr. Tobias moved to insert Paragraph headings as follows:

On line 5, "Section 10. (A) Jurisdiction."

On line 19, "(B) Scope of Review."

Motion carried.

Mr. Schmitt moved to change "all" to "any" on line 10. Objections were heard. Motion withdrawn.

Mr. Schmitt moved to delete the semicolon on line 11. Motion carried.

Mr. Schmitt moved to singularize the language in Section 10. He suggested possibilities; Mr. Kelly and Mr. Tobias offered further suggestions on singularizing. After due deliberation, Mr. Schmitt withdrew his motion with the concurrence of Mr. Kelly and Mr. Tobias.

Mr. Tobias moved to amend Section 10 by inserting the word "an" between the words "which" and "appeal", on line 17, and to change the word "the" to "a", on line 24. Motion carried.

Judge Dennis moved that the staff prepare a caveat to the Committee on the Judiciary Department regarding the use of the word "cases" on line 11. Motion carried.

Mr. Tobias moved the adoption of Section 10 as amended, subject to the caveat. Motion carried.

Section 11.

Mr. Avant moved to amend the heading of Section 11 to read "Section 11. Courts of Appeal; Certification". Motion carried.

Mr. Willis moved to amend Section 11, on line 8, by striking out the words "the supreme court" and inserting in lieu thereof the words "it then".

Mr. Kelly offered a substitute motion to amend Section 11 by adding the word "then" at the end of line 8. The substitute motion carried.

Section 11 was adopted as amended.

Section 12.

The committee unanimously amended the heading to read "Section 12. Courts of Appeal; Chief Judge".

Section 12 was adopted as amended.

Section 13.

Mr. Kelly moved to amend the heading to read "Section 13. Courts of Appeal; Personnel". Motion carried.

Mr. Kelly moved the adoption of Section 13. Motion carried.

Section 14.

The committee unanimously adopted Section 14 without change.

Section 15.

The committee unanimously amended Section 15, on line 1 to read "district by the favorable vote of two-thirds of".

The committee discussed the possibility of singularizing the language. The consensus was that the plural is more appropriate in this Section.

Section 15 was adopted as amended.

Section 16.

Dr. Asseff moved to amend the heading to read "Section 16. District Courts; Jurisdiction". Motion carried.

Mr. Avant moved to amend line 19 by changing the word "subdivision" to "corporation". Motion carried.

Mr. Kelly moved that a caveat be prepared to the convention regarding line 19. Motion withdrawn.

Mr. Perez moved that a caveat be prepared to the Committee on the Judiciary concerning the terms "political corporation" and "political subdivision". Motion carried.

Mr. Perez moved to amend Section 16 by changing the word Article, on lines 7 and 8, to "constitution".

Mr. Kelly offered a substitute motion that, in addition to Mr. Perez' amendment, a caveat be prepared to the convention. The substitute motion carried.

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Section 16 was adopted as amended, subject to caveats.

Section 17.

The committee unanimously amended the heading of Section 17 by adding "s" to the word "Court" on line 2.

Section 17 was adopted as amended.

Section 18.

Mr. Perez moved to amend Section by restoring the language of the first phrase as adopted by the convention, with stylistic changes, and the Section would read:

"Section 18. Notwithstanding any contrary provision of this Article, juvenile and family courts shall have jurisdiction as provided by law."

Motion carried.

Section 18 was adopted as amended.

Section 19.

Mr. Kelly moved to amend the heading to read "Section 19. Mayors' Courts; Justice of the Peace Courts" and to pluralize the language of the Section. Motion carried.

Dr. Asseff moved to change, on line 9, the words "by the legislature." to "by law." Objections were heard. Motion withdrawn.

The committee concurred in the need for a caveat regarding the phrases "by the legislature" and "by law" in Section 19.

Section 19 was adopted as amended, subject to the caveat.

Section 20 was deleted on the floor.

The staff will renumber the succeeding Sections by amendments.

The Sections as originally numbered in APPENDIX A are reflected in these minutes. The corresponding page number in APPENDIX A is indicated after the Section Number.

Section 21. (Page 26)

Mr. Kelly moved to amend the heading to read "Section 21. Judges; Decrease in Terms and Compensation Prohibited". Motion carried.

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Mr. Kelly moved the adoption of Section 21 as amended. Motion carried.

Section 22. (Pages 27 and 28)

Mr. Tobias moved to amend the heading to read "Section 22. Judges; Election; Vacancy". Motion carried.

Mr. Willis moved to amend Section 22 by changing "-created" to "-established" on line 11 and 29. Objections were heard. By a show of hands, there were five votes in favor of the motion and five votes against it. Chairman Tate voted against the motion and it failed.

Section 22 was adopted as amended.

Section 23. Page 29)

Mr. Conroy moved to amend the heading to read "Section 23. Judges; Retirement". Motion carried.

Section 23 was adopted as amended.

Section 24. (Page 31)

Mr. Kelly moved to amend the heading to read "Section 24. Judges; Qualifications". Motion carried.

Mr. Kelly moved the preparation of a caveat to the convention regarding the last sentence which provides that judges "shall not practice law."

Dr. Asseff offered a substitution motion that the caveat be called to the attention of the Committee on the Judiciary. The substitute motion carried.

Section 24 was adopted as amended, subject to the caveat.

Section 25. (Pages 32 - 34)

Dr. Asseff moved to amend the heading to read "Section 25. Judiciary Commission". Motion carried.

The committee unanimously adopted a technical amendment to lines 20 and 21 which corrects the title of the judges' association to read "Conference of Court of Appeal Judges".

Mr. Kelly moved the adoption of Section 25 as amended. Motion carried.

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Section 26. (Page 35)

Mr. Kelly moved to amend the heading to read "Section 26. Department of Justice; Attorney General; Assistants". Motion carried.

Mr. Avant moved the adoption of the language as printed in the left column and as adopted by the convention.

Mr. Conroy offered a substitute motion to adopted Section 26 as adopted by the convention but with amendments to lines 13 through 16 which would read:

"election. He shall appoint assistants to serve at his pleasure."

The substitute motion carried.

Section 26 was adopted as amended.

Section 27. (Page 36)

Mr. Tobias moved to restore the language as printed in the left column and as adopted by the convention and the first sentence would read:

"Section 27. The attorney general shall be the chief legal officer of the state."

Motion carried.

Mr. Kelly moved the adoption of Section 27, as amended. Motion carried.

Section 28. (Page 38)

Mr. Tobias moved to amend the heading to read: "Section 28. District Attorneys." Motion carried.

Mr. Conroy moved to delete Section 29, on Page 40, and to add the language as Paragraph (C) at the end of Section 28. Motion carried.

Mr. Willis moved to change the word "Section" to "Paragraph" in the last sentence of the newly adopted Paragraph (C). Motion carried.

Judge Dennis moved the preparation of a caveat regarding time periods of qualification. Motion carried.

Mr. Kelly moved the adoption of Section 28 as amended, subject to a caveat. Motion carried.

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Section 29, on Page 40, was deleted by Mr. Conroy's amendment to Section 28.

Section 30. (Page 41)

Mr. Willis moved to amend the heading to read "Section 30. Sheriffs". Motion carried.

Judge Dennis moved to amend the sentence, beginning on line 11 and ending on line 15, to read "He shall be the collector of state and parish ad valorem taxes and such other taxes and license fees as provided by law." Judge Dennis said this would effect restoration of language as adopted by the convention. Motion carried.

Mr. Kelly moved the adoption of Section 30 as amended. Motion carried.

Section 31. (Page 42)

Mr. Tobias moved to amend the heading to read "Section 31. Clerks of Court". Motion carried.

Mr. Tobias moved to delete the word "the" on line 20. Motion carried.

Mr. Conroy moved to insert the word "the" on line 25, so that the line would read "for clerks of the district courts." Motion carried.

Mr. Kelly moved the adoption of Section 31 as amended.

Section 32. (Page 43)

Mr. Rachal moved to amend the heading to read "Section 32. Coroners". Motion carried.

Mr. Conroy moved to delete the word "However" on line 11 and to begin a new sentence with "The requirement". Motion carried.

Mr. Kelly moved the adoption of Section 32 as amended. Motion carried.

Section 33. (Page 44)

Mr. Kelly moved the adoption of Section 33 without change. Motion carried.

Section 34. (Page 45)

Mr. Conroy moved to amend the Section by striking out the word "no" on line 5 and inserting in lieu thereof the word "an" and, on line 9, after the word "shall" and before the word "be" insert the word "not". Motion carried.

Mr. Avant moved the preparation of a caveat, calling to the attention of the convention, that Section 32 does not specify that terms of office cannot be reduced. Motion carried.

Section 34 was adopted as amended, subject to the caveat.

Section 35. (Page 46)

The committee unanimously amended the heading to read "Section 35. Orleans Parish Courts, Officials".

Mr. Conroy moved to strike out the words "by law" on line 13 and insert in lieu thereof "by the legislature".

Judge Dennis offered a substitute motion to strike out "by law" on line 13 and insert in lieu thereof the language adopted by the convention with stylistic change to read "by vote of a majority of the elected members of each house of the legislature". The substitute motion carried.

Mr. Tobias moved to insert semi-colons on line 14 after the word "courts", on line 16 after the word "courts"; and on line 22 after the partial word "veyances". Motion carried.

Mr. Kelly moved the preparation of a caveat regarding the phrase "by law" on line 13. Motion carried.

Section 35 was adopted as amended, subject to the caveat.

Section 36. (Page 47)

Mr. Kelly moved to amend the heading to read "Section 36. Jurors". Motion carried.

Section 36 was adopted as amended.

Section 37. (Page 48)

The committee unanimously amended the heading to read "Grand Jury".

Section 37 was adopted as amended.

COMMITTEE PROPOSAL NO. 21, ARTICLE V. JUDICIAL BRANCH, was adopted as amended by the committee and subject to the caveats.

The committee concurred in reporting COMMITTEE PROPOSAL NO. 21 to the Committee on the Judiciary Department with amendments and caveats as adopted by this committee.

The meeting adjourned at 11:00 a.m., to reconvene at 9:00 a.m., Friday, November 30, 1973.

Albert Tate, Jr., Chairman

Max N. Tobias, Vice Chairman

Emmett Asseff, Secretary

NOTES

Comparative presentations are found in Chapter II, below.
D.P. 32 is reproduced in Volume IV, above.

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention

Treaty Room, White House Inn
Baton Rouge, Louisiana

Friday, November 30, 1973, 9:00 a.m.

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Present:

Emmett Asseff
John L. Avant
David Conroy
James L. Dennis
R. Gordon Kean, Jr.
Donald G. Kelly
Chalan O. Perez
Earl J. Schmitt, Jr.
Albert Tate, Jr.
Max N. Tobias, Jr.
W. Burton Willis

Absent:

Camille F. Gravel, Jr.
Anthony Guarisco, Jr.
Anthony M. Rachal, Jr.
Chris T. Ray, ex officio

Chairman Tate called the meeting to order at 9:45 a.m. The roll was called and a quorum was established. The Chairman announced that the committee would consider COMMITTEE PROPOSAL NUMBER 17, First Enrollment, ARTICLE VI. LOCAL GOVERNMENT, as styled by the research staff and dated November 21, 1973. Pages 1 through 6 of that document are attached to and made a part of these minutes as APPENDIX A.

Joseph F. Tommy, member of the Committee on Local and Parochial Government, was present. Chairman Tate invited him to enter into the discussion.

Chairman Tate asked Lee Hargrave, research coordinator, to explain the staff styling suggestions as annotated in the right column of the document.

These minutes reflect the committee's action on COMMITTEE PROPOSAL NO. 17 as styled by the staff and printed on the right side of APPENDIX A. The page number is indicated by the section number. These minutes will refer to each Section as it is numbered in APPENDIX A.

ARTICLE VI. LOCAL GOVERNMENT

PART I. GENERAL PROVISIONS

Section 1. (Page 1 and 2)

Dr. Asseff moved to amend the heading to read "Parishes, Boudaries, and Parish Seat". Discussion was heard.

Mr. Willis offered a substitute motion to amend the heading to read "Parishes".

Mr. Conroy moved the previous question. The substitute motion carried by a show of hands with five votes for the motion and three against it.

Mr. Avant moved the adoption of Section 1 as styled by the staff. Motion carried.

Mr. Conroy moved to reconsider the vote by which Section 1 was amended. There were no objections and the motion carried. By voice vote the amendment was adopted.

Mr. Conroy moved to include Section 2, on page 3, as Paragraph (D) of Section 1. Motion carried.

The committee concurred in amending the Paragraph heading to read "(D) Adjustment of Assets and Liabilities."

Mr. Tobias moved to amend Paragraph (D), as adopted, by changing the word "created" to established in the first sentence. Motion carried.

Section 1 was adopted as amended.

Section 2, on page 3, was deleted by the amendments just adopted. The minutes will continue to reflect the Section numbers and corresponding pages in APPENDIX A.

Section 3. (Page 4)

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Mr. Conroy moved to delete the punctuation and words ", its charter" on line 15 and to substitute in lieu thereof the word "it".

Mr. Avant offered a substitute motion to delete lines 13 through 17 in their entirety and to substitute in lieu thereof the following:

"However, an existing special legislative charter may be amended, modified, or repealed by local or special law."

The substitute motion carried.

Mr. Tobias moved to change the word "create" to "establish" on line 10. By a show of hands there were three votes in favor of the motion and four against it. The motion failed.

Dr. Asseff moved to amend the heading to read "Section 3. Municipalities". Motion carried.

Section 3 was adopted as amended.

Section 4. (Page 5)

Mr. Avant objected to the stylized language in the right column. Mr. Avant moved to adopt the left column in its entirety. Dr. Asseff objected to the phrase, on lines 2 and 3 in the left column, "Except as provided in this constitution." Mr. Avant withdrew his motion.

Mr. Avant moved to adopt the language in the left column with deletion of the phrase "Except as provided in this constitution," and to begin the Section with "The legislature may classify".

Mr. Conroy moved the previous question. There was no objection to Mr. Avant's motion and his amendment was adopted.

Mr. Kelly moved to adopt Section 4 as amended. There was objection. Motion withdrawn.

Mr. Avant moved to amend Section 4 as follows: On line 8, change the word "this" to "the", place a period after "classification" and begin a new sentence with "Legislation may be limited in its effect". Motion carried.

Judge Dennis moved the adoption of Section 4 as amended. Motion carried.

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Section 5. (Page 6)

Mr. Bell moved to amend the heading by deleting the phrase "Parishes and Municipalities Ratified" on lines 3 and 4. Motion carried.

Mr. Tobias moved to delete the word "such" on line 14. Mr. Avant objected. Motion withdrawn.

Dr. Asseff moved to change the wording of the phrase on line 14 so that it would read "each of them also shall". Motion carried.

Mr. Kelly moved to adopt Section 5 as amended.

Mr. Willis offered a substitute motion to adopt Section 5 as amended, with a note to the substantive committee regarding the phrase "Except as inconsistent with this constitution" on lines 11, 12, and 13.

Mr. Avant moved the previous question. Objections were heard. Motion failed.

Mr. Avant moved the division of the question into two parts: (1) to adopt Section 5 as amended and (2) to prepare a note to the substantive committee, calling attention to the use of the phrases "Except as inconsistent with this constitution" and "Subject to and not inconsistent with this constitution." Motion carried and the question was divided.

Chairman Tate asked for a show of hands on the motion to adopt Section 5 as amended. There were 5 votes in favor of the motion and 4 votes against it. Motion carried.

Chairman Tate asked for a show of hands on the motion to prepare a note to the substantive committee. There were 6 votes in favor of the motion and 3 votes against it. Motion carried.

There were no other objections. Section 5 was adopted as amended, subject to a note to the Committee on Local and Parochial Government regarding the phrases:

"Except as inconsistent with this constitution" and

"Subject to and not inconsistent with the provisions of this constitution"

Section 6.

Paragraph (A) (Page 7)

Mr. Conroy moved to amend the paragraph, in lines 3, 4, and 5, by striking out "Subject to and not inconsistent with this constitution," and inserting in lieu thereof the phrase "Except as inconsistent with this constitution". Objections were heard. By a show of hands, there were 5 votes in favor of Mr. Conroy's

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motion and 3 votes against it. Mr. Conroy's motion carried.

Mr. Avant moved to reconsider the vote by which Mr. Conroy's amendment was adopted. There were no objections and reconsideration was ordered.

Mr. Kean offered a substitute motion to adopt Section 5 as printed in the right column and to prepare a note to the substantive committee, again calling their attention to the use of the two phrases in question. The substitute motion carried and Paragraph (A) (Page 7) was adopted, subject to the note to the substantive committee.

Paragraph (B) (Page 8)

Dr. Asseff moved to amend Paragraph (B), on line 3, by adding the word "such" after the word "elect". Motion carried.

Mr. Conroy moved to adopt Paragraph (B) as amended. Motion carried.

Paragraph (C) (Page 9) was adopted without objection.

Paragraph (D) (Page 9)

The committee concurred in amending Paragraph (D), on line 17, by changing the word "the" to "that".

Mr. Conroy moved the adoption of Paragraph (D) as amended. Motion carried.

Paragraph (E) (Page 11)

Mr. Avant moved to amend Paragraph (E) by adding, at the end, the stylized paragraph which had been removed from Paragraph (E) and placed in a new Section 7 (Page 14).

Judge Dennis objected.

Mr. Conroy offered a substitute motion to submit a detailed caveat to the substantive committee, pointing out the questions raised by placing this language into the new Section 7 (Page 14).

Judge Dennis moved the previous question. There was no other objection. Mr. Conroy's substitute motion carried and Paragraph (E) was adopted, subject to the caveat.

Paragraph (F) (Page 12)

Mr. Kelly moved the adoption of Paragraph (F) without change. Motion carried.

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Paragraph (G) (Page 13) was adopted without change.

The committee concurred in the adoption of Section 6 as amended and subject to notes and caveats to the Committee on Local and Parochial Government.

Section 7. (Page 14)

The committee concurred in adopting Section 7, subject to the caveat which was ordered up on adoption of Section 10.

Section 8.

Paragraph (A) (Page 15)

Mr. Kean moved to amend Paragraph (A) on lines 16-18, by striking out the phrase "it approved by a majority of the electors voting thereon in an election held for that purpose" in Paragraph in lieu thereof the language from the left column with stylistic changes so that the phrase would read:

"If a majority of the electors voting in an election held for that purpose vote in favor of the proposition that the governing authority may exercise such general power."

Motion carried. The committee concurred in adopting Paragraph (A) as amended.

Paragraph (B) (Page 16)

Mr. Kelly moved the adoption of Paragraph (B). Motion carried.

The committee concurred in adopting Section 8 as amended.

Section 9. (Page 17)

Mr. Kelly moved the adoption of Section 9 without change. Motion carried.

Section 10. (Page 18)

Mr. Kean moved to amend Paragraph (A) by changing lines 1 and 18 to read "enact an ordinance governing private or civil relationships." Motion carried. Paragraph (A) was adopted as amended.

Paragraph (B) was adopted without change.

The committee concurred in adopting Section 10 as amended.

Section 11. (Page 19)

Judge Dennis moved the adoption of Section 11 without change. Motion carried.

Section 12. (Page 20)

Mr. Kean moved to amend Section 12, on line 7, by inserting the words "be construed to" after the word "shall" and before the word "prohibit". Motion carried.

Mr. Kelly moved the adoption of Section 12 as amended. Motion carried.

Section 13. (Page 21)

Mr. Conroy moved the adoption of Section 13 without change. Motion carried.

Section 14. (Page 22)

Dr. Asseff moved to amend the heading to read "Vacancies". Motion carried.

Mr. Kelly moved to amend Paragraph (A) by inserting the word "particular" on line 12 after "the" and before "governing". Mr. Perez objected. After discussion on the intent of the language, Mr. Perez withdrew his objection. Motion carried and Paragraph (A) was adopted without other objection.

Mr. Perez moved to amend Paragraph (B) on line 2 by deleting the word "a" and inserting in lieu thereof the word "each". Objections were heard. By show of hands, there were 4 votes in favor of the amendment and 2 against it. Motion carried. Paragraph (B) was adopted without other objection.

Section 14 was adopted without other objection.

Section 15. (Page 24)

Dr. Asseff moved to amend the heading to read "Increasing Financial Burden of Political Subdivisions". There was no objection and the motion carried.

Mr. Avant moved to further amend the heading by deleting the words "Financial Burden" and inserting in lieu thereof the word "Expenditures". Objections were heard. By a show of hands, there were 3 votes in favor of the amendment and 4 against it. Motion failed.

Mr. Tobias suggested the possibility of breaking the first sentence, on lines 5 through 14, into two sentences. Mr. Perez

replied that this had been discussed at length in the subcommittee. Mr. Perez suggested the sentence should remain as printed.

There was no other objection and the committee concurred in the adoption of Section 15 as amended.

Section 16. (Page 26)

Mr. Kean moved to amend the heading to read "Local Governmental Subdivisions; Central Gover Agencies". Motion carried.

Mr. Perez moved to amend Section 16, on line 9, by restoring the language as adopted on the floor from the left column, so that line 9 in the right column would read:

"Power over the agency heretofore or hereafter created by"

Motion carried.

Mr. Kean moved to amend Section 16, on line 10, by deleting the word "also". Motion carried.

Mr. Kean moved to amend Section 16 by restoring the phrase from the left column, line 1, "without limitation". Objections were heard. Mr. Kean withdrew his motion.

The committee concurred in the adoption of Section 16, as amended.

Section 17. (Page 26 Paragraph (A))

Dr. Asseff moved to amend the heading to read "Special Districts and Local Public Agencies". Motion carried.

Mr. Perez moved to amend Section 17 by deleting the language as styled by the staff and as printed in the right column, and to restore the language as adopted on the floor of the convention. Mr. Perez explained that he believed the phrase "consolidation and merger" as used throughout the left column should be retained.

Mr. Kelly offered a substitute motion to retain the staff version in the right column but to insert "and merge", "and merged", and "and merger" throughout the stylized version where the words had been deleted. Motion carried.

Mr. Schmitt moved to prepare a caveat to the Committee in Local and Parochial Government, pointing out that the Section as enrolled may not include the power to take over functions of special districts if the districts are not consolidated and merged into the governing authority. By a show of hands there were 5 votes in favor of the caveat and 4 against. Motion carried.

Mr. Perez moved to restore language as adopted by the convention so that line 17 would read "shall succeed to and be vested with the rights". Motion carried.

Mr. Conroy moved to restore language as adopted by the convention so that the sentence in lines 11 through 28 would read

"A consolidation and merger shall become effective only if approved by a majority of the electors voting thereon in the local governmental subdivision as a whole and by a majority of the electors voting thereon in its entirety."

Mr. Avant offered a substitute motion to delete all amendments to the body of Section 17, to delete the stylized draft in the right column, and adopt the language in the left column in its entirety. Objections were heard.

Mr. Kelly moved the previous question. By a show of hands there were 3 votes in favor of Mr. Avant's substitute motion and 4 votes against it. The substitute motion was defeated.

Mr. Conroy's motion carried without other objection.

The committee concurred in deleting the word "a" in line 15 and inserting in lieu thereof the word "the".

Mr. Kean moved to adopt Section 17, Paragraph (A) as amended. There was no objection and the motion carried.

Section 17, Paragraph (B) (Page 28)

Mr. Perez moved to amend Paragraph (B) by deleting the body of the Paragraph as styled by the staff and adopting the language as passed by the convention, with stylistic changes so that the Paragraph would read:

"(B) Assumption of Debt. If the special district or local public agency which is consolidated and merged has outstanding indebtedness, the

authority provided by this Section shall not be exercised unless provision is made for the assumption of the indebtedness by the governing authority of the local governmental subdivision involved."

Mr. Kelly moved the previous question. There was no objection. Motion carried.

The committee concurred in adopting Paragraph (B) as amended.

Section 17 was adopted as amended without other objection.

Section 18. (Page 29)

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Mr. Avant moved to submit a caveat to the convention regarding Item 4, beginning on line 16, pointing out that this may grant to local governmental subdivisions and special commissions powers that may conflict with and prevail over state-wide building, fire, plumbing and electrical codes. The intent of the convention should be clarified. There was no objection and the motion carried.

Mr. Perez moved to amend Section 18 by deleting lines 20 through 24, both inclusive, in their entirety in the right column and restoring the language as adopted by the convention in the left column:

"Existing constitutional authority for historic preservation districts is retained."

Motion carried.

The committee concurred in the need for a caveat to the convention, pointing out that this last sentence was apparently intended to apply to the Vieux Carre Commission, but the term "districts" is used instead of "commissions".

The committee unanimously amended line 16, right column, to read "mission; and (4) adopt stan-".

Mr. Conroy moved to adopt Section 18, as amended. There was no objection and the motion carried.

Section 19. (Pages 30 and 31)

Paragraph (A) was adopted without objection.

Paragraph (B):

Mr. Kean moved the adoption of the alternative to Paragraph (B) as printed in the right column on Page 31. There was no objection. Motion carried.

Mr. Avant moved to reconsider the vote by which the alternative was adopted. There was no objection and the motion carried.

Mr. Avant moved to restore the language as adopted by the convention, with stylistic changes by the committee, in the sentence beginning on line 8, left column, to read:

"Access by Public Road: Police Protection. When an industrial area is so created, provision shall be made for access by public road to each entrance to the premises of every plant in the area, which is provided for use by employees of the company, or for use by employees of independent contractors

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working on the premises, or for delivery of materials or supplies, other than by rail or water transportation, to the premises. Police protection provided by any plant in an industrial area shall be confined to the premises of that plant."

There was no objection and the motion carried.

The committee concurred in adopting Paragraph (B) as amended.

The committee unanimously amended Section 19 by deleting Paragraph (C) and including the language as the last sentence of Paragraph (A).

Section 19 was adopted as amended.

Section 20. (Page 32)

Mr. Amsiff moved to amend the heading to read "Special Districts: Creation". Motion carried.

Mr. Conroy moved to amend Section 19 by rewording lines 13, 14, and 15 to read "their power to tax, incur debt, issue bonds, and their other powers." Motion carried without objection.

Mr. Perez moved to amend Section 19 by restoring the phrase, as passed by the convention, so that line 12 would read "and may grant to them and define their rights and". There was no objection. Motion carried.

The committee concurred in the adoption of Section 20, as amended.

Section 21. (Page 33)

The committee unanimously adopted Section 21 without change.

Section 22. (Page 34)

Mr. Conroy moved to amend the heading to read "Assistance to Local Industry". Motion carried without objection.

Mr. Avant moved to restore the language as adopted by the convention, appearing in lines 16 to 18 in the left column, so that the first item in the Section would read:

"In order to (1) induce and encourage the location of or addition to industrial enterprises therein which would have economic impact upon the area and thereby the state,"

There was no objection. Motion carried.

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Mr. Tobias moved to amend Section 22, Paragraph (A) by deleting the word "or" on line 10. Motion carried.

Mr. Conroy moved to amend Paragraph (A), on line 12, by changing the word "an" to "such". Motion carried.

Mr. Kean moved the adoption of Paragraph (A). Motion carried.

Section 22. (Page 35) Paragraphs (B) and (C)

Mr. Avant moved to amend Paragraph (B) on line 7 by changing the word "Section" to "Article". Motion carried.

Mr. Tobias moved to submit a caveat pointing out that the convention may have intended to use the word "Section" instead of "Article" in the language adopted on the floor. Motion carried.

The committee discussed the Staff Memorandum dated October 19, 1973 regarding "Alien Land Laws". A copy of that memorandum is attached to and made a part of these minutes as APPENDIX B.

Mr. Tobias moved that a caveat be submitted to the convention concerning the question of alien restriction. Mr. Avant objected. By show of hands, there were 4 votes in favor of the caveat and 2 against. Motion carried.

Paragraph (B) was adopted as amended.

Paragraph (C) was adopted without change.

Mr. Tobias moved the adoption of Section 22 as amended. Motion carried.

Section 23. (Page 36)

Mr. Perez moved the amendment of the heading to read "Procedure for Certain Special Elections". Motion carried.

Mr. Conroy moved to amend line 14 to read "established by the law then in effect pertaining to". Motion carried.

Section 23 was adopted as amended.

Section 24. (Page 37)

Mr. Conroy moved to amend Section 24 by deleting the phrase, in lines 8 and 9, "including but not limited to acquisition". Motion carried.

Section 24 was adopted as amended.

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Section 25. (Page 38)

Mr. Perez moved the adoption of Section 25 without change. Motion carried without objection.

Section 26. (Page 38)

Mr. Perez moved the adoption of Section 26 without change. Motion carried without objection.

Section 27. (Page 39)

Mr. Perez moved the adoption of Section 27 without change. Motion carried without objection.

PART II. FINANCE

Section 28. (Pages 40 through 43)

Mr. Conroy moved the amendment of the heading to read "Parish Ad Valorem Tax." Motion carried without objection.

Mr. Conroy moved the amendment of Paragraph (A) on line 8 by inserting the word "annually" after the word "levy" and, on line 10 by deleting the phrase and punctuation ", in any one year," and the motion carried without objection.

The committee unanimously adopted Paragraph (A) as amended.

Paragraph (B) was adopted without change and without objection.

The committee unanimously amended Paragraph (C) on line 11 by changing the word "permitted" to "authorized."

Paragraph (C) was adopted as amended without other objection.

Mr. Kean moved the amendment of Paragraph (D) on line 4 after the word "charter" by inserting the phrase "in effect on the date of adoption of this constitution."

Mr. Perez offered a substitute motion to restore the language adopted by the convention, with stylistic changes, to read:

"(D) Withdrawal from Parish Taxing Authority. This Section shall not affect the withdrawal of property in a municipality from parish taxing authority, in whole or in part, by a provision of the legislative charter of a municipality in effect on the effective date of this constitution."

Mr. Perez's substitute motion carried without objection.

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Section 28 was adopted as amended.

Section 29. (Page 44)

Mr. Conroy moved to amend the Section heading to read "Municipal Ad Valorem Tax". Motion carried.

Mr. Avant moved to amend Paragraph (A) by inserting the word "annually", on line 7, after the word "levy"; and to delete the words and punctuation ", in any one year," on lines 8 and 9. Motion carried.

Mr. Perez moved to amend Paragraph (A) by changing lines 1, and 14 to read "parish taxes or, under legislative or constitutional authority, maintains its own public schools"; and to submit a caveat to the convention pointing out that there is reference to municipalities which maintain their own public schools "under legislative authority." The styled version broadens this to read "under legislative or constitutional authority." Motion carried.

Paragraph (A) was adopted as amended.

Paragraphs (B) and (C) were adopted without change.

The committee unanimously adopted Section 29 as amended.

Section 30. (Page 46)

Mr. Conroy moved to amend the heading to read "Local Governmental Subdivisions; Occupational License Tax". Motion carried.

Mr. Perez moved to amend Section 30, on lines 7 and 8, by deleting the words "However, a person who" and beginning the sentence with the word "Whoever". Motion carried.

The committee unanimously amended lines 11 and 12, after the word and punctuation "tax," to read "The governing authority of a local governmental subdivision may impose".

Mr. Conroy moved to delete the word "and" at the end of line 14. Motion carried.

Mr. Avant moved to change lines 17, 18, and 19 to read "authorized by law enacted by the favorable vote of two-thirds of the elected members of each house of the legislature." Motion carried.

Section 31. (Pages 47 through 49)

Mr. Asseff moved to amend the heading to read "Local Governmental Subdivisions and School Board; Sales Tax". Motion carried.

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Mr. Tobias moved to amend Paragraph (A) on line 14, by changing "Section 5" to "Section 4". Motion carried.

Mr. Conroy moved to amend line 19 and 20 of Paragraph (A) to read "rental, the consumption, and the storage for sale or consumption, of tangible". Motion carried.

Mr. Perez moved to amend Paragraph (A) by placing a period after the word "percent" on line 18 and beginning a new paragraph with the word "However". Motion carried.

Mr. Kean moved to amend the new paragraph the heading "(B) Additional Sales Tax Authorized." Motion carried.

Mr. Perez moved to amend the text of Paragraph (B) to read:

"However, the legislature, by general or special law, may authorize the imposition of additional sales and use taxes, by local governmental subdivisions or school boards, if approved by a majority of the electors voting thereon in an election held for that purpose."

Motion carried.

Mr. Kean moved to amend the heading by ending Paragraph (B) with the above text and to begin a new paragraph headed "(C) Bond Security" which would include the last sentence of the heading as it appears in lines 4 through 10 on page 48. Motion carried.

Mr. Kean moved to amend Paragraph (C) by changing the word "Paragraph" to "Section" on line 4. Motion carried.

On page 48 on line 4, Paragraph (A), (B), and (C were adopted as amended.

Mr. Tobias moved to amend the heading paragraph, on page 49, by changing it to Paragraph (D) and by adding the words "secured thereby" at the end of line 2 after the word "bond". Motion carried.

Paragraph (D) was adopted as amended.

Section 31 was adopted as amended.

Section 32. (Page 50)

Dr. Asseff moved to amend the heading to read "Political Subdivisions; Taxing Power". Motion carried.

Mr. Kean moved to amend Section 32 by restoring the language of the first sentence on the left side, as adopted by the convention,

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with stylistic changes to read:

"A political subdivision may exercise the power of taxation, subject to limitations elsewhere provided by this constitution, under authority granted by the legislature for parish, municipal, and other local purposes strictly public in their nature. This Section shall not affect similar grants to political subdivisions under self-operative sections of this constitution."

Motion carried.

Section 32 was adopted as amended.

Section 33. (Page 51)

Mr. Conroy moved to amend the heading to read "Special Taxes; Ratification". Motion carried.

Mr. Kean moved to amend Section 33 to read:

"Section 32. Any special tax being levied by a political subdivision under prior legislative or constitutional authority on the effective date of this constitution is ratified."

Motion carried.

Mr. Kean moved that Paragraph (B) on page 51 be amended to become a new Section, as the foregoing amendment to Section 32 deleted Paragraph (A) on page 51. Motion carried.

The new Section was unanimously headed "Special Taxes; Authorization" and was subsequently renumbered.

Section 34. (Page 52)

Mr. Kean moved the amendment on line 8 by deleting the period after the words "issued by it" and restoring the language as adopted by the convention so that line 8 would read "issued by it under this constitution or the statute or proceedings pursuant to which they are issued. The governing". Motion carried.

Mr. Perez moved to amend line 13 by inserting the word "Political" before the word "subdivision". Motion carried.

Mr. Avant moved to amend line 5 by changing the word "and" to "a". Motion carried.

Mr. Conroy moved that Section 34, as amended, become Paragraph (A) of the following Section, to be headed "Full Faith and Credit". Motion carried.

Section 35. (Page 53)

The committee concurred in amending the Section so that it would be renumbered and headed:

"Section 34. Political Subdivisions; Power of Taxation and Bond"

with the Paragraphs headed:

"(A) Authorization." and

"(B) Full Faith and Credit

CC/73

Staff Memorandum

October 19, 1973

Section 36. (Page 54)

Dr. Asseff moved the amendment of the heading to read "Limitations on Bonded Indebtedness". Motion carried.

Section 36 was adopted as amended.

Section 37. (Pages 55 and 57)

Mr. Perez moved the adoption of Paragraph (A) without change. Motion carried.

Mr. Perez moved the amendment of Paragraph (B) on line 30, by changing the word "an" to the word "the" and, on line 31, by inserting the word "the" before the word "bonds". Motion carried.

Section 37 was adopted as amended.

Section 38. (Pages 59 and 60)

The committee concurred in the adoption of Paragraph (A) without change.

Mr. Perez moved the adoption of Paragraph (B) without change. Motion carried.

Mr. Tobias moved to amend the heading of Paragraph (C) to read "Exception". Motion carried.

Mr. Perez moved the adoption of Section 38 as amended. Motion carried.

Mr. Perez moved to amend Paragraph (A), on lines 5 and 6, to read "authorize political subdivisions to issue bonds or other". Motion carried.

Mr. Perez moved the adoption of Paragraph (A). Motion carried.

The committee concurred in amending the heading of Paragraph (B) to read "Exception."

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Section 39 was adopted as amended.

PART III. LEVEE DISTRICTS

Section 40. (Pages 62 and 63)

Mr. Perez moved to amend Paragraph (A), (2), by deleting lines 24 through 26, both inclusive, in their entirety, and by restoring the language as adopted by the convention:

"parish may be consolidated and merged into such parish under the terms and conditions and in the manner provided in Section 16 of this Article, without legislative authorization."

Motion carried.

Paragraph (B) was adopted without objection.

Section 40 was adopted as amended.

Section 41. (Pages 64-66)

Dr. Asseff moved to amend the heading to read "Levee District Taxes". Motion carried.

Mr. Perez moved the amendment of Paragraph (A), on line 10, to read "authority of a levee district may" and by deleting lines 13 through 20, both inclusive, in their entirety, and restoring the language as adopted by the convention:

"except the Board of Levee Commissioners of the Orleans Levee District which may levy annually a tax not to exceed two and one-half mills, on the dollar of the assessed valuation of all taxable property situated within the alluvial portions of the district of the district subject to overflow."

Motion carried and Paragraph (A) was adopted as amended.

Mr. Tobias moved that the meeting adjourn at 6:30 p.m. Motion carried.

Chairman Tate announced that the next meeting would be held as scheduled at 9:30 a.m., Thursday, December 6, 1973.

Section 41 (pages 64-66) was under discussion and awaiting further action by the committee at the time of adjournment.


Albert Tate, Jr., Chairman

Max N. Tobias, Jr., Vice-Chairman

RE: Alien Land Laws

An evolving string of decisions by the United States Supreme Court results today in uncertainty as to whether states can forbid aliens from owning land. Of course, if a specific treaty permits land ownership by aliens of a specific nation, it would supersede state law. This memorandum considers the situation in absence of such a treaty.

State laws forbidding aliens to own real estate have been upheld in the past, see [Terrace v. Thompson, 263 U.S. 197 (1923)]. While this case remains without having been overruled, subsequent cases have indicated a less sympathetic view towards discrimination against aliens.

For many years it has been held that the Fourteenth Amendment to the United States Constitution prohibits arbitrary discrimination against aliens. As the concept of equal protection has been broadened in the last two decades, it could be applied easily to prevent this discrimination against aliens. Such may be the trend.

In the 1948 case of Dyama v. Calif., 332 U.S. 633, the United States Supreme Court invalidated a part of the alien land law of California on equal protection grounds. There, the state sought to escheat land owned by an American-born son of a Japanese father

APPENDIX B

under a provision of the alien land law which made payment by an alien of the consideration for a transfer of land to a third person prima facie evidence of intent to evade the statute. Though the entire alien land law itself was not passed upon, the concurring opinions of four justices took the position that the whole law and its prohibitions against alien land ownership was incompatible with the Fourteenth Amendment.

Considering that even in 1948 there was strong sentiment against the constitutionality of prohibitions of alien land ownership, coupled with the expansion of equal protection doctrines in recent years, it seems that state laws prohibiting alien land ownership are quite suspect and would probably not be upheld today.

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NOTES

Comparative presentations are found in Chapter II, below.

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention

Treaty Room, White House

Baton Rouge, Louisiana

Thursday, December 6, 1973. 9:30 a.m.

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Present:

Emmett Asseff
David Conroy
James L. Dennis
Donald G. Kelly
Chalin O. Perez
Anthony M. Rachal, Jr.
Earl J. Schmitt, Jr.
Albert Tate, Jr.
Max N. Tobias, Jr.
J. Burton Willis

Absent:

John L. Avant
Camille F. Gravel, Jr.
Anthony Guarisco, Jr.
R. Gordon Kean, Jr.
Chris J. Roy, ex officio

Chairman Tate called the meeting to order at 9:40 a.m. The roll was called and a quorum was established. Chairman Tate announced that the committee would complete consideration of COMMITTEE PROPOSAL NUMBER 17, First Enrollment, ARTICLE VI. LOCAL GOVERNMENT, as styled by the research staff and dated November 23, 1973. Pages 66 through 75 of that document are attached to and made part of these minutes as APPENDIX A.

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Chairman Tate asked Lee Hargrave, research coordinator, to explain the staff styling suggestions and annotations in the right column of the document.

These minutes reflect the committee's action as printed on the right side and Sections are referred to as they are numbered in APPENDIX A.

Section 41. Page 66

Dr. Asseff moved to amend Paragraph (B), on line 2, by changing the word "necessity" to "purpose". Motion carried.

Dr. Asseff moved that a caveat be submitted to the substantive committee, asking them to consider revision of the first sentence of Paragraph (B). Objections were heard. On voice vote the motion failed.

Mr. Perez moved to amend Paragraph (B) by deleting the second sentence, beginning on line 3, in the right column; he offered a substitute sentence which he believed was more in accord with the language as adopted by the convention which would read:

"However, the necessity and the rate of the increase shall be submitted to the electors of the district, and the tax increase shall take effect only if approved by a majority of the electors voting thereon in an election held for that purpose."

Motion carried.

Mr. Perez moved the adoption of Paragraph (B) as amended. Motion carried.

The Committee concurred in adopting Section 41 as amended.

Section 42. (Page 67 and 68)

Mr. Tobias moved the amendment of Paragraph (A) on line 1 by changing the word "any" to "a". Motion carried.

Mr. Conroy moved the amendment of Paragraph (A) on line 8 by deleting the comma "," following the word "bonds". Motion carried.

Mr. Kelly moved to amend line 11 by deleting the word and numeral "Section 41" and inserting in lieu thereof "Part III". Motion carried.

Mr. Asseff moved to amend line 12 by restoring language adopted by the convention so that line 12 would read "Article for the funding or payment of any". Motion carried.

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Paragraph (A) of Section 42 was adopted as amended.

Mr. Perez moved to amend Paragraph (B) of Section 42 by deleting the text in the right column; he offered a substitute paragraph which he believed was more in accord with the language adopted by the convention, to read:

"B. Sale, bond issue or other method of raising revenue for Paragraph (A) shall be provided by the law concerning the issuance of bonds to levee districts."

Motion carried.

Paragraph (B) was adopted as amended.

Section 42 was adopted as amended.

Section 43. (Page 69)

Mr. Perez moved the amendment of the second sentence of Paragraph 8 and 9 would read "under terms and conditions provided by the Federal authorities and accepted by the State". Motion carried.

Mr. Willis moved to amend line 9 by deleting the word "and" and inserting in lieu thereof "the provisions of the law". Motion carried.

Mr. Perez moved the adoption of Section 43 as amended. Motion carried.

Section 44. (Pages 70 and 71)

Mr. Perez moved the amendment of Paragraph (A) on line 2 by deleting the comma "," after the word "district". Motion carried.

Mr. Conroy moved to amend Paragraph (A) by deleting, on line 11, the words "Nothing in this", deleting lines 12, 13, and 14 in their entirety, and substituting in lieu thereof the following:

"; however, no law shall authorize compensation for batture or for property tax."

Dr. Asseff objected to the amendment which he believed to be a substantive change. The previous question was ordered and by a show of hands there were 4 votes in favor of the amendment and 2 against it. Motion carried.

Dr. Asseff stated that he wished to refer a matter to the committee regarding the amendment because he believed this should be called to the attention of the substantive committee in order that they might consider revision of language.

Mr. Perez said he would point this out to the Committee on Local and Parochial Government and seek their recommendations.

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Judge Dennis moved to reconsider the vote by which Mr. Conroy's amendment was adopted. By a show of hands, there were 3 votes in favor of reconsideration and 4 against it. Motion failed.

Judge Dennis again moved to reconsider the vote and requested a roll call vote. Chairman Tate declared the motion out of order but asked that the roll be called so that the record will clearly reflect how the members had voted. The motion to reconsider failed by a vote of 3 in favor and 4 against as follows:

Table with 3 columns: FOR, AGAINST, ABSTAINING. Rows list members: Asseff, Dennis, Schmitt, Conroy, Perez, Tobias, Rachal, Tate, Willis.

Dr. Asseff moved the suspension of the rules in order to reconsider the vote by which Mr. Conroy's amendment was adopted. By voice vote the motion failed. Dr. Asseff requested that the minutes show that he had requested suspension of the rules for that purpose and it was so ordered.

Mr. Perez moved to amend Paragraph (A) on line 13 by deleting the period "." after the word "destroyed" and adding "to be destroyed in the district where collected." Motion carried.

Paragraph (A) was adopted as amended with out further amendments. Paragraph (B) was adopted with out change and with out amendments. Section 44 was adopted as amended.

Mr. James G. Derbes, member of the Committee on Natural Resources and Environment, asked to be heard regarding Section 44. He said that the author intended the last sentence of the Section to apply to the Vieux Carre Commission but the word "district" was used instead of the word "commission". Chairman Tate said that this had been noted in the committee's meeting in November and that a caveat was being submitted to the convention in order that the matter would be clarified.

PART IV. PORTS Page 72

Mr. Perez moved the amendment of the heading to read "PART IV. PORT COMMISSIONS AND DISTRICTS". Motion carried.

Section 45. (Pages 72 and 73)

Mr. Perez moved the amendment of the heading to read "Part IV." Motion carried.

Mr. Perez moved the amendment of Section 45 so that the words in line 10-12 would read "are ratified and confirmed and shall continue to exist," and the motion carried.

Mr. Perez moved the amendment of Section 46 so that the words in line 10-12 would read "are ratified and confirmed and shall continue to exist," and the motion carried.

"a" before the word "commission" in each instance on lines 15, 23, 25, and 30 and inserting in lieu thereof the words "any such" before the word "commission." Motion carried.

Mr. Tobias moved the amendment of the Section, on line 19, by deleting the word "a" and inserting in lieu thereof the words "the favorable." Motion carried.

Mr. Perez pointed out the inconsistent use of the phrases "members of each house" in the right column and "membership of each house" in the left column. Chairman Tate explained that there would be a general provision to effect standardization of terms throughout the document.

Mr. Conroy moved the amendment of the Section by changing the last phrase, beginning on line 31, to read "including additions to or reductions of its territorial jurisdiction." Motion carried.

Mr. Conroy moved the amendment of Subsection 3, on page 73, so that the last sentence would read "Once the law with respect to membership is enacted, it may be changed only by the favorable vote of two-thirds of the elected members of each house." Motion carried.

PART IV, Section 45, was adopted as amended.

PART V. DEFINITIONS, Section 46. (Pages 74 and 75)

Mr. Tobias moved the amendment of the Section, on line 30, by placing the letter "s" after the word "mean". Motion carried.

PART V, Section 46, was adopted as amended.

Chairman Tate said that the committee would be consulted about the appropriate dates for meetings during the holidays and the meetings would be announced before the convention recessed. He declared the meeting adjourned at 10:55 a.m. in order that the members could attend the convention which was to reconvene at 11:00 a.m.


Albert Tate, Jr., Chairman

Max N. Tobias, Jr., Vice-Chairman

NOTES

Comparative presentations are found in Chapter II, below.

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention

Treaty Room, White House Inn
Baton Rouge, Louisiana
12:00 noon, Thursday, December 20, 1973

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Present: Emmett Asseff
John L. Avant
Camille F. Gravel, Jr.
R. Gordon Kean, Jr.

Chairman Tate asked that the roll be called and a quorum was established. The meeting was held during the noon recess of the regular session of the convention. Chairman Tate announced that the committee would consider reports from substantive committees regarding the stylistic changes submitted to them by this committee. These reports are attached to and made a part of these minutes as follows:

Committee on the Judiciary memorandum dated December 17, 1973, attached as APPENDIX A.

Committee on Bill of Rights and Elections memorandum dated December 18, 1973, attached as APPENDIX B.

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The appendices are annotated to reflect this committee's adoption or rejection of the substantive committees' recommendations. Objections and hand-count votes are recorded in these minutes.

Chairman Tate asked Judge Dennis to explain the suggestions from the Committee on the Judicial Branch.

A. Stylistic Changes Suggested by Judiciary Committee:

This committee concurred in suggestions numbered 1, 2, 3, 4, 6, 7, 8, and 9.

Regarding item 5, Judge Dennis stated they had decided in their committee to leave the term "political corporation" in, and they were considering revision of the language with a yellow caveat amendment.

B. Further Changes Suggested by the Judiciary Committee, but Which Require Floor Discussion (Yellow Caveat Amendments):

This committee rejected the first suggestion. By a show of hands there were 3 votes in favor of the suggestion and 4 votes against it.

The committee adopted the second and third suggestions without objections.

Chairman Tate asked Representative Woody Jenkins to explain the recommendations of the Committee on Bill of Rights and Elections.

Article I. Declaration of Rights

Mr. Conroy moved to rearrange the listing by moving and renumbering the following:

- 10. Right to Vote
11. Right to Keep and Bear Arms
12. Freedom from Discrimination

with 13, Rights of the Accused, and the succeeding titles renumbered in sequence. Motion carried.

Changes in Particular Sections:

The committee concurred in the suggestions regarding Sections, as originally printed in the memorandum, numbered 4, 5, 7, 9, and 10. Regarding the note at the end of 10, the sentence was left in with stylistic change in language.

The committee rejected the suggestions regarding Section 11 and 12 by voice vote.

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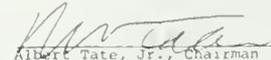
The suggestion regarding Section 13 was adopted.

The first item regarding Section 15 was rejected by a show of hands, with 1 vote in favor of the suggestion and 6 votes against it. The two following items (lines 16 and 24) were adopted.

The committee did not want to change the last sentence to another Article, as suggested in the note to Section 16.

The recommendations regarding Section 17, 20, and 22 were adopted.

Chairman Tate declared the meeting adjourned after the noon recess in order that the members could return to the convention.


Albert Tate, Jr., Chairman

Max N. Tobias, Vice-Chairman

Action taken by the Committee on Style and Drafting 12/20/73 is annotated in the left margin.

TO: Committee on Style and Drafting
FROM: Committee on Judiciary
RE: Stylistic changes suggested by Article I, adopted by the members of November 20, 1973.

A. Stylistic Changes Suggested by Judiciary Committee:
Adopted 1. In Section 4, the committee rejected substituting the word "law enacted" for the word "law" in the favorable vote which is at the section.

Section 4. The committee rejected substituting the word "law enacted" for the word "law" in the favorable vote which is at the section. The committee did not want to change the last sentence to another Article, as suggested in the note to Section 16. The recommendations regarding Section 17, 20, and 22 were adopted.

Action taken by the Committee on Style and Drafting is annotated in the left margin.

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.

Treaty Room, White House Inn
Baton Rouge, Louisiana

9:30 a.m., December 22, 1973

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

- B. Changes in Particular Sections.
 - Section 4. Right to Property
 - Adopted On page 9, line 5, after the words "right to", delete the words "acquire, control, own" and insert in lieu thereof the words "acquire, own, control"
 - Adopted On page 10, at the beginning of line 7, delete "completion" and insert in lieu thereof the word "competition"
 - Adopted On pages 9 and 10, delete all subtitles and subparagraphs in the "Right to Property" Section.
 - Section 5. Right to Privacy
 - Adopted On page 12, line 18, after the word "seizure" delete the words "which violates" on lines 18 and 19 and insert in lieu thereof the words "conducted in violation of"
 - Section 7. Freedom of Expression
 - Adopted On page 5, line 6, after the word and punctuation "press." delete the word "Any" and insert in lieu thereof "Every"
 - Section 9. Right of Assembly and Petition
 - Adopted On page 6, line 19, after the word "of" delete the word "every" and insert in lieu thereof the word "any"
 - Section 10. Rights of the Accused
 - Adopted On page 16, delete lines 3 through 7 and insert in lieu thereof "Section 10. When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully"
 - Adopted On page 16, line 14, before the word "to" add the words "his right"
 - Adopted On page 16, delete lines 28, 29 and 30 and insert in lieu thereof the words "and compensating qualified counsel for indigents."
 - Left in with revised language Note: The Committee may also wish to shift the last sentence of this section to a more appropriate article.
 - Section 11. Right to Preliminary Examination
 - Rejected On page 18, line 6, add a comma after the word "cases"

Present:

- Emmett Asseff
- John L. Avant
- David Conroy
- James L. Dennis
- R. Gordon Kean, Jr.
- Donald G. Kelly
- Anthony M. Rachal, Jr.
- Earl J. Schmitt, Jr.
- Albert Tate, Jr.
- J. Burton Willis

Absent:

- Camille F. Gravel, Jr.
- Anthony J. Guarisco, Jr.
- Chalin O. Perez
- Max N. Tobias, Jr.

The roll was called and a quorum was established. Chairman Tate announced that the committee would consider the following documents which are attached to and made part of these minutes:

- APPENDIX A: CP 7, Article IX, Education, as styled by the staff.
- APPENDIX A-1: (Caveats to Appendix A as adopted at this meeting.)
- APPENDIX B: CP 11, Article VII, Human Resources as styled by staff.
- APPENDIX B-1: (Caveats to Appendix B as adopted at this meeting.)
- APPENDIX C: Recommendations from the Committee on Bill of Rights and Elections, regarding this committee's styling of CP 33, Elections.

Chairman Tate asked Research Coordinator Lee Hargrave to explain the styling changes as they appeared in the right column of each document.

The action taken by this committee is annotated in the appendices. These minutes will reflect adopted Sections of each Article. Objections and hand-count votes will be recorded in these minutes.

COMMITTEE PROPOSAL 7, ARTICLE IX. EDUCATION (Appendix A)

The Preamble and Section 1 were adopted without objection.

Sections 2 and 3 were adopted as amended without objection.

Section 4 was adopted without change and without objection.

Sections 5 and 6 were adopted as amended without objection.

Section 7: Judge Dennis moved to amend the heading to read "Section 7. Board of Supervisors" and objections were heard. By a show of hands there was 1 vote in favor of the amendment and 4 votes against it. Motion failed. Section 7 was adopted as amended without further objections.

Section 8: Paragraph (A) was amended without objection. There were several objections to the styling of Paragraph (B) and the language was revised. Paragraph (B) adopted as amended. Paragraph (C) was amended without objection. Section 8 was adopted as amended without further objections.

Section 9 was adopted as amended without objection.

Section 10: Paragraph (A) was amended without objection. Mr. Conroy objected to the deletion of language adopted by the convention in Paragraph (B). The committee concurred in restoring the language from the left column, lines 21 through 34, with stylistic changes. Paragraph (B) was adopted as amended without further objections. Paragraph (C) was amended without objection. Section 10 was adopted as amended without further objections.

Section 11 was adopted as amended without objection.

Section 12 was adopted without change and without objection.

Section 13: Paragraphs (A) and (B) were adopted without change and without objection. Judge Dennis objected to the deletion of language as adopted by the convention "within the parish or city, respectively." The committee concurred in retaining this phrase at the end of line 14, right column. Paragraph 13 was adopted without change. Section 13 was adopted as amended without further objections.

Section 14 was adopted without change and without objection.

ARTICLE IX. EDUCATION was adopted as styled by the staff and amended by this committee without further objections. The committee concurred in submitting caveats which are included in Appendix A-1.

CP NO. 11, ARTICLE VII, HUMAN RESOURCES, (Appendix B)

Section 1: Paragraph (A) was adopted as amended without objection. The committee concurred in restoring the language adopted by the convention, with amendments to lines 20, 21, and 22 to conform with the amendment to Paragraph (A). Paragraph (B) was adopted as amended without further objection. The committee concurred in changing the order of Paragraphs (C) and (D). The new Paragraph (D), on page 4, was amended by restoring language as adopted by the convention in lines 4 through 10 from the left column. The new Paragraph (C), on page 5, was adopted without objection. Section 1 was adopted, as amended, without further objections.

ARTICLE VII, HUMAN RESOURCES, was adopted by this committee, as styled by the staff and as amended, without further objections. The committee concurred in submitting caveats which are included in Appendix B-1.

Recommendations from the Committee on Bill of Rights and Elections regarding this committee's styling of CP 33, ELECTIONS (Appendix C)

1. There were objections to this recommendation. On voice vote, it was rejected.
2. Recommendation was accepted without objection.

Chairman Tate declared the meeting adjourned at 1:30 p.m. He announced that the next meeting would be held as scheduled on Wednesday, January 2, 1974.

Albert Tate, Jr.
Albert Tate, Jr., Chairman

Max W. Tobias, Jr., Vice-Chairman

Committee on Style and Drafting

Action by Committee on Education

Caveats to the Education Article (adopted on meeting of December 22, 1973)

1/5/74

All Caveats Adopted

Section 10(B), 10(C)

CAVEAT: Some ambiguity results from the last paragraph of Section 10(B) as enrolled which provides, "The provisions of this Paragraph shall be operative notwithstanding anything in the constitution to the contrary."

Paragraph (B) (1) provides for voting for and membership on the Monroe City and Ouachita Parish School Boards, (2) provides that any board member not meeting those requirements must vacate his position, then (3) provides that the Paragraph shall not be operative until 1977 or until reapportionment occurs. After this, the provision is inserted that "The provisions of this Paragraph

shall be operative notwithstanding anything in this constitution to the contrary."

If that last sentence applies to all three items mentioned above, there arises a question as to whether consolidation of the two school boards under Section 10(C) would be prohibited. But Section 10(C) seems to indicate that any school system may be consolidated under procedures enacted by the legislature.

Another construction of the language is that the last "notwithstanding" clause of Paragraph (B) applies only to Item 3 (the effective date of the provisions) and was intended to supersede the effective date of the constitution which will be provided elsewhere. Thinking that this is the case, the staff restyled 10(B) to make it clear that the "notwithstanding" clause applies only to Item 3, the effective date. This construction is reinforced by the fact that Item 3 uses the phrase "shall not become operative" and the "notwithstanding" clause uses the expression "shall be operative." This somewhat unusual use of the word "operative" in this context, (it is not so used elsewhere in the constitution) supports the construction that the two sentences are related to each other.

APPENDIX A-1

Caveats to ARTICLE IX (APPENDIX A)

To make it clear that the consolidation provision of Section 10(C) applies to all school systems, the committee added the word "any" so that the reference is to "any two or more school systems."

The Committee on Style and Drafting requests the views of the Committee on Education and Welfare as to whether either change might make a substantive change. [See attached sheet containing original staff draft of Section 10(B).]

Section 11

The mandate to appropriate funds refers to "expenses of the boards created pursuant to this Article." Construed literally, that language may include parish and city school boards since they are referred to in the article. In styling the section, the Committee on Style and Drafting used the expression "state boards" to indicate that the mandate does not apply to parish and city school boards. The committee requests the views of the Committee on Education and Welfare as to whether this makes a substantive change.

Section 10(B) becomes Section 10(C)

- 1 (B) Ouachita Parish and Mon-
- 2 roe City School Systems; board
- 3 membership. Only persons

- 1 (B) Ouachita Parish and Monroe
- 2 City School Systems; Board Member-
- 3 ship. Only persons residing within

4 residing within the jurisdic-
5 tion of the Monroe City School
6 Board shall be eligible to
7 vote for or be members of the
8 Monroe City School Board.
9 Only persons residing in that
10 portion of Ouachita Parish
11 outside the jurisdiction of
12 the Monroe City School Board
13 shall be eligible to vote
14 for or be members of the
15 Ouachita Parish School Board.
16 Any member of either board at
17 any time not satisfying the
18 requirements of this Paragraph
19 immediately shall vacate his
20 position. The provisions of
21 this Paragraph shall not
22 become operative until the
23 election of members to the
24 Ouachita Parish School Board
25 taking office in 1977 or upon
26 the first reapportionment
27 affecting the Ouachita Parish
28 School Board, whichever occurs
29 earlier.

30 The provisions of this
31 Paragraph shall be opera-
32 tive notwithstanding any-
33 thing in this constitution
34 to the contrary.

4 the jurisdiction of the Monroe City
5 School Board shall be eligible to
6 vote for or be members of the Monroe
7 City School Board. Only persons
8 residing in that portion of Ouachita
9 Parish outside the jurisdiction
10 of the Monroe City School Board shall
11 be eligible to vote for or be members
12 of the Ouachita Parish School Board.
13 ⁽¹⁾ The position of a member of either
14 board shall be vacated when he no
15 longer satisfies ⁽¹⁾ the requirements of
16 this Paragraph. ⁽²⁾ Notwithstanding any
17 contrary provision of this constitu-
18 tion, ⁽²⁾ this Paragraph shall become ⁽³⁾
19 operative upon ⁽³⁾ the election of
20 members to the Ouachita Parish School
21 Board taking office in 1977 or
22 upon the first reapportionment
23 affecting the Ouachita Parish
24 School Board, whichever occurs
25 earlier.

31 [Staff Draft
32 of 12/13/73]
33
34

Action by 1/5/74
Committee on
Education

- Objections were heard and on vote, this was rejected.
- 1. On page 3 (Section 3), line 6, it is suggested that the phrase "qualified elector" be used instead of simply "elector" as was done in the restyled version.
- 2. On page 4, (Section 4), it is suggested that lines 3 through 6 read as adopted by the convention. "No public funds shall be used to urge an elector to vote for or against a candidate or pro-"

Adopted without objection.

cc: Chairman Jackson
Representative Jenkins

APPENDIX C

Annotated according to action taken by the Committee on Style and Drafting December 22, 1973.

Section 1.1.D

Caveat: Use of the expression "a contractual relationship between employer and employee" may... Perhaps the construction that the relationship may be contractual... agreed to by the employer... If the intent is to create a right of the employer that is protected by the contract clause... it may be possible to include the expression "a contractual right of the employer."

Section 1

Caveat: The first sentence refers to a retirement program for employees of political subdivisions as well as for state employees. As styled, the statute provides that "the state shall guarantee benefits payable to a member of retirement or to his lawful beneficiary upon the member's death," perhaps giving rise to the construction that the state must guarantee benefits to members of retirement systems created by political subdivisions. If the intent was that the state would guarantee benefits of members of state retirement systems only, additional language could be inserted after the word "member" so that the expression would read, "the state shall guarantee benefits payable to a member of a state retirement system or to his lawful beneficiary upon the member's death."

Section 1

Caveat: The requirement for publication of notice of intent to a retirement plan in the legislature applies to those changing "any retirement system." If this language is construed literally, the requirement might apply to laws regulating private retirement or pension plans. If the intent was to make the requirement apply only to retirement systems for public employees, the

APPENDIX B-1
Caveats on ARTICLE VII.
HUMAN RESOURCES

Section 1.1.D should be changed to read, in part:

"...relating to any retirement system for public employ shall be introduced in the legislature unless..."



STATE OF LOUISIANA CONSTITUTIONAL CONVENTION OF 1973 P. O. BOX 176, BATON ROUGE, LOUISIANA 70801
11 EIGHTH FLOOR

December 21, 1973

E. L. HENRY
Chairman
NORMAN M. DUNCAN
Director of Research

MEMORANDUM

TO: Members of the Committee on Style and Drafting
FROM: Albert Tate, Jr., Chairman
RE: Style and Drafting of the Elections Article

I have spoken with Chairman Alphonse Jackson of the Committee on Bill of Rights and Elections who indicated concurrence with the styling changes suggested for the Elections article (Committee Proposal No. 33) as indicated in Document XII adopted November 21, 1973, except for the following:

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to Notice by the Secretary in accordance with the Rules of the Convention

Treaty Room, White House Inn, Baton Rouge, Louisiana

Wednesday, January 2, 1974, 9:30 a.m.

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style & Drafting

- Present:
- Albert Tate, Jr.
 - Emmett Asseff
 - John L. Avant
 - David Conroy
 - James L. Dennis
 - Camille F. Gravel, Jr.
 - Anthony Guarisco, Jr.
 - Chalun O. Perez
 - Anthony M. Rachal, Jr.
 - Max L. Tobias, Jr.
 - J. Burton Willis
- Absent:
- R. Gordon Kean, Jr.
 - Donald G. Kelly
 - Earl J. Schmitt, Jr.

Chairman Tate called the meeting to order. The roll was called and a quorum was established. The chairman announced that the first order of business would be consideration of Committee Proposal No. 26 (Property Tax) as styled by the Research Staff. A copy of the document, Document

No. XVI dated 12/12/73, is attached hereto and made a part of these minutes as Appendix "A". The document, by name, carries the heading "Document No. XXIV, Adopted 12/24/73". The changes adopted by the committee are noted in pencil and are as follows:

ARTICLE VI. REVENUE AND FINANCE

- Section 1 (A), line 1, adopted as printed.
- Section 1 (B), line 1, deleted as noted.
- Section 1 (C), line 1, deleted as noted.
- Section 1 (D), line 3, adopted as noted.
- Section 1 (E), line 4, deleted as noted.
- Section 1 (F), line 1, adopted as noted.

Section 1 (G), page 5, adopted as noted (becomes Section 10).

Section 2, page 6, adopted as printed.

Section 3 (A), inserted pages 7 and 8, adopted as noted.

Section 3 (B), inserted page 8, adopted as noted.

Section 4 (A), page 10, adopted as printed.

Section 4 (B), page 11, adopted as noted, with two requests to the substantive committee for recommendations with respect to the following:

1. Whether the language appearing on lines 4 and 5, "dedicated places of burial", should be moved to Section 4 (C), page 13, between lines 27 and 28.
2. The necessity of the wording "such as a lodge or club" on page 11, line 18. A staff memo will be submitted with respect to this language.

- 2 -

The section was adopted with one objection. Delegate Avant objected due to the use of the word "None" at the beginning of line 31, on page 11.

Section 4 (C), pages 13 and 14, adopted as noted.

Section 4 (D), pages 15 and 16, adopted as noted.

A motion was adopted to prepare a caveat for each section, or paragraph thereof, in which the words "continental United States" appear, along with a staff memo with respect to this language applying to equal protection of all states.

Section 4 (E), page 18, adopted as noted.

Section 4 (F), pages 18 and 19, adopted as noted.

Section 5, page 20, adopted as noted (incorporated on page 10).

Section 6, pages 21 and 22, adopted as noted, with the understanding that Delegate Conroy would request the recommendation of the substantive committee with respect to the necessity of the language beginning with "However," on line 31 through line 36, page 21.

Section 7 (A), page 24, adopted as printed.

Section 7 (B), page 24, adopted as noted.

Section 7 (C), page 25, adopted as noted.

The staff was requested by the committee to change the language "provided by the legislature" to "provided by law" throughout the document.

Section 7 (D), page 27, adopted as noted.

Section 7 (E), page 28, adopted as noted.

Section 8 (A) and (B), page 30, adopted as noted.

- 3 -

Section 8 (C), page 32, adopted as noted.

Section 9 (A), (B), (C), and (D), adopted as noted.

Delegate Tobias presented an alternative suggested change for Section 9 and moved its adoption. After deliberation, a roll call vote was taken on whether it was in order for the Committee on Style and Drafting to consider this alternative. Voting that it was in order were Delegates Asseff, Guarisco, Rachal and Tobias. Voting that it was not in order were Delegates Avant, Conroy, Dennis, Perez and Willis. Delegates agreeing to join Delegate Tobias in a petition as individual delegates to present the alternative to the sub-

stantive committee were Delegates Asseff, Conroy, Dennis, Guarisco, Rachal, and Tate.

Section 10 (Section 1 (G), page 5, became the last Section of the Article).

A motion to adopt the Article as stylized and refer it to the Committee on Revenue, Finance and Taxation was adopted.

The next order of business was consideration of four short committee proposals. The actions taken by the committee were as follows:

COMMITTEE PROPOSAL NO. 22: A copy of CP #22 reflecting suggested changes in pencil is attached hereto and made a part of these minutes. The amendments to CP #22 as adopted by the committee by motions duly adopted are reflected in Document No. XXVIII, dated 1/2/74, a copy of which is attached hereto and made a part of these minutes. CP #22 is attached as Appendix "B". Document XXVIII is attached as Appendix "C".

- 4 -

By motion duly adopted CP #22 was referred to the Committee on the Executive Department.

COMMITTEE PROPOSAL NO. 12: A copy of CP #12 is attached hereto and made a part hereof. The pencil notations reflect the changes adopted by the committee. (Appendix "D")

By motion duly adopted CP #12 was referred to the Committee on Education and Welfare.

COMMITTEE PROPOSAL NO. 14: A copy of CP #14 is attached hereto and made a part of these minutes as Appendix "E". The pencil notations reflect the style changes adopted by the committee.

By motion duly adopted CP #14 was referred to the Committee on Education and Welfare.

COMMITTEE PROPOSAL NO. 31: A copy of CP #31 is attached hereto and made a part of these minutes as Appendix "F". The pencil notations reflect the style changes adopted by the committee.

By motion duly adopted CP #31 was referred to the Committee on the Executive Department.

The Chairman announced the next order of business as consideration of Committee Proposal No. 15. A copy of Document No. XXI, dated 1/3/74, is attached to the minutes of this committee's meeting of January 9, 1974. The actions of this committee on the sections considered in this date's

- 5 -

meetings are reflected in pencil on the attachment to the minutes of meeting January 9, 1974 labeled Appendix "B". It is noted that Delegate Asseff objected to the adoption of Section 4 (A) as printed.

The meeting adjourned at 6:45 p.m.


Albert Tate, Jr., Chairman

Max N. Tobias, Jr., Vice Chmn.

Emmett Asseff, Secretary

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Constitutional Convention of Louisiana of 1973

12/4/73

COMMITTEE PROPOSAL NUMBER 22

Introduced by Delegate [Name], Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Brien, Demery, D'val, Cravel, Stovall, and Tupper

A PROPOSAL

Making provisions for a code of ethics and

administrative boards

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE

Article [] Section [] Code of Ethics Board of Ethics

Retyped Suggest Language

Section [] (A) The legislature shall enact a code of ethics for all officials and employees of the state and its political subdivisions

and shall create one or more boards to administer the code.

(B) The code shall be administered by a board or boards created by the legislature with

such qualifications, terms of office, duties, and powers provided by law.

(C) The decisions of the board shall be appealable, and the legislature shall provide the method of appeal.

This becomes one #

Appendix "B"

FIRST EMENDMENT

Constitutional Convention of Louisiana of 1973

12/4/73

COMMITTEE PROPOSAL NUMBER 12

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Floty, Crier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca, and Wisham

A PROPOSAL

Making provisions for human resources by prohibiting the leasing of convicts and the employment of convicts in competition with private enterprise and by providing for reimbursement to parishes for expenses incurred resulting from crimes committed in penal institutions.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE VII HUMAN RESOURCES

Section 1. Penal Institutions

Section 1 (A) State Penal Institutions; Reimbursement

of Parish Expenses [In parishes in which are located penal institutions of the State of Louisiana, the expenses incurred by the parish arising from crime committed in such institution or by the inmates thereof shall be reimbursed by the state.]

The state shall reimburse a parish in which a state penal institution is located

The state shall reimburse a parish in which a state penal institution is located for expenses the parish incurs arising from crime committed in the institution or by an inmate thereof.

Appendix "D"

FIRST EMENDMENT

Constitutional Convention of Louisiana of 1973

12/4/73

COMMITTEE PROPOSAL NUMBER 14

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Floty, Crier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca, and Wisham

A PROPOSAL

Making provisions for human resources through a system of economic security, social welfare, unemployment compensation, and public health.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE VII. HUMAN RESOURCES

Section 2. Economic and Social Welfare, Unemployment Compensation, and Public Health

Section 2. The legislature may establish a system of economic and social welfare, unemployment compensation, and public health.

Appendix "E"

12/4/73

1 Constitutional Convention of Louisiana of 1973

2 COMMITTEE PROPOSAL NUMBER 31

3 Introduced by Delegate Staqq, Chairman on behalf of the

4 Committee on Executive Department, and Delegates

5 Abraham, Alexander, Anzalone, Arnette, Asseff, Erien,

6 Dennery, Duval, Gravel, Stovall, and Tapper

7 (A Substitute for Committee Proposal No. 19)

Present: Emmett Asseff
John L. Avant, Sr.
David Conroy
James L. Dennis
Anthony Joseph Guarisco, Jr.
R. Gordon Kean, Jr.
Chalin Octave Perez
J. Burton Willis
Max N. Tobias
Albert Tate, Jr.

Absent: Camille F. Gravel, Jr.
Donald Gene Kelly
Anthony Mark Rachal, Jr.
Earl Joseph Schmitt

8
9 A PROPOSAL

10 Making provisions in the Schedule provisions of the con-
11 stitution for mandatory reorganization of the executive
12 branch of state government.

13 Be it adopted by the Constitutional Convention of Louisiana
14 of 1973:

15
16 ARTICLE XIV. SCHEDULE

17 Section 1. Mandatory Reorganization of State Government

18 Section 1. (A) The legislature shall allocate, within
19 not more than twenty departments, the functions, powers, duties,
20 and responsibilities of all departments, offices, agencies, and
21 other instrumentalities within the executive branch, except
22 those allocated by this constitution. ^{One} [Such] allocation, which
23 shall not be subject to veto by the governor, shall become
24 operative not later than December 31, 1977.
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The meeting was called to order by the chairman and a quorum was present. The purpose of the meeting was to review the First Enrollment of Committee Proposal No. 4 with Staff Styling Suggestions adopted 10/12/73, and to hear a report on technical changes recommended by the Conference Committee of the Committee on Executive Department and Committee on Style and Drafting; and substantive changes recommended by the Committee on Executive Department.

At the outset of the meeting, Delegate Perez voiced objection against the inclusion of the attorney general in Section 1(A) of Article IV Executive Branch, stating he had authored an amendment, which was adopted by the convention, removing this office as one of the departments of state government and disagreed with Delegate Tate that there was any ambiguity that needed to be resolved by the whole convention. Delegate Willis then reminded the members that on hearing the attorney general, that he had agreed his office did not belong in the three departments of state government, but if the office were put in any department that it should be with the Judiciary. Delegate Conroy agreed that there was an ambiguity created by Section 1(A) and Section 8 that the convention needs to straighten out. At that point, Delegate Perez moved to delete from Article IV, Section 1(A) Composition of Executive Branch, the mention of the attorney general. The motion was defeated on a tie vote as follows:

YEAS: Asseff, Conroy, Dennis, Tate and Tobias (5)

NAYS: Perez, Avant, Kean, Guarisco and Willis (5)

A substitute motion by Delegate Conroy to issue a CAVEAT to let the convention determine if the attorney general should be included in this section. The substitute motion failed on a tie vote as follows:

YEAS: Perez, Avant, Kean, Guarisco and Willis (5)

NAYS: Asseff, Conroy, Dennis, Tate and Tobias (5)

NOTES

Comparative presentations are found in Chapter II, below.

MINUTES

Minutes of the meeting of the Committee on Style and Drafting of the Constitutional Convention of Louisiana of 1973

Held pursuant to notice given on the floor of the Convention Hall, Saturday, January 5, 1974, 12:15 p.m.

Residing: Albert Tate, Jr., Chairman of the Committee on Style and Drafting

-2-

Delegate Tate moved to pass over Section 1(A) until the next meeting. Delegate Dennis objected and a roll call vote was taken, with nine members voting favorably.

Delegate Asseff then made a report of the meeting of the Conference Committee regarding recommendations on Executive Branch. He stated that Delegates Dennery, Staqq, Conroy, Tate and himself were in complete agreement to the technical changes, but that the substantive changes had come from the Executive Department.

On a motion by Tobias the word "responsibilities" was placed in lieu of the word "departments" in Section 1(C).

There were no objections to the motion.

Delegate Asseff moved for adoption of Section 2 regarding Qualifications, as suggested by the Conference Committee and there were no objections. Section 2, as adopted, reads as follows:

"Section 2. Qualifications

Section 2. To be eligible for any statewide elective office a person, by the date of his qualification as a candidate, shall have attained the age of twenty-five years, be an elector, and have been a citizen of the United States and of this state for at least the preceding five years. In addition, the attorney general shall have been admitted to the practice of law in the state for at least the five years preceding his qualification as a candidate. During his tenure in office, a statewide elected official shall hold no other public office except by virtue of his elected office."

Delegate Dennis made a motion to revert back to the language in the first sentence as suggested by the Staff in Section 2 A) Qualifications, but later withdrew his motion.

-3-

On a motion by Delegate Conroy the meeting adjourned at 1:30 p.m.

Handwritten signatures for Chairman, Vice Chairman, and Secretary.

-4-

NOTES

Comparative presentations are found in Chapter II, below.

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.

Treaty Room, White House Inn
Baton Rouge, Louisiana
Monday, January 7, 1974, 9:30 a.m.

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Present:

Albert Tate, Jr.
Emmett Asseff
John L. Avant
James L. Dennis
Donald G. Kelly
Earl J. Schmitt, Jr.
Max N. Tobias, Jr.
J. Burton Willis

Absent:

David Conroy
Camille F. Gravel, Jr.
Anthony J. Maricco
R. Gordon Kwan, Jr.
Thalin O. Perez
Anthony M. Pachal, Jr.

Chairman Tate called the meeting to order and asked the secretary to call the roll. With a quorum present, the com-

mittee began consideration of the changes in the style of the Article in the Executive Branch recommended by the Committee on the Executive Department. A copy of the changes

recommended by the substantive committee is attached to and made part of these minutes as Appendix A. The changes adopted by the Committee on Style and Drafting are noted in pencil on the attachment.

A copy of the "Recapitulation of Caveats" by the Committee on the Executive Department is attached as Appendix B. The Committee on Style and Drafting adopted the caveats suggested by the substantive committee to Sections 2, 5, and 22.

The committee next considered changes in the styling of the Article on Education (COMMITTEE PROPOSAL NO. 7) recommended by the Committee on Education and Welfare. A copy of the editing notations recommended by the substantive committee are attached to and made part of these minutes as Appendix C. The changes adopted by the Committee on Style and Drafting are noted in pencil on the attachment.

A copy of the caveats to the Education Article is attached as Appendix D. The caveats to Sections 10(B) and 10(C) were adopted by the committee. Delegate Dennis moved that Section 11 be adopted as styled by the Committee on Style and Drafting. Motion carried.

Delegate Tobias moved to report COMMITTEE PROPOSAL NO. 7 to the floor of the convention. Motion carried.

Delegate Tobias moved to report COMMITTEE PROPOSAL NO. 12 to the floor of the convention. A copy of the proposal is attached to and made part of these minutes as Appendix E. Motion carried.

Delegate Tobias moved to report COMMITTEE PROPOSAL NO. 14

2

to the floor of the convention. Motion carried. A copy of the proposal is attached to and made part of these minutes as Appendix F.

The caveats to Article VII, Section 1, Human Resources, COMMITTEE PROPOSAL NO. 11 are attached to and made part of these minutes as Appendix G. The Committee on Style and Drafting adopted the actions of the Committee on Education and Welfare.

A copy of COMMITTEE PROPOSAL NO. 10 is attached to and made part of these minutes as Appendix H. The changes adopted by the committee are noted in pencil on the attached copy.

Delegate Tobias moved to refer COMMITTEE PROPOSAL NO. 10 to the Committee on Education and Welfare. Motion carried. The meeting adjourned at 11:45 a.m.

Albert Tate, Jr., Chairman

Max N. Tobias, Jr., Vice Chairman

Emmett Asseff, Secretary

Action by Committee on Education 1/5/74
All Caveats Adopted

Separation of years
Executive Branch, Article 11

Section 1 Attorney General Question
(See note at end)

Adopted 1/7/74

The original caveat of the Style and Drafting Committee was concurred in by the Committee on the Executive Branch. It would provide that residence and practice requirements for the attorney general would have to be met at the time of qualification as a candidate, rather than at the time of election. (See Note on p.5 of the original pink copy)

Section 4 (No Caveat)

Style and Drafting recommended as a caveat amendment that the section refer to each statewide elected official, instead of each elected official. The Committee on the Executive Branch agreed to the change, but without the necessity of a separate caveat amendment. (See Note, p. 8)

Adopted 1/7/74

Section 5

(1) Style and Drafting adopted a caveat relating to the ambiguity of the phrase "eligible for pardon automatically." In its styled version, the committee did not delete the word "automatically." (See Note, pp. 14-15)

The Committee on the Executive Branch recommended a caveat amendment in line with the second alternative of Style and Drafting's caveat. It would provide:

However, a first offender never previously convicted of a felony shall be pardoned automatically upon completion of his sentence, without a recommendation of the Board of Pardons and without action by the governor.

(2) (No Caveat) Style and Drafting adopted a caveat dealing with the question of whether confirmation of members of the pardon board must be "public confirmation." By action taken with respect to Section 5(1), it would not be necessary for any amendment. (See Note, p. 15)

(3) In Section 5(1)(1), reference is again made to confirmation by the Senate. The Committee on the Executive Branch recommends, as a caveat amendment, that the confirmation be public. (See Notes, pp. 15,19)

(4) In Section 5(1)(3), Style and Drafting adopted a caveat as to a problem dealing with interim appointments expiring at the end of the next session of the legislature. The Committee on the Executive Branch recommended caveat amendments inserting the word "regular" to make this clear. (See Note, p. 19)

Section 6 (No Caveat)

Style and Drafting adopted a caveat clarifying the voting rights of the lieutenant governor when serving as an ex officio member of boards. The Committee on the Executive Branch did not recommend adoption of this caveat amendment or of any amendment to clarify whether the official has voting rights. (See Note, p. 22)

Sections 10 and 11 (No Caveat)

Style and Drafting adopted a caveat with respect to the meaning of the phrase "in a department, exercise functions and the commissioner has certain powers." The Committee on the Executive Branch did not accept that caveat amendment and recommends no change. (See pp. 28,29)

Section 18 (No Caveat)

Style and Drafting adopted a caveat as to whether the definition of vacancy provided in this section applies throughout the constitution. The Committee on the Executive Branch recommended changing the word "constitution" to "Article" to make it clear that the definition is applicable within the article on the executive branch and not throughout the constitution. It also recommended a provision to this effect in the "General Provisions." (See p. 31)

Adopted 1/7/74

Section 22

Style and Drafting advocated the change of "following adoption of this constitution" to "following the effective date of this constitution." The Committee on the Executive Branch did recommend change to this effect by caveat amendment. (See p. 48)

Attorney General Note - Caveat Problem

The Committee on the Executive Branch recommends that the attorney general be included in the listing of the composition of the executive branch in Section 11 as a caveat amendment.

However, if the attorney general is not a member of the executive branch, Section 8 (p. 25) should be transferred to the Judicial Branch Article. All reference to attorney general in Sections 2 and 3 (pp. 13, 6) should be deleted, or else the sections themselves (referring to the attorney general) should be transferred either to the "Elections" article or to the "General Provisions" article.

Committee on Style and Drafting
Caveats to the Education Article
(adopted on meeting of December 22, 1973)

Section 10(B), 10(C)

CAVEAT: Some ambiguity result: from the last paragraph of Section 10(B) as enrolled which provides, "The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary."

Adopted

Paragraph (B) (1) provides for voting for and membership on the Monroe City and Ouachita Parish School Boards, (2) provides that any board member not meeting those requirements must vacate his position, then (3) provides that the Paragraph shall not be operative until 1977 or until reapportionment occurs. After this, the provision is inserted that "The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary."

If that last sentence applies to all three items mentioned above, there arises a question as to whether consolidation of the two school boards under Section 10(C) would be prohibited. But Section 10(C) seems to indicate that any school system may be consolidated under procedures enacted by the legislature.

Another construction of the language is that the last "notwithstanding" clause of Paragraph (B) applies only to Item 3 (the effective date of the provisions) and was intended to supersede the effective date of the constitution which will be provided elsewhere. Thinking that this is the case, the staff restyled 10(B) to make it clear that the "notwithstanding" clause applies only to Item 3, the effective date. This construction is reinforced by the fact that Item 3 uses the phrase "shall not become operative" and the "notwithstanding" clause uses the expression "shall be operative." This somewhat unusual use of the word "operative" in this context, (it is not so used elsewhere in the constitution) support the construction that the two sentences are related to each other.

To make it clear that the consolidation provision of Section 10(C) applies to all school systems, the committee added the word "any" so that the reference is to "any two or more school systems."

The Committee on Style and Drafting requests the views of the Committee on Education and Welfare as to whether either change might make a substantive change. [See attached sheet containing original staff draft of Section 10(B).]

Section 11

The mandate to appropriate funds refers to "expenses of the boards created pursuant to this Article." Construed literally, that language may include parish and city school boards since they are referred to in the article. In styling the section, the Committee on Style and Drafting used the expression "state boards" to indicated that the mandate does not apply to parish and city school boards. The committee requests the views of the Committee on Education and Welfare as to whether this makes a substantive change.

Sections 10(B) and 10(C) become Section 10(B)

- 1 (B) Ouachita Parish and Monroe
- 2 roe City School Systems; board
- 1 (B) Ouachita Parish and Monroe
- 2 City School Systems; Board Member-

3 membership. Only persons
4 residing within the jurisdic-
5 tion of the Monroe City School
6 Board shall be eligible to
7 vote for or be members of the
8 Monroe City School Board.

9 Only persons residing in that
10 portion of Ouachita Parish
11 outside the jurisdiction of
12 the Monroe City School Board
13 shall be eligible to vote
14 for or be members of the
15 Ouachita Parish School Board.

16 Any member of either board at
17 any time not satisfying the
18 requirements of this Paragraph
19 immediately shall vacate his
20 position. The provisions of
21 this Paragraph shall not
22 become operative until the
23 election of members to the
24 Ouachita Parish School Board
25 taking office in 1977 or upon
26 the first reapportionment
27 affecting the Ouachita Parish
28 School Board, whichever occurs
29 earlier.

30 The provisions of this
31 Paragraph shall be opera-
32 tive notwithstanding any-
33 thing in this constitution
34 to the contrary.

3 ship. Only persons residing within
4 the jurisdiction of the Monroe City
5 School Board shall be eligible to
6 vote for or be members of the Monroe
7 City School Board. Only persons
8 residing in that portion of Ouachita
9 Parish outside the jurisdiction
10 of the Monroe City School Board shall
11 be eligible to vote for or be members
12 of the Ouachita Parish School Board.

13 ⁽¹⁾ The position of a member of either
14 board shall be vacated when he no
15 longer satisfies ⁽¹⁾ the requirements of
16 this Paragraph. ⁽²⁾ Notwithstanding any
17 contrary provision of this constitu-
18 tion, ⁽²⁾ this Paragraph shall become ⁽³⁾
19 operative upon the election of
20 members to the Ouachita Parish School
21 Board taking office in 1977 or
22 upon the first reapportionment
23 affecting the Ouachita Parish
24 School Board, whichever occurs
25 earlier.

26
27
28 } Staff Draft
29 } of 12/13/73
30 }
31 }
32 }
33 }
34 }

Present:

Albert Tate, Jr.
Emmett Asseff
John L. Avant
David Conroy
James L. Dennis
Camille F. Gravel, Jr.
Anthony J. Guarisco
R. Gordon Kean, Jr.
Chalin O. Perez
Anthony M. Rachal, Jr.
Earl J. Schmitt, Jr.
Max N. Tobias, Jr.
J. Burton Willis

Absent:

Donald G. Kelly
Chris J. Roy, Ex O.

Caveat to Article VIII, Section 1. HOU. CONST. (1901)
(Adopted on 11th December 24, 1973)

Section 1(A), 1(B)

Revised
Caveat: Use of the expression "a contractual relationship between employee and employer" may cause some ambiguity. Perhaps the connotation that the relationship must be consensual--i.e., agreed to by the employer--would arise. If the intent is to create or recognize a right of the employee that is protected by the contract clause, it may be possible to use instead the expression "a contractual right of the employee."

Section 1(B)

Added
Caveat: The first sentence refers to retirement programs for employees of political subdivisions as well as for state employees. As styled, the second sentence provides that "the state shall guarantee benefits payable to a member at retirement or to his lawful beneficiary upon the member's death," perhaps giving rise to the construction that the state must guarantee benefits to members of retirement systems created by political subdivisions. If the intent was that the state would guarantee benefits of members of state retirement systems only, additional language could be inserted after the word "member" so that the expression would read, "the state shall guarantee benefits payable to a member of a state retirement system at retirement or to his lawful beneficiary upon the member's death."

Section 1(C)

Added
Caveat: The requirement for publication of notice of intent to introduce proposals in the legislature applies to those changing "any retirement system." If this language is construed literally, the notice requirement might apply to laws regulating private retirement or pension plans. If the intent was to make the requirements apply only to retirement systems for public employees, the section might be changed to read, in part:

"...relating to any retirement system for public employees shall be introduced in the legislature unless..."

NOTES

Comparative presentations are found in Chapter II, below.

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.

Treaty Room, White House Inn

Water Rouge, Louisiana

Tuesday, January 8, 1974

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Chairman Tate called the meeting to order and asked the secretary to call the roll. With a quorum present, the committee began consideration of the changes in the styling of

the Article on Revenue and Finance recommended by the Committee on Revenue, Finance and Taxation (COMMITTEE PROPOSAL NO. 26). A copy of the sections with changes recommended by the substantive committee is attached to and made part of these minutes as Appendix A. The changes adopted by the Committee on Style and Drafting are noted in pencil on the attachment and are as follows:

- Section 4(C), page 13, adopted with recommended change.
- Section 4(C), page 14, adopted with recommended change.
- Section 4(D), page 15, adopted with recommended change.
- Section 4(D), page 16, adopted with recommended change.
- Section 6, page 21, adopted with noted changes.
- Section 6, page 22, adopted with recommended changes.
- Section 9(A),(B),(C), and (D), pages 33 and 34, adopted with recommended changes.

The caveats to COMMITTEE PROPOSAL NO. 26 are attached to and made part of these minutes as Appendix B. All actions taken by the Committee on Revenue, Finance and Taxation are noted on the attachment and were adopted by the Committee on Style and Drafting.

Further changes in COMMITTEE PROPOSAL NO. 26 adopted by the committee are noted in Appendix C. They are as follows:

- Section 1(A), page 1, line 7, add "except as provided in Paragraph C," and add a comma "," after the word "which".
- Section 3(A), page 7, line 18, delete the word "the".
- Section 8(A), page 30, line 9, delete the word "for".
- Section 8(B), page 30, line 25, delete the word "for".

Delegate Kean moved to refer COMMITTEE PROPOSAL NO. 26 to the floor. Motion carried.

At the suggestion of Chairman Tate, the committee directed the staff to prepare caveat amendments to take Sections 2, 3, and 4, (attorney general), out of the Article on the Executive Branch and place them in General Provisions and to move Section 8 to the Article on the Judicial Branch. Another caveat amendment was adopted to add the attorney general to the listing of the composition of the executive branch in Section 1.

Delegate Dennis moved to refer COMMITTEE PROPOSAL NO. 4

to the floor of the convention Motion carried.

The meeting adjourned at 12:50 p.m.

Albert Tate, Jr.
Albert Tate, Jr., Chairman

Max N. Tobias, Jr., V. Ch.

Emmett Asseff, Secretary

January 1, 1974

*Action taken by Committee
on Revenue, Finance and Taxation
1/7/74*

CP 26 - Style and Drafting Committee - CAVEATS

Section 1(D)

As enroll 1, the first sentence refers to fair market value and provides that assessors shall determine that value. The second sentence refers both to fair market value and use value in speaking of legislative criteria and uniformity. The previous article authorizes the assessment at use value rather than fair market value. In none of these provisions is it clearly stated that assessors would determine use value of property.

However, in Section 6, which governs adjustment of millage, reference is made to the assessors and Louisiana Tax Commission completing "determination of the fair market value or the use value of all property...."

If the intent of the convention was to have assessors determine use value as well as fair market value, a sentence could be added to Section 1(D) to so provide. Perhaps it could read as follows:

"Each assessor shall determine the use value of property which is to be assessed under the provisions of Paragraph C."

is otherwise, it could read, "property of an organization organized for charitable and fraternal purposes ..."

Further, since Item 1 of the Paragraph includes nonprofit corporations or associations for charitable or fraternal purposes, is Item 3 necessary? The Tax Commission appears to favor its retention.

The Committee on Style and Drafting request the view of the Committee on Revenue, Finance and Taxation as whether to leave the Section as enrolled or to make the change mentioned.

1-7-74

Section 4(C), 4(D)(1), 4(D)(2)

All three Sections use traditional language in referring to "the continental United States." Since the nation has added two states, one of which (Hawaii) is not part of the continental United States, and the other (Alaska) may or may not be part of the continental United States, it may be preferable to delete the word "continental" in these expressions.

Committee recommended deletion of the word "continental" and insertion of the words "states of the" on p. 14 line 19, page 15 line 4 and page 6 line 8.

NOTES

Comparative presentations are found in Chapter II, below.

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.

Great Room, White House Inn
Baton Rouge, Louisiana

Wednesday, January 9, 1974, 12:00 p.m.

President: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Present:

Albert Tate, Jr.
John L. Avint
David ...
James L. Dennis
R. Gordon Kean
Thalin ... Perez
Earl J. Schmitt, Jr.
Max N. Tobias, Jr.
J. Burton Williams

Absent:

Emmett Asseff
Samille F. Gravel, Jr.
Anthony J. Gastriaco
Donald ... Kelly
Anthony M. Pachil, Jr.
Chris J. Roy, FR ...

*Adopted
1-7-74*

Adopted language suggested by S.D. (page 11 given copy) and added language on p. 13 between lines 27-28

In the section on enroll 1, the phrase "dedicated places of burial" is grammatically incorrect. Also, placement of that phrase indicates that the dedicated places of burial are exempt only when owned by nonprofit groups. The exemption is also subject to the other conditions of the Paragraph.

If the intent of the convention was to exempt dedicated places of burial without qualification, the phrase "dedicated places of burial" could be deleted from this paragraph and added as a numbered sentence in Section 4(C).

*Adopted
1-7-74*

Section 4(D)

Item 3 (property of an organization such as a lodge or club organized for charitable and fraternal purposes and practicing the same) may be ambiguous because of the reference to lodges or clubs. Is that enumeration meant as a limiting expression, or is it to give examples without limitation.

If the purpose is to limit, it might better read, "property of a lodge or club or similar organization...." If the purpose

The meeting was called to order by Chairman Tate and the secretary called the roll. With a quorum present, the Committee began deliberation of a motion by Delegate Avant to adopt a caveat amendment to Sections 6(A) and 7(A) of

Section 9(D), page 18, adopted as noted, adding "(C) Exception."

Section 4(A), page 2, adopted with a caveat to the substantive committee changing "the effective date of this constitution." to "January 1, 1974."

The meeting was adjourned at 6 p.m.


Albert Tate, Jr., Chairman

Max N. Tobias, Jr., Vice Chairman

Emmett Asseff, Secretary

COMMITTEE PROPOSAL NO. 7 to clarify possible ambiguous language by inserting "by this Article" in the text of Section 7(A). A copy of Sections 6(A) and 7(A) is attached as Appendix A. Mr. Avant's motion carried.

The committee adopted a motion to refer COMMITTEE PROPOSAL NO. 7 to the floor.

Attached to and made part of these minutes as Appendix B is a copy of COMMITTEE PROPOSAL NO. 15. The committee took action on the sections of the proposal not previously styled. The actions are reflected in the attachment and are as follows:

- Section 10(A) and (B), page 19, adopted as printed.
- Section 10(C) and (D), page 20, adopted as printed.
- Section 11(A), page 21, adopted with noted changes
- Section 11(B), page 22, adopted as printed.
- Section 12, page 23, adopted with noted change.
- Section 13, page 24, adopted with noted change.
- Section 14(A), page 24, adopted with noted change.
- Section 14(B), page 25, adopted with noted changes.
- Section 14(C), page 26, adopted with noted change.
- Section 14(D), page 27, adopted as printed.
- Section 15(A), page 28, adopted with noted changes and a caveat to lines 7 and 8 to offer the language "any person" instead of "a corporation or individual".
- Section 15(B), page 30, adopted with noted changes.
- Section 16, page 32, adopted as printed.
- Section 4(B), page 3, adopted with noted changes.

At 1:45 p.m., the committee recessed until immediately after adjournment of the convention.

NOTES
Comparative presentations are found in Chapter II, below.

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.

Treaty Room, White House Inn
Baton Rouge, Louisiana

Thursday, January 10, 1974, 1:00 p.m.

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Present:

Albert Tate, Jr.
Emmett Asseff
John L. Avant
David Conroy
James L. Dennis
R. Gordon Kean
Donald Kelly
Chalin O. Perez
Max N. Tobias
J. Burton Willis

Absent:

Camille F. Gravel, Jr.
Anthony J. Guarisco
Anthony M. Rachal, Jr.
Earl J. Schmitt, Jr.

At 5:15 p.m., Chairman Tate called the meeting to order with the following members answering roll call:

Albert Tate, Jr.
Emmett Asseff
David Conroy
James L. Dennis
Chalin O. Perez
Earl J. Schmitt, Jr.
Max N. Tobias, Jr.
J. Burton Willis

The committee resumed consideration of the styling of COMMITTEE PROPOSAL NO. 15.

Section 4(B), page 3, reconsidered and adopted with the change in the last sentence of the section as noted.

Section 4(D), page 4, adopted as styled and inserted as page 4a.

Section 4(E), page 4a, adopted with noted changes and a caveat to the Committee on Revenue, Finance and Taxation to the words "of this Paragraph" on line 26.

Section 6(C), page 8, adopted with added language and a note to the substantive committee requesting its opinion.

Section 6(E), page 9, adopted with added language and a note requesting the opinion of the substantive committee.

Chairman Tate called the meeting to order and asked the secretary to call the roll. With a quorum present, the committee began consideration of COMMITTEE PROPOSAL NO. 35.

A copy of the proposal is attached to and made part of these minutes as Appendix A. The changes adopted by the committee are noted in pencil and are as follows:

ARTICLE II. DISTRIBUTION OF POWERS

Section 1, page 1, adopted as noted.

Section 2, page 2, adopted as noted.

ARTICLE XII. GENERAL PROVISIONS

Section 1, page 3, adopted as printed.

Section 2, page 3, adopted as printed.

Section 3, page 4, adopted as noted.

- Section 4, page 5, adopted as printed.
- Section 5, page 5, adopted as printed.
- Section 6, page 6, adopted as printed.
- Section 7, page 7, adopted as printed.
- Section 8, page 7, adopted as printed.

The committee adopted a motion to refer COMMITTEE PROPOSAL NO. 15 to the Committee on Bill of Rights and Elections.

A copy of Sec. 1 (A) through 1(D) of the proposal is attached to and made part of these minutes as Appendix B. The changes adopted by the committee are noted in pencil and are as follows:

- Section 1(A)(1), page 1, adopted as noted.
- Section 1(A)(2), page 2, adopted as noted.
- Section 1(B), pages 3 and 4, adopted as noted.
- Section 1(C), pages 5 and 6, adopted as noted.

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Section 1(D), pages 7 and 8, adopted as noted.
The meeting was adjourned at 1:45 p.m.


Albert Tate, Chairman

Max W. Tobias, Vice Chairman

Emmett Asseff, Secretary

NOTES

Comparative presentations are found in Chapter II, below.

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.

Anti Room, White House Inn
Baton Rouge, Louisiana
Friday, January 11, 1974, 9:00 a.m.

Present: Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Present:
Albert Tate, Jr.
Emmett Asseff
John L. Avant
David Conrad
James L. Dennis
R. Gordon Kean
Chalino Perez
Anthony M. Rachal, Jr.
Earl J. Schmitt, Jr.
J. Burton Williams

Absent:
Camille E. Graves, Jr.
Anthony J. Casri
Donald Hill
Max N. T. Lida, Jr.
Chris J. Pay, Ex-Off.

Chairman Tate called the meeting to order and asked the Secretary to call the roll. With a quorum present, the committee proceeded to discuss the status of COMMITTEE

PROPOSAL NO. 9, beginning with Section 1(E) . . . Section 11 through Paragraph D, was styled and adopted at the last meeting. A copy of the proposal is attached to and made part of these minutes as Appendix A. The changes adopted by the committee are noted in pencil on the attachment.

Delegate Conroy moved to refer the proposal as styled to the Committee on Education and Welfare. Motion carried.

The committee next considered COMMITTEE PROPOSAL NO. 14, a copy of which is attached to and made part of these minutes as Appendix B. The changes adopted by the committee are noted in pencil on the attachment and are as follows:

- Section 1, page 1, adopted as printed.
- Section 2, page 2, adopted as noted.
- Section 3, page 3, adopted as printed.
- Section 4, page 4, adopted as printed.
- Section 5, page 5, adopted as noted.
- Section 6, page 6, deleted, with a caveat to the substantive committee that it is included in COMMITTEE PROPOSAL NO. 15.
- Section 7, page 7, adopted as noted.

Section 8, pages 7 and 8, adopted as noted, with a caveat suggesting adding at the beginning of line 1, the words "Upon such settlement."

Section 9, page 9, adopted as noted, with a caveat to the substantive committee asking whether the commission is to be specifically included in the Executive Branch.

Section 10(A) and (B), page 10, adopted as noted with two caveats to the substantive committee as stated in the attachment.

Section 11(C), page 11, adopted as printed.

Section 11, page 12, deleted with a caveat to the

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substantive committee that it be included in COMMITTEE PROPOSAL NO. 9 (Civil Service).

The committee adopted a motion to refer the proposal to the Committee on Natural Resources.

COMMITTEE PROPOSAL NO. 17, Natural Resources, was next considered by the committee. A copy of the proposal is attached to and made part of these minutes as Appendix C. The changes adopted by the committee are noted in pencil on the attachment and are as follows:

ARTICLE VIII. NATURAL RESOURCES

- Section 14(A) page 1, adopted as noted.
- Section 14(B) page 2, deleted with a caveat to the substantive committee that it be included in COMMITTEE PROPOSAL NO. 14, Section . . .
- Section 14(C) page 3, adopted as noted.
- Section 14(D)(1), page 4, adopted as printed.
- Section 14(D)(2), page 4, adopted as noted.
- Section 14(D)(3), page 4, adopted as noted.
- Section 14(D)(4) page 6, adopted as printed.

Section 14(E), page 7, adopted as noted.

The committee adopted a motion to refer the proposal to the Committee on Natural Resources.

The committee next considered the styling changes in COMMITTEE PROPOSAL NO. 35. A copy of the proposal is attached to and made part of these minutes as Appendix D. The changes adopted by the Committee are noted in pencil on the attachment and are as follows:

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ARTICLE II. DISTRIBUTION OF POWERS

Section 1, page 1, adopted as printed.
Section 2, page 2, adopted as printed.

ARTICLE XII. GENERAL PROVISIONS

Section 1, page 3, adopted as printed.
Section 2, page 3, adopted as printed.
Section 3, page 4, adopted as printed.
Section 4, page 5, adopted as printed.
Section 5, page 5, adopted as printed.
Section 6, page 6, adopted as printed.
Section 7, page 7, adopted as printed.
Section 8, page 7, adopted as noted.

COMMITTEE PROPOSAL NO. 17, Local Government, was next considered by the committee. A copy of the proposal is attached to and made part of these minutes as Appendix E. The changes adopted by the committee are noted in pencil on the attachment and are as follows:

Section 1(A) and (B), page 1, adopted as printed.
Section 1(C), page 2, adopted as printed.
Section 4, page 6, adopted as noted.
Section 5(A), page 7, adopted as printed.
Section 5(C), page 9, adopted as printed.
Section 5(D), page 9, adopted as noted.
Section 5(E), page 11, adopted as noted.
Section 5(G), page 13, adopted as noted.
Section 6, page 14, adopted as noted.
Section 7(A), page 15, adopted as printed.

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Section 8, page 18, adopted as noted.
Section 10, page 20, adopted as printed.
Section 15, page 26, adopted as printed.
Section 16(A), page 27, adopted as noted.
Section 17, page 30, adopted as noted.
Section 19, page 33, adopted as noted.
Section 20, page 34, adopted as printed.
Section 21, page 36, adopted as noted.
Section 23, page 38, adopted as printed.
Section 27(A), page 41, adopted as noted.
Section 27(B), page 42, adopted as noted.
Section 27(D), page 44, adopted as printed.

Section 28(A), page 45, adopted as noted.
Section 28(B), page 46, adopted as noted.
Section 29, page 47, adopted as noted.
Section 32, page 52, adopted as printed, with a caveat to the convention to delete the word "special" on line 4.
Section 33, page 52, adopted as printed.
Section 36(A), page 57, adopted as noted.
Section 36(B), page 59, adopted as noted.
Section 39(A), page 64, adopted as noted.

At 1:45 p.m. the meeting recessed until immediately after adjournment of the convention.

Chairman Tate called the meeting to order at 7:30 p.m. The following members answered roll call:

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Albert Tate, Jr.
Emmett Asseff
John L. Avant
David Conroy
James L. Dennis
Camille F. Gravel, Jr.
Anthony J. Guarisco
R. Gordon Kean, Jr.
Donald G. Kelly
Chalin O. Perez
Earl J. Schmitt, Jr.
Max N. Tobias, Jr.
J. Burton Willis

Delegate Lanier addressed the committee and asked that the committee recommend a caveat amendment to delete Section 21(B) of COMMITTEE PROPOSAL NO. 17.

Delegate Dennis moved that a caveat be adopted that would delete Section 21(B). The motion was defeated in a roll call vote. The votes were as follows:

<u>YEAS:</u>	<u>NAYS:</u>
Dennis	Asseff
Guarisco	Avant
Perez	Conroy
	Gravel
	Kean
	Kelly
	Schmitt
	Tate
	Willis

The committee resumed styling of COMMITTEE PROPOSAL NO. 17. Further changes adopted are as follows:

Section 40(B), page 67, adopted as noted.
Section 41(A), page 68, adopted as printed.
Section 41(B), page 69, adopted as noted.
Section 43(A), page 71, adopted as noted.
Section 44, pages 73 and 74, adopted as noted.

The memorandum from the Committee on Local and Parochial

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Government noting the exceptions by that committee to the styling suggestions proposed by the Committee on Style and Drafting is attached to and made part of these minutes as Appendix F.

Mr. Avant moved that the language "Except as inconsistent with this constitution" and "Subject to and not inconsistent with this constitution" be retained all places

it appears in the proposal. (See Caveat No. 2 to Section 4 in Appendix F.) Motion carried.

Deletion of the word "special" on lines 1 and 3 of page 52, Section 32, as suggested on page 4 of Appendix F, was adopted by the committee as a caveat amendment to the convention.

Further actions taken on the exceptions noted in Appendix F are reflected in Appendix E.

Delegate Tobias moved to refer COMMITTEE PROPOSAL NO. 17 to the floor as styled. Motion carried.

The meeting was adjourned at 9:30 p.m.


Albert Tate, Jr., Chairman

Max N. Tobias, Vice Chairman

Emmett Asseff, Secretary

11/11/74
H.A.

TO: Committee on Style and Drafting
FROM: Committee on Local and Parochial Government
RE: Report on Document No. XV, Committee Proposal No. 17

The Committee on Local and Parochial Government concurs with the styling suggestions proposed by the Committee on Style and Drafting except as noted below:

Section 4.

Caveat No. 1: On page 6, lines 6 and 7, the words "effective date of this constitution" were substituted for the words "when this constitution is adopted". Several members of the committee think this is a substantive change and recommend that further consideration be given this matter.

Caveat No. 2: On page 6, lines 10 and 11, the phrase "Except as inconsistent with this constitution" is used. In other instances the phrase "Subject to and not inconsistent with this constitution" is used. The committee recommends deleting these phrases as needless words (in conformity with Manual, Rule: 5, 13 and Elements, II, 13--omit needless words) in each instance unless some provision of the constitution is shown to be inconsistent.

Answer to Note from Committee on Style and Drafting: The committee recommends that these phrases be left as they appear in the adopted proposal, subject to the reservation expressed in Caveat No. 2, supra.

Section 5(A). On page 7, lines 3 and 4, the phrase "Subject to and not inconsistent with this constitution" is used. See reservation expressed in Caveat No. 2 under Section 4, supra.

Section 5(D). On page 9, line 12, after the word "provi:" and before the word "the" insert the words "by law"

Section 5 E. Answer to Caveat from Committee on Style and Drafting: The committee agrees with the recommendation to remove the second sentence of this paragraph and place it in a separate section.

Section 5(G). On page 13, delete line: 1 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

"(G) Parish Officials and School Boards Not Affected. No home rule charter or plan of government shall contain any provision affecting a school board or the office of district attorney, sheriff, assessor, clerk of a district court, or coroner, which is inconsistent with this constitution or a law."

Section 8. On page 17, line 5 and 6, the phrase "Subject to and not inconsistent with this constitution" is used. See reservation expressed in Caveat No. 2 under Section 4, supra.

Section 8. The committee recommends the insertion of the Section, page 18, left column, as it was adopted by the convention with the following changes:

- (1) On page 18, left column, delete line 7 in its entirety and insert in lieu thereof the word and punctuation "of a city."
- (2) The Section number on lines 1 and 4 needs to be changed to "Section 8."

Section 10. On page 20, lines 4 and 5 the words "after the effective date of this constitution" were substituted for the words "effective date of the adoption of this constitution". See reservation expressed in Caveat No. 1 under Section 4, supra.

Section 15. On page 27, delete lines 4 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 15. The governing authority of a local governmental subdivision shall have general power over any agency heretofore or hereafter created by it, including, without limitation, the power to abolish the agency and require prior approval of any charge or tax levied, or bond issued by the agency."

Section 16. On page 27, line 13, after the word "with" and before the word "the" insert the words "all of" and on line 30, after the word "which" and before the word "located" insert the words "the agency is"

Answer to Caveat from Committee on Style and Drafting: The committee thinks there is no need for a Caveat to the convention on this Section.

Section 17. On page 30, at the beginning of line 21, delete the word "district" and insert in lieu thereof the word "commissions"

Answer to first Caveat from Committee on Style and Drafting: The committee thinks the question raised in the first Caveat warrants no action by either committee.

Section 19. The committee recommends the insertion of the Section, page 31, left column, as it was adopted by the convention with the following changes:

- (1) On page 33, left column, at the beginning of line 1, change "Section 22." to "Section 19."
- (2) On page 33, left column, at the beginning of line 5, change "Section 22." to "Section 19."
- (3) On page 33, left column, line 6, after the word "with" delete "the provi:" and at the beginning of line 7, delete "visions"

Caveat: On page 33, left column, lines 5 and 6 the phrase "Subject to and not inconsistent with [the provisions of] this constitution" is used. See reservation expressed in Caveat No. 2 under Section 4, supra.

Section 20. On page 34, line 11, after the word and punctuation "stat," and before the word "with" delete the word "and" and insert in lieu thereof the word "or"

Section 21. On page 36, line 7, after the word "this" and before the word "shall" delete the word "Article" and insert in lieu thereof the word "Section"

Caveat: The committee thinks this is a substantive change and should be caveated to the convention as supra.

Answer to second Caveat from Committee on Style and Drafting: The committee recommends that the question of the constitutionality of the provision restricting alien land ownership be caveated to the convention. The committee intends to raise this issue on the floor of the convention at the appropriate time.

Section 23. On page 38, lines 3 and 4, the phrase "Subject to and not inconsistent with this constitution" is used. See reservation expressed in Caveat No. 2 under Section 4, supra.

Section 27(A). On page 41, line 15, after the word "increased" and before the word "when" insert the word "in any parish"

Section 27(B). On page 42, line 3, after the word "is" and before the word "general" delete the words "in any" and insert in lieu thereof the words "for each town"

Section 27(C). On page 44, lines 9 and 10, the words "on the effective date of this constitution" are substituted for the words "on the date of adoption of this constitution". See reservation expressed in Caveat No. 1 under Section 4, supra.

Section 40(A). On page 47, line 10, after the word "in row" and before the word "and" insert the words "in any parish"

Answer to Caveat from Committee on Style and Drafting:
The committee has no objection to including the words "or constitutional" on page 45, line 14, but thinks it is a substantive change and should be caveated to the convention.

Section 28(2). On page 46, line 3, after the word "is" and before the word "general" delete the words "not for" and insert in lieu thereof the words "for other than"

Section 29. On page 47, line 8, after the word and punctuation "state." delete the word "Whoever" and at the beginning of line 9, delete the word "pays" and insert in lieu thereof the words "Those who pay"

Section 32. On page 52, line 1 after "Section 32." and before the word "Taxes" delete the word "Special". On page 52, at the beginning of line 4, delete the word "special"

Caveat No. 1: The committee does not think this is a substantive change.

Caveat No. 2: On page 52, lines 1 and 4, the words "on the effective date of this constitution" are substituted for the words "when this constitution is adopted". See reservation expressed in Caveat No. 1 under Section 4, supra.

Section 36(A). On page 57, line 22, after the word "for" delete the comma "," and delete the word "held" and at the beginning of line 23 delete the words and punctuation "under this Section,"

Section 36(B). On page 59, line 30, after the word "election" and before the word "at" insert the punctuation and words ", if any,"

Caveat: The reason for this recommendation is refunding bonds at the same or a lower effective rate of interest need not be authorized at an election (see Section 34, supra.)

Section 39(A). On page 64, line 28, immediately after the word "Article" insert a period "." and delete the remainder of the line and delete line 29 in its entirety.

Caveat No. 1: The committee thinks this paragraph is self-operative and therefore these words as well as the sentence adopted (this provision shall be self-operative) are needless words. However, the committee thinks this change should be caveated to the convention.

Caveat No. 2: With respect to the use of the term "now" in Section 39 (page 64, left column, line 3) it was the intent of the committee that "now" meant the date of adoption of the proposal by the convention. The committee recommends consideration of a date certain such as January 1, 1974, or January 19,

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1974, the final date of the convention, be inserted as the effective date.

Section 40(B). On page 67, line 1, after the word "necessity" and before the word "additional" delete the word "for" and insert in lieu thereof the words "to raise"

Section 41(A). The committee does not object to changing "Article" to "Part III" on page 68, line 17, but recommends this change be caveated to the convention.

Section 41(B). On page 69, line 3, after the word "by" delete the words "the laws" and insert in lieu thereof the word "law"

Section 43(A). The committee recommends the insertion of Section 43(A), page 71, left column, as it was adopted by the convention with the following changes:

- (1) On page 71, left column, line 5, after the word "other" delete the word "or" and insert in lieu thereof the word "contrary"
- (2) On page 71, left column, line 19, after the word and punctuation "commerce," add the following:
"If the district has no other funds or resources from which the payment can be made, it shall levy on all taxable property within the district a tax sufficient to pay for property used or destroyed to be used solely in the district where collected."
- (3) On page 71, left column, at the beginning of line 4, change "Section 49." to "Section 43."
- (4) On page 71, left column, at the beginning of line 4, change "Section 49." to "Section 43."

Section 43(B). On page 72, line 17, after the word "of" and before the word "for" insert the word "said"

Section 44. On page 73, line 1, after "Section 44." delete the word "Part" and insert in lieu thereof the words "Part C" and "Districts". On page 73, line 1, after the number "(2)" and before the word "law" delete the word "By" and insert in lieu thereof the words "Only by"

Caveat: With respect to the use of the term "law" in Section 44 (page 73, left column, line 1) see Civ. Stat. and Section 1(A), supra.

Judge Tate: Call the roll and the meeting will come to order.
A quorum is present.

Judge Dennis: Mr. Lanier is back and he's been waiting patiently and could we entertain his speech or, his proposal, or whatever he has at this time?

Judge Tate: Would you like to talk, now?

Mr. Lanier: I'd be happy to, Judge. The reason I came was to request of Style and Drafting that they caveat sub-section B of Section 21 of the proposal on Local and Parochial Government. On page 36, of the material that you have, this provision as it has been amended, prohibits the sale of property which has been expropriated by industrial districts to aliens. I believe that this provision is in direct conflict with the right to property which we have adopted in Section 4 of our Bill of Rights. In addition, I believe it is in conflict with the 14th amendment to the United States Constitution, with 42 United States Code 1981 and with the United Nations Charter. Now the thing that I would request this committee to do, since what I am going to suggest is obviously a substantive change, is to caveat this point with the source materials that I will give you. If you conclude that my position is accurate or that it should be brought to the attention of the convention, so that this provision would be deleted from this Section. It says at 42 United States Code 1981 which is under Chapter 21 of the United States Code dealing with civil rights, and is entitled "Equal Rights Under the Law." and it states as follows: "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, the parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other." I might further add that 42 USC 1981 is enforceable by a law under 42 USC 1983 which provides as follows: "Every person who, under cover of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress." This particular provision was considered by the United States Supreme Court in 1948 in the case of Takahashi vs. Fish and Game Commission and I would like to quote from that case. This is at 334 United States

Report 410, 68 Supreme Court Reporter 1138, and it provides as follows: "Moreover, Congress, in the enactment of a comprehensive legislative plan for the nation-wide control and regulation of immigration and naturalization, has broadly provided..." At this point in the opinion, the cite, the statute that I first read 42§1981 which at that time was 8 U.S. Code, Section 41, the court went on to say "...The protection of this section has been held to extend to aliens as well as to citizens. Consequently the section and the Fourteenth Amendment on which it rests in part protect 'all persons' against state legislation bearing unequally upon them either because of alienage or color. The Fourteenth Amendment, and the laws adopted under its authority thus embody a general policy that all persons lawfully in this country shall abide 'in any state' on an equality of legal privileges with all citizens under non-discriminatory laws." I believe this is pretty clear language. I would further point out that in the case of Fuji vs. the State of California which is in 217 Pacific 2nd, 481, the California Alien Land Law was declared in violation of the United Nations Charter, which is a treaty of the United States, and the supremacy of the land under our Constitution. This case--there is an excellent law review article on the case in 75 Tulane Law Review 117. I asked the staff to do a memorandum for me on this problem, I think Lee Kirgrov did it. It's the Staff Memorandum

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dated October 19, 1973, which concluded considering that even in 1948 there was strong settlement against the constitutionality of prohibitions of alien land ownership cover with the expansion of equal protection doctrines, in recent years it seems that state laws prohibiting alien land ownership are quite suspect and would probably not be upheld today. This problem has also been written upon in 1971, Duke Law Review, page 583 and 1970 Utah Law Review, page 136. I feel, in my opinion, this provision is patently unconstitutional. It should not be in our constitution. I believe that I made some of these sources available to Mr. Avant. We've been discussing this problem now for a couple of months. As I understand Mr. Avant's position is, this is a prohibition against the state or political subdivision. It's not a prohibition against the state-by-the-way-it's a prohibition against the political subdivision that does this. However, the language that is used here also would prohibit any person who would buy such property from the political subdivision from thereafter selling it to an alien. It may well be that you could make a law that would prohibit the sale of property to an alien who is ineligible for citizenship. However, with one that is eligible for citizenship, I believe that the provision would be patently unconstitutional, and there is no limitation of the application of this to those who would be ineligible for citizenship. So

what would ask for the committee to consider the and if in it will it concludes that there is a strong

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likelihood that this provision is unconstitutional, caveat same to the convention with at least some of the authorities that I've cited, so that those who are interested in this problem could check it out and make a meaningful decision.

Judge Tate: Mr. Avant, I think you were the author of the amendment

Mr. Avant: I was.

Judge Tate: Now, if (B) were deleted, you would take out (C), too, I believe, but anyway, go ahead with (B).

Mr. Avant: Well, I'm going to wait until some member of the committee makes a motion.

Mr. Willis: Can we question Mr. Lanier?

Judge Tate: Yes.

Mr. Willis: Walter, of course I've seen the cases and the authorities that you have used in your discourse. Between whom was the contest, between a citizen and an alien or an alien and a state? Was that the private property that the alien was denied from purchasing or public property? Do you understand the thrust of my question?

Mr. Lanier: I think in Fuji it was private property.

Mr. Willis: That would be like me selling to Fuji, and the state says I can't and Fuji goes into court and sue California and declare that as to Fuji unconstitutional.

Mr. Lanier: Well, they declared the California Alien Land Act unconstitutional as being in violation of the United Nations Charter.

Mr. Willis: Let's put the California act and this provision and see whether or not the provisions are the same. This provision says that no property expropriated under

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the authority. Now, the property, once it is expropriated is public property. The prohibition against alienation here to an alien selling or donating is that public property may not be sold or donated to an alien.

Mr. Lanier: This isn't completely accurate because it says that property expropriated under the authority of this section shall not ever be sold or donated, etc. This would mean that if it was expropriated, it became public property, it was thereafter sold to a private person, that private person could not sell it.

Mr. Willis: Well, I understand that. You can convert public property to private property and then this would be unconstitutional under the thrust of that opinion. Let us assume, for the purpose of my question, to simplify it, that the state expropriate - the local subdivision expropriates an industrial park, and decides it wants to sell it to Fujiyama, we took the park in the last war, much to my regret. Would that be prohibited under the authority of this case?

Mr. Lanier: I'm not going to tell you that can't be dealt with public property, because it didn't. But, I don't see where the principle would be any different if a state is

proscribed from making laws with reference to property, that would discriminate unreasonably against aliens vis a vis citizens, then, I don't see where it makes any difference whether the property is public or private.

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Does that distinguish between the tall and the short - public and private property?

Mr. Lanier: I don't think it's the tall and the short, it's property.

If you authorize the sale of property to anyone, then I would argue to you that you must treat the alien who is given equal rights under the Act of Congress, the same right to purchase this property, which I believe would have to be put at public auction under the laws of this state, the same right to bid it in, if he puts up the most money-as would any citizen of the State of Louisiana or of the United States.

Mr. Willis: Well, let me approach it at another angle then. Don't you think that a government, whether it's a local government or a state government, has a right to protect itself by its constitution, whereby its public properties will not be disposed of to aliens to the detriment of what we the people notably of Louisiana would pose?

Mr. Lanier: In view of the language of the statute that I cited to you in the case law in question, until that statute is changed - that case law is changed - my answer to you would have to be "no" at least in particular with reference to the alien who is eligible for citizenship.

Mr. Willis: It's a revolting development that a government can't protect its property.

Mr. Schmitt: Can't we just leave this in here and let somebody come challenge it later on if they want to? It's only one section.

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Mr. Lanier: I believe that this committee can recommend whatever it wishes to recommend and the convention can also do otherwise. It is my position, and the reason for my appearance today is that I think that it is of such a patently unconstitutional nature that it should be deleted. That is my position.

Judge Dennis: As a courtesy to Mr. Lanier and in order to get on the right course, I am going to move that we caveat the matter to the convention, drawing attention to the possible unconstitutionality and annexing thereto the statement of Mr. Lanier's argument.

Mr. Perez: It seems to me that before you caveat something, you have to make a specific suggestion, which would be to delete the provision - what would you do? We have got to offer to the convention some specific solution.

Mr. Avant: To which motion I would object, and I would like to be heard.

Judge Tate: Be heard.

Mr. Avant: In the first place, I do not view this as a limitation on the right of an alien to acquire and own property.

I view it as a limitation on the purposes for which government may expropriate and take from one of its citizens his property against his will, which I think is a horse of another color altogether. I do not interpret the section as prohibiting a person who had purchased such property in the ordinary course of events and in the ordinary course of commerce later on decided since it was then his private property, he had

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purchased it after it had been expropriated by local governmental subdivisions, from selling that property to an alien or anyone who he may choose to sell it to. The phrase "directly or indirectly" is for the purpose of permitting the expropriation and then by subterfuge doing indirectly that which you could not accomplish directly. On the question of the unconstitutionality of the matter, while I haven't devoted the time and the research that Mr. Lanier, I feel that the entire section is patently unconstitutional under the Constitution of the United States and that property can be expropriated only for a public purpose and that the expropriation of property for the express and intent purpose of transferring it to another private industry who will devote it to a private enterprise is a deprivation of due process of law. That is my opinion, but that is neither here nor there. But, I say that there is just as much justice, or just as much reason, to caveat the entire section to the convention with the view of deleting it in its entirety as it would to caveat this particular little restriction. And for that reason I would object to the motion offered by Mr. Dennis.

Judge Tate: Mr. Gravel.

Mr. Gravel: I think you know, Jack, I have some feeling that real validity to the observation made by Mr. Lanier, but it's my recollection that the convention considered this question of constitutionality---my question was, did not the convention have before it the question of the

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constitutionality and I think that they did and I voted against you, but I believe this matter has been considered and disposed of by the convention.

Mr. Perez: My point is, I know we have a lot of other work to do, and this matter has been discussed by this committee previously and we have been fully informed on the subject matter and I would like to move the previous question.

Judge Tate: Any objection to the previous question? The previous question was Judge Dennis's motion that we prepare a caveat amendment to the floor deleting Section (B) and renumbering (C) and citing Mr. Lanier's reasons that it was unconstitutional. Is there any objection to the previous question? All those in favor of the motion will say "aye" when their name is called and all those opposed will say "nay".

Avant - No
Conroy - No
Dennis - Yes
Gravel - No
Guarisco - No
Kean - No
Kully - No

Perez - Yes
Schmitt - No
Tate - No
Tobias - Yes
Willis - No

Mr. Guarisco: I would like to change my vote to "yes".

Mr. Lanier: I do appreciate the opportunity to appear in a democratic fashion. Although I do not agree with your conclusions, I will forever defend you right to---

Judge Tate: We are about to conclude it. We can finish the remaining amendments, I think there are only three or four on the drafts that you have before you which are dated January 10 which elaborate the suggestions of the report of local government which is on your

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white sheet and at this point up to - we just finished 41(B) - we have approved the change "by law." We are proceeding to go to Section 23 (A) which is on page 71 and which you see local government wishes to return to the original language except for our restyling in the last paragraph.

Mr. Perez: I might say with respect to that, the committee had agreed to change the words "however, no law shall authorize compensation for batture" and so forth, and I was informally notified by the committee that even though the committee had agreed to go with that language, now they may reconsider, so to make it easier for you, if that is what you want to do, our committee was satisfied that what is said on the left means the same thing as what is said on the right. But if you're worried about it, we're not going to make any kind of a fuss over it, unless you go back to the language on the left, so we made it easier for you in this situation.

Judge Tate: Would you have any objection - in style and drafting we don't use "and provided further" we use "however" instead of that.

Mr. Perez: I think if you're going with it, you go with it on the left, or you go with it as it is on the right. The point being this, that this is the way it was adopted on the left - there is a great deal of law with respect to the fact that a property owner is not entitled to any compensation whatsoever because of the fact that his property is subjected to a servitude and it's only when

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the law gives him that right that he has it, because the law says that it's a gift to him. These are the words in the 1921 Constitution that appear on the left. I would like to stick with the words in the 1921 Constitution because they have been interpreted by the courts.

Mr. Conroy: Do you object to changing on line 10 the semicolon to a period, deleting "and provided further" and inserting "however"?

Mr. Perez: No, I have no objection to that.

Mr. Avant: On this other side, I interpret it on the right that

that would be a prohibition against the legislature.

Has it been interpreted?

Mr. Perez: It has been held that a person has no right to receive compensation if that property, when it was divested from the sovereign, was subjected to the servitude. Now what we're doing above here is we're saying that the legislature may provide for compensation,-- --

Judge Tate: Mr. Conroy moves that we accept the suggested retention with the changes shown, suggested to us by local and parochial government, with the exception that on line 10 we change the semicolon to a period, delete the word "and" and on page 11 delete "provided further" and insert "However". Is there any objection to that motion? So ordered.

Mr. Tobias: Deleting that "thereof" on line 18, that's something we had done before in the styled version.

Judge Tate: Is there any objection to that?

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Mr. Perez: I want to be careful about this, because this is in the present constitution. I don't want the courts to have the opportunity to determine otherwise.

Judge Tate: Is there any objection to Mr. Tobias's amendment? There being no objection, it's so ordered. Now, we go to Section 43(B) on page 72, they want to put back the damn "said" but---

Mr. Schmitt: "Damn" is in here?

Mr. Perez: There is a very specific reason. You read this without the "said" and it may mean to prevent the appropriation of anybody's property. We're just trying to be sure it's limited to this particular purpose.

Judge Dennis: Could we use "such" instead of "said"?

Mr. Perez: We'll go "such" instead of "said".

Judge Tate: Page 73 of Section 44. Park Commissions and Districts. They want to put that back in the title. It wasn't ever in the title - but that is a more accurate title. And, I don't suppose we have any objection, do we? On line 18, we want to put "only by law". We haven't been doing it but if there's a motion to that effect.

Mr. Tobias: So move.

(General Discussion)

Judge Tate: Delete the "may" on line 21 and put the "may" on line 20 after the comma, on line 24 and 26 delete the "may". Is there any objection to those changes? Adding "only by law" because it means---

Mr. Avant: Mr. Perez, would you have any violent objection to spelling the word "diminish" correctly?

Mr. Perez: I would hope that Style and drafting would pick that up.

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The next thing is the word "now" like we did in the previous section, we put the date certain there.

Judge Tate: Where is it?

Mr. Tobias: Line 6.

Judge Tate: Where they say "now" we have been using "on the effective date of this constitution" throughout.

In most instances it is referring to something that would not go into effect. Here, as Mr. Perez has correctly pointed out "now" means in existence at the time we do it, so in that sort of thing we'll just use "on January 1, 1974". So on line 6 and on line 7, we're deleting "on the effective date of this constitution" and we're putting in "January 1, 1974". Any objection to that? So ordered.

Mr. Perez: The only remaining problem we have is that our local government committee raised the question, because of the fact that Style and Drafting had told us in one case with respect to the words "except as may be provided otherwise in the constitution" that those were needless words and we ought to strike them because they didn't mean anything. Can you go back and tell me where you did that?

Judge Tate: Here is where we did it---

Mr. Avant: Judge, I don't mean to be rude, but Mr. Perez said, that at one point in our recommendations, with respect to the use of this language, in one particular place, we had recommended that it be deleted because there was no other provision in the constitution.

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Judge Tate: Here it is on page 5, Section 3. I'll read it to you. As it passed the floor it was Section 6. It says "except as provided in this constitution the legislature may classify parishes and municipalities according to population or on any other reasonable base." It was deleted because no where else in the constitution did they have a provision otherwise that we could find. So, we restyled it to read "the legislature may classify parishes and municipalities according to population or any other reasonable basis."

Mr. Perez: And, so therefore the Committee on Local and Parochial Government---

Judge Tate: Do you want to put it back in?

Mr. Perez: No, sir, we don't want to put it back in. We agree with that. All we said was, that in each and every other case in the local government article where reference is made--if the committee can find nothing which is inconsistent with it, then why don't we delete those unnecessary words also. That was the position of the committee.

Judge Tate: Can the chair report from the staff version first, why we didn't recommend initial deletion. Because most of them were added by floor amendment mostly by Mr. Gravel.

Mr. Perez: I would like to ask that specifically in each case we look at it and say why did you put it here--what is inconsistent.

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Judge Tate: And in each case, upon study we put firemen's pay and we saw the reason - there was a reason - whether

it was valid or not. Now we can go one by one if you would like to?

Mr. Perez: Yes, sir, that's what I would like to do. The first one is on page 6, lines 10 and 11---

Judge Tate: It reads "except it shall have powers, functions, duties and effect..."

Mr. Avant: I'll be happy to answer Mr. Perez's question. The legislature, and I do not recall the citation of the statute, in the year, maybe, 1956, provided a minimum pay plan and certain rules with reference to the pay of firemen. The case that went up from the 19th Judicial District Court on whether or not that was applicable to the city of Baton Rouge which operates under a home rule charter or plan of government. In the case of Lafleur vs. City of Baton Rouge, the court of appeal held that under the language of the home rule charter of the city of Baton Rouge - I'm not giving direct quotes--but the interpretation of the language "powers, functions and duties" that that statute did not apply to the city of Baton Rouge. The specific intent of that amendment, coupled with the provision that we later adopted, with respect to the pay of firemen and policemen and a prohibition on the legislature of enacting laws which increase the financial burdens on municipalities. The specific intent of those amendments in those two sections, was to make it clear that under this constitution, if the legislature passed

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any such act, it would be applicable to the city of Baton Rouge or any existing home rule charter. And if you take it out of there, it is a distinct substantive change.

Mr. Perez: I'm in complete agreement with you. The other question I would ask you then, would you be willing to be agreeable to say "except as inconsistent with Section so-and-so"?

Mr. Avant: No!

Mr. Guarisco: I'd like to ask Mr. Perez, first of all, it is definitely a substantive change. Because this issue, this very wording "except as inconsistent" was specifically before the convention--on that very issue and one of the arguments was very simple. Suppose, for example, that Mr. Perez, in his home rule charter in Plaquemines, which is a constitutional home rule charter, would have powers and functions or powers that would exceed those in the '74 document. Then, he may in fact have more powers than any subsequent home rule charter created under the new constitution and that issue was squarely before the convention, they understood what we were talking about and they realized that and voted accordingly. I think we're definitely making a substantive change, and it is not a style and drafting change.

Mr. Keon: There was no comment made on the floor of the convention about the effect of this on any specific provision. I don't agree with Mr. Avant and his interpretation of it.

Mr. Perez: I can end this discussion now by saying I think there is sufficient merit to what has been said with respect to

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this particular thing. Let's take a look at the next one. Page 7, lines 3 and 4.

Judge Tate: On page 7, lines 3 and 4.

Mr. Gravel: I'd like to speak on my amendment. Very simply, if we didn't have a provision like this, there would be nothing, for example, to prevent a home rule charter from conducting a lottery, or from doing some other things that would not otherwise be prohibited by the constitution.

Mr. Avant: In a nutshell, the intent obviously was to make every home rule charter, whether previously adopted or subsequently adopted to the adoption of this constitution or on its effective date, subject to the provisions of this constitution.

Judge Tate: Page 15, lines 5 and 6, is the next one. Same thing applies. The next one is on page 33, Section 19. Would you have any objection if we restyled the title and said "Special Districts; Creation"? No objection, so ordered. (General Discussion)

Mr. Avant: I would move that the suggestion of the Committee on Local and Parochial Government that all of these phrases be retained in view of the explanation.

Mr. Schmitt: I'd like to make a substitute motion, that we strike out "subject to" on lines 3 and 4.

Judge Tate: All those in favor of the substitute motion will raise their hand. Opposed. The substitute motion is lost. Is there objection to the adoption of the Avant motion? The Avant motion carries. Send it to the floor of the convention.

Meeting adjourned.

NOTES

Comparative presentations are found in Chapter II, below.

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.

Independence Hall, White House Inn
Baton Rouge, Louisiana
Saturday, January 12, 1974, 12:15 p.m.

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Present:
Albert Tate, Jr.
Emmett Asseff
John L. Avant
David Conroy
James L. Dennis
Camille F. Gravel, Jr.
R. Gordon Kean

Absent:
Anthony J. Guarisco
Anthony M. Rachal, Jr.
Chris J. Roy, Ex O.

Donald Kelly
Chalin O. Perez
Earl J. Schmitt, Jr.
Max N. Tobias, Jr.
J. Burton Willis

Chairman Tate called the meeting to order and asked the secretary to call the roll. With a quorum present, the committee began consideration of the report from the Committee

on Natural Resources on changes proposed by this committee to COMMITTEE PROPOSAL NO. 34. A copy of that report is attached to and made part of these minutes as Appendix A. The action taken on the exceptions to the suggested changes are as follows:

- (1) Language suggested by the substantive committee rejected.
- (2) Language suggested by the substantive committee rejected.
- (3) "the" adopted in lieu of "this".
- (4) Section deleted
- (5) "These" adopted, with a caveat offering "Upon such settlement, these"
- (6) Language suggested by the substantive committee adopted.
- (7) Caveat adopted. (See 5 above.)
- (8) Language suggested by the substantive committee rejected, retaining the caveat suggested by Style and Drafting.
- (9) Language suggested by the substantive committee rejected, retaining the caveat suggested by Style and Drafting.
- (10) Language suggested by the substantive committee adopted, without a caveat.
- (11) Caveats adopted as noted above.

Delegate Kean moved to refer COMMITTEE PROPOSAL NO. 34 to the floor. Motion carried.

The report from the Committee on Natural Resources on changes proposed by the Committee on Style and Drafting CP 37 is attached to and made part of these minutes as Appendix B. The exception noted in the report was adopted.

The committee adopted a motion to prepare a caveat to Section 14 of COMMITTEE PROPOSAL NO. 37, clarifying whether the Public Service Commission should be in the Executive Branch.

The Committee on Education and Welfare concurred in all changes suggested by the Committee on Style and Drafting in COMMITTEE PROPOSAL NOS. 9 and 10. A motion was adopted to refer the proposals to the floor without further change.

Delegate Avant moved to report DELEGATE PROPOSAL NO. 3 to the floor, with amendment to delete it, noting in a caveat that the language appears in the Judiciary Article. Motion carried.

Delegate Kean moved to report DELEGATE PROPOSAL NO. 17 without amendment to the convention. Motion carried. A copy is attached to and made part of these minutes as Appendix C.

Delegate Tobias moved to report DELEGATE PROPOSAL NO. 18 without amendment to the convention. Motion carried. A copy of the proposal is attached to and made part of these minutes as Appendix D.

Delegate Tobias moved to report DELEGATE PROPOSAL NO. 16 to the floor without amendment. Motion carried. A copy of the proposal is attached to and made part of these minutes as Appendix E.

A copy of Delegate Proposal No. 22 is attached to and made a part of these minutes as Appendix F. Delegate Tobias moved to refer the proposal to the chairman of the substantive committee with the changes noted on the attachment. Motion carried.

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Delegate Perez moved that Chairman Tate suggest a suspension of the rules allowing the chairmen of the substantive committees to concur in the changes suggested in the proposals adopted hereafter by this committee, without calling a meeting unless necessary. Motion adopted.

Delegate Tobias moved to report DELEGATE PROPOSAL NO. 28 to the convention without amendment. Motion carried. A copy of the proposal is attached to and made part of these minutes as Appendix G.

Delegate Conroy reported that the Committee on Revenue, Finance and Taxation concurred in the changes suggested by the Committee on Style and Drafting. Delegate Avant moved to refer it to the floor as amended. Motion carried.

The meeting adjourned at 2:00 p.m.


 Albert Tate, Jr., Chairman

 Max N. Tobias, Vice Chairman

 Emmett Asseff, Secretary

ATTACHMENT A

January 12, 1974

TO: Albert Tate, Jr., Chairman
 Committee on Style and Drafting
 FROM: Alvin Singletary, Secretary
 Committee on Natural Resources and Environment
 RE: Style and Drafting changes for Committee Proposal No. 34,
 First Enrollment

The Committee on Natural Resources and Environment approved all of the style and drafting changes adopted by the Committee on Style and Drafting, as shown in Document No. XXXIV, dated 1/11/74, except the following:

- 1) On page 2, line 16, the word "to" was deleted and in lieu thereof the word "with" was inserted
- 2) On page 2, line 19, the word "to" was deleted and in lieu thereof the word "with" was inserted
- 3) On page 5, line 6, at the end of the line, the word "this" was deleted and the word "the" was inserted in lieu thereof
- 4) On page 6, accepted the CAVEAT deleting the section (Section 6) on Royalty Fund and transferring same to Committee Proposal No. 15 of Revenue, Finance and Taxation

- 5) On page 7, at the beginning of line 15, the word "Those" was deleted and the words "Upon such settlement, these" was inserted in lieu thereof
- 6) On page 7, line 20, the word "and" was deleted and the word "or" was inserted in lieu thereof
- 7) On page 8, delete the CAVEAT
- 8) On page 9, line 8, after the word "Commission" delete the word "consisting" and insert the following: "The commission shall be in the Executive Branch and shall consist"
- 9) On page 10, line 17, after the partial word "mission" delete the word "consisting" and insert in lieu thereof the following: "The commission shall be in the Executive Branch and shall consist"
- 10) On page 10, line 23, delete the words "as ex officio" at the end of the line and insert in lieu thereof the words "ex officio as"
- 11) On pages 9 and 10, delete all CAVEATS

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ATTACHMENT B

January 12, 1974

TO: Albert Tate, Jr., Chairman
 Committee on Style and Drafting
 FROM: Alvin Singletary, Secretary
 Committee on Natural Resources and Environment
 RE: Style and Drafting changes for Committee Proposal No. 37,
 First Enrollment

The committee on Natural Resources and Environment approved all of the style and drafting changes adopted by the Committee on Style and Drafting, as shown in Document XXXIII, dated 1/11/74, except the following:

- 1) On page 5, line 20, before the word "as" the words "if and" were inserted

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ARTICLE III. JUDICIAL BRANCH

Section 12. Prohibited local or special laws

Section 12. (A) It shall be otherwise provided in this constitution, that the legislature shall not pass any local or special law:

18 (1) For the purpose of determining the election, or fixing
 19 or changing the place of voting.

20 (2) Changing the names of persons; authorizing the adoption
 21 or legitimation of children; or the emancipation of minors; affecting
 22 the estates of minors or persons under disabilities; granting divorces;
 23 changing the law of descent or succession; giving effect to infernal
 24 or invalid wills or deeds; or to any illegal disposition of property.

25 (3) Concerning any civil or criminal actions, including
 26 changing the venue in civil or criminal cases; [or] regulating the
 27 practice or jurisdiction of any court; [or] changing the rules of
 28 evidence in any judicial proceeding, or inquiry before courts; [or]
 29 providing or changing methods for the collection of debts; or the
 30 enforcement of judgments; [or] prescribing the effects of judicial
 31 sales.

32 (4) Authorizing the laying out, opening, closing, altering,
 33 or maintaining of roads, highway, streets, or alley; relating
 34 to ferries and bridges, or incorporating bridge or ferry companies,
 35 except for the erection of bridges over any stream which form

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 D. P. No. 22

1 homestead between this and any other state; authorizing the
 2 construction of street passenger railroads in any incorporated
 3 town or city.

4 (5) Exempting property from taxation; extending the time for
 5 the assessment or collection of taxes; [or] ^{relieving and} for the relief of any assessor
 6 or collector of taxes from the performance of his official duties; or
 7 of his sureties from liability; remitting fines, penalties, and for-
 8 feitures; [or] refunding moneys legally paid into the treasury.

9 (6) Regulating labor, trade, manufacturing, or agriculture;
 10 fixing the rate of interest.

11 (7) Creating private corporations, or amending, renewing,
 12 extending, or explaining the charters thereof; granting to any
 13 private corporation, association, or individual any special or
 14 exclusive right, privilege, or immunity.

15 (8) Regulating the management of parish or city, public
 16 schools, the building or repairing of parish or city schools,
 17 and the raising of money for such purposes.

18 (9) Legalizing the unauthorized or invalid acts of any of-
 19 ficer, employee, or agent of the state, its agencies, or political
 20 subdivisions.

21 (10) Defining any crime.
 22 ~~Additional prohibition.~~
 23 (B) The legislature shall not indirectly enact special or
 24 local laws by the partial repeal or suspension of a general law.

NOTES

Appendices C, D, E and G are found re-
 produced above in Volume IV as D.P. Nos. 16,
 17, 18 and 28.

MINUTES

Minutes of the Committee on Style
 and Drafting of the Constitutional
 Convention of 1973

Held pursuant to notice by the
 Secretary in accordance with the
 Rules of the Convention.

Treaty Room, White House Inn
 Baton Rouge, Louisiana
 Monday, January 14, 1974, 8:00 a.m.

Presiding: Albert Tate, Jr., Chairman of the Committee on
 Style and Drafting

<u>Present:</u>	<u>Absent:</u>
Albert Tate, Jr. John L. Avant James L. Dennis Camille F. Gravel, Jr. Anthony J. Guarisco Chalin O. Perez Earl J. Schmitt, Jr. Max N. Tobias, Jr.	Emmett Asseff David Conroy R. Gordon Kean Donald Kelly Anthony M. Rachal, Jr. J. Burton Willis Chris J. Roy, Ex O.

Chairman Tate called the meeting to order and asked the
 secretary to call the roll. With a quorum present, the
 committee began consideration of the changes suggested by
 the staff in COMMITTEE PROPOSAL NO. 30. A copy of the
 proposal is attached to and made part of these minutes as

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Appendix A. The changes adopted by the committee are noted
 in pencil in the attachment.

A copy of CP 36 is attached to and made a part of these
 minutes as Appendix B. The changes adopted by the committee are
 noted in pencil in the attachment.

A copy of the report from the Committee on Bill of Rights
 and Elections noting the exceptions to the changes in COMMITTEE
 PROPOSAL NO. 36 suggested by this committee is attached as
 Appendix C.

Delegate Tobias moved to refer COMMITTEE PROPOSAL NO. 36
 to the convention, as amended. Motion carried.

The meeting adjourned at 9:30 a.m.


 Albert Tate, Jr., Chairman

Max N. Tobias, Jr., Vice Chairman

Emmett Asseff, Secretary

January 14, 1974

To: Chair: Albert Tate, Committee on Style and Drafting
From: Chairman Jackson, Committee on Bill of Rights and Elections
Re: Style and Drafting Changes in Committee Proposal No. 36: Constitutional Revision (First Enrollment)

The Committee on Bill of Rights and Elections approves the changes proposed by the Committee on Style and Drafting in Document No. XXXVI dated 1/13/74 with the following exceptions:

1. On page 1, delete lines 7 through 12, both inclusive, in their entirety, and insert in lieu thereof the following:

"legislature, if prefiled at least ten days before the beginning of the session in accordance with the rules of the houses of the legislature. An amendment to this"

2. On page 4, delete lines 3 through 11, both inclusive, in their entirety, and insert in lieu thereof the following:

"Whenever the legislature considers it desirable to revise this constitution or propose a new constitution, it may provide for the calling of a constitutional convention by law enacted by two-thirds of the elected members of each house."

3. On page 4, line 22, after the first word "of", delete the words "the State of"

4. In caveat no. 1 delete the caveat and insert in lieu thereof the following:

"Section 1. (A) Procedure. An amendment to this constitution may be proposed by joint resolution at any regular session of the legislature, (if) and the resolution shall be prefiled at least ten days before the beginning of the session in accordance with the rules of the house in which introduced."

A copy of the amendment with the changes adopted by the committee is attached to and made part of these minutes as Appendix A.

Mrs. Duncan, director of research, explained the reorganization of contents in the document titled "State of Louisiana of 1974," a copy of the proposed constitution with notations by the research staff. The document is attached to and made part of these minutes as Appendix B. Changes adopted by the committee are noted in pencil in the attachment.

Chairman Tate called a meeting of the subcommittee for 8:00 p.m. to consider further reorganization of the constitution.

The meeting adjourned at 1:45 p.m.

Albert Tate, Jr.
Albert Tate, Jr., Chairman

Max N. Tobias, Vice Chairman

Emmett Asseff, Secretary

NOTES

Comparative presentations are found in Chapter II, below.

NOTES

Comparative presentations are found in Chapter II, below.

MINUTES

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.

Treaty Room, White House Inn
Baton Rouge, Louisiana

Wednesday, January 16, 1974, 12:40 p.m.

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Present:

Albert Tate, Jr.
Emmett Asseff
John L. Avant
David Conroy
James L. Dennis
Anthony J. Guarisco
Earl J. Schmitt, Jr.
Max N. Tobias, Jr.
J. Burton Willis

Absent:

Camille F. Gravel, Jr.
R. Gordon Kean
Donald Kelly
Chalin O. Perez
Anthony M. Rachal, Jr.
Chris J. Roy, Ex O.

Chairman Tate called the meeting to order and asked the secretary to call the roll. With a quorum present, the committee adopted the styling changes in the amendment to COMMITTEE PROPOSAL NO. 26, by Delegates Henry, Pugh, et al.

MINUTES

Minutes of the Subcommittee of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.

Treaty Room, White House Inn
Baton Rouge, Louisiana

January 16, 1974, 8:00 p.m.

Presiding: Justice Albert Tate, Chairman of the Committee on Style and Drafting

Members present: Albert Tate, Jr.
David Conroy
James L. Dennis
Max N. Tobias
J. Burton Willis

Chairman Tate called the meeting to order and announced that the subcommittee would consider the reorganization of the contents of the constitution and have it ready to report to the whole committee at 8:00 a.m. on January 17, 1974.

Chairman Tate appointed Delegates Tobias and Conroy as a subcommittee to work with the staff on the styling of the alternative proposals as they are adopted.

The recommendations adopted by the subcommittee are reflected in the minutes of the meeting of January 17, 1974.

The meeting adjourned at 11:00 p.m.

Albert Tate
Albert Tate, Chairman

MINUTE:

Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.

Treaty Room, White House Inn
Baton Rouge, Louisiana

Thursday, January 17, 1974, 8:00 a.m.

Presiding: Justice Albert Tate, Jr., Chairman of the Committee on Style and Drafting

Present:

Albert Tate, Jr.
John L. Avant
David Conroy
James L. Dennis
Camille F. Gravel, Jr.
R. Gordon Kean
Donald Kelly
Chalín O. Perez
Anthony M. Rachal, Jr.
Earl J. Schmitt, Jr.
Max N. Tobias, Jr.
J. Burton Willis

Absent:

Emmett Asseff
Anthony J. Guarisco

The chairman called the meeting to order and asked the secretary to call the roll. With a quorum present, the committee adopted the amendments to COMMITTEE PROPOSAL NO. 7.

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A copy of the amendments is attached to and made part of these minutes as Appendix A.

The amendment to COMMITTEE PROPOSAL NO. 4, Section 5, was adopted. A copy of the amendment is attached to and made part of these minutes as Appendix B.

The committee adopted the suggested changes to the amendment to COMMITTEE PROPOSAL NO. 98, Section 5(B). A copy of the section reflecting the suggested changes is attached to and made part of these minutes as Appendix C.

Mrs. Duncan, director of research, reported the recommendations of the subcommittee to the committee of the whole. Those recommendations and the actions adopted by the committee are reflected in Appendix D.

The committee recessed at 9:20 until the lunch recess of the convention.

The chairman called the meeting to order at 12:25 p.m. and asked the secretary to call the roll. The roll call was as follows:

Present

Albert Tate, Jr.
Emmett Asseff
John L. Avant
David Conroy
James L. Dennis
R. Gordon Kean
Donald Kelly
Chalín O. Perez
Anthony M. Rachal, Jr.
Earl J. Schmitt
Max N. Tobias, Jr.
J. Burton Willis

Absent

Camille F. Gravel, Jr.
Anthony J. Guarisco

The committee adopted further changes in the reorganization of contents as reflected in Appendix D.

Judge Dennis moved to consolidate parts of Sections 14, 15, and 16 into one section to be placed in Transitional Provisions. The changes suggested by him are reflected in Appendix E. A copy of those changes is attached to and made part of these minutes as Appendix E. Motion defeated, with Delegate Tobias abstaining.

Judge Dennis moved to add "by law" in Section 15(A) and (B) as reflected on page 2 of Appendix E. Motion carried.

Delegate Avant requested the staff to prepare a typed copy of the changes adopted.

The meeting adjourned at 2:30 p.m.

Albert Tate
Albert Tate, Jr., Chairman

Max N. Tobias, Vice Chairman

Emmett Asseff, Secretary

NOTES

Amendments are reproduced at II Journal 1320.

Ch. 4
See cancelled Final Minutes
Present Copy
a 1100...
committee...
admitted to...
years...
elected...
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Section...
Section... (A) Election...
secretary...
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committee...
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Section 4. Compensation

Section 4. Except as otherwise provided by this constitution, the compensation of each statewide elected official shall be provided by law.

Section 5. Governor; Powers and Duties

Section 5. (A) Executive Authority. The governor shall be the chief executive officer of the state. He shall faithfully support the constitution and laws of the state and of the United States, ⁽¹⁾ and shall see that the laws are faithfully executed.

(B) Legislative Reports and Recommendations. The governor shall, at the beginning of each regular session, and may, at other times, make reports and recommendations and give information to the legislature concerning the affairs of state, including its complete financial condition.

(C) Departmental Reports and Information. When requested by the governor, a department head shall provide him with reports and information, in writing or otherwise, on any subject relating to the department, except matters concerning investigations of the governor's

See p. 2

WEEA COM

HENRY, ET AL. AMENDMENT TO C.P. 98, SECTION 5 (B)

Styling Suggestions from Committee on Style and Drafting:
Comparative Presentation

PROPOSAL AS AMENDED

(B) Membership; Terms. The board shall consist of seven members who shall be appointed by the governor, with consent of the Senate from the state at large, and eight members who shall be elected from single-member districts to be determined by the legislature. All members shall serve overlapping terms of six years, following the initial terms which shall be fixed by law.

SUGGESTED CHANGES

(B) Membership; Terms. The board shall consist of eight members elected from single-member districts which shall be determined by law and seven members appointed by the governor from the state at large, with consent of the Senate. Members shall serve overlapping terms of six years, following the initial terms which shall be fixed by law.

Reorganization of Contents - 1/15/74

PREAMBLE

To provide a preamble and a declaration of rights to the Constitution

ARTICLE I. DECLARATION OF RIGHTS

- Section 1. Origin and Purpose of Government
- Section 2. Due Process of Law
- Section 3. Right to Individual Dignity
- Section 4. Right to Property
- Section 5. Right to Privacy
- Section 6. Freedom from Intrusion
- Section 7. Freedom of Expression
- Section 8. Freedom of Religion
- Section 9. Right of Assembly and Petition
- Section 10. Right to Vote
- Section 11. Right to Keep and Bear Arms
- Section 12. Freedom from Discrimination
- Section 13. Rights of the Accused
- Section 14. Right to Preliminary Examination
- Section 15. Initiation of Prosecution
- Section 16. Right to a Fair Trial
- Section 17. Jury Trial in Criminal Cases
- Section 18. Right to Bail
- Section 19. Right to Judicial Review
- Section 20. Right to Humane Treatment
- Section 21. Writ of Habeas Corpus
- Section 22. Access to Courts
- Section 23. Prohibited Laws
- Section 24. Unenumerated Rights

Providing for general governmental provisions.

ARTICLE II. DISTRIBUTION OF POWERS

- Section 1. Three Branches
- Section 2. Limitations on Each Branch

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

ARTICLE III. LEGISLATIVE BRANCH

- Section 1. Legislative Power; Composition; Continuous Body
 - (A) Legislative Power of State
 - (B) Continuous Body
- Section 2. Sessions
 - (A) Annual Session
 - (B) Extraordinary Session
 - (C) Emergency Session
- Section 3. Size
- Section 4. Qualifications; Residence; and Domicile Requirements; Term; Vacancies
 - (A) Age; Residence; Domicile
 - (B) Domicile; Special Provisions
 - (C) Term
 - (D) Vacancy
- Section 5.6 Legislative Reapportionment; Reapportionment by Supreme Court; Procedure
 - (A) Reapportionment by Legislature

Insert III: 27
Section 5:
Taking Office

- (B) Reapportionment by Supreme Court
- (C) Procedure
- Section 7.7 Judging Qualifications and Elections; Procedural Rules; Discipline; Expulsion; Subpoenas; Contempt; Officers
 - (A) Judging Qualifications and Elections
 - (B) Subpoena Power; Contempt
 - (C) Officers
- Section 7.8 Privileges and Immunities
- Section 7.9 Conflict of Interest
- Section 7.10 Quorum; Compulsory Attendance; Journal; Adjournment With Consent of Other Heads
 - (A) Quorum
 - (B) Journal
 - (C) Adjournment
- Section 7.11 Legislative Auditor

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- Moved to Article I
X
DP-22
- Section 12. Compensation of Elected Public Officials; Reduction
- Section 13. Prohibited Local and Special Laws
 - (A) Prohibitions
 - (B) Additional Prohibition
- Section 13.4 Local or Special Laws; Notice of Intent; Publication
- XII: 11 Section 14. Suits Against the State
 - (A) No Immunity in Contract and Tort
 - (B) Waiver in Other Suits
 - (C) Procedure; Judgements
- XII: 12 Section 15. Continuity of Government
- Section 15.15 Style of Laws; Enacting Clause
- Section 15.16 Passage of Bills
 - (A) Introduction; Title; Single Object; Public Meetings
 - (B) No General Reference
 - (C) Germane Amendments
 - (D) Three Readings
 - (E) Rejected Bills; Reconsideration
 - (F) Concurrence in Amendments
 - (G) Majority Vote; Record Vote
- Section 17. Appropriations
 - (A) Specific Appropriation for One Year
 - (B) Origin in House of Representatives
 - (C) General Appropriation Bill; Limitations
 - (D) Specific Purpose and Amount
 - (E) Extraordinary Session
- Section 18. Signing of Bills; Delivery to Governor
 - (A) Signing; Delivery
 - (B) Resolutions
- Section 19. Signature of Governor on Bills; Veto
 - (A) Gubernatorial Action
 - (B) Veto
 - (C) Veto Session
- Section 20. Effective Date of Laws
- Section 21. Suspension of Laws
- XII: 13 Section 23. Corporations; Perpetual or Indefinite Duration; Dissolution; Perpetual Franchises or Privileges

Section 24 ²² Imp...
(A) Personal Liability
(D) Procedure

M. Key...

XII: 14 - Section 25. Removal by Suit; Officials; Subject
XII: 15 - Section 26. Recall
Becomes III: 5 - Section 27. Taking Office
(A) Full Term
(B) Filling Vacancy

ARTICLE IV. EXECUTIVE BRANCH

- Section 1. Composition; Number of Departments; Reorganization
 - (A) Composition
 - (B) Number of Departments
 - (C) Reorganization
- Section 2. Qualifications
- Section 3. Election; Term
 - (A) Election
 - (B) Limitation on Governor
 - (C) Additional Limitations
- Section 4. Compensation
- Section 5. Governor; Powers and Duties
 - (A) Executive Authority
 - (B) Legislative Reports and Recommendations
 - (C) Departmental Reports and Information
 - (D) Operating Budget
 - (E) Capital Budget
 - (F) Pardon, Commutation, Reprieve, and Remission; Board of Pardons
 - (G) Receipt of Bills from the Legislature
 - (H) Item Veto
 - (I) Appointments
 - (J) Removal Power
 - (K) Commander-in-Chief
 - (L) Other Powers and Duties
- Section 6. Lieutenant Governor; Powers and Duties
- Section 7. Secretary of State; Powers and Duties
- Section 8. Attorney General; Powers and Duties
- Section 9. Treasurer; Powers and Duties
- Section 10. Commissioner of Agriculture; Powers and Duties
- Section 11. Commissioner of Insurance; Powers and Duties
- Section 12. Commissioner of Elections; Powers and Duties
- Section 13. First Assistants; Appointment
- Section 14. Vacancy in Office of Governor
- Section 15. Vacancy in Office of Lieutenant Governor
- Section 16. Vacancies in Other Statewide Elective Offices
- XII: 17 - Section 17. Other Vacancies
 - (A) Gubernatorial Appointment; Election
 - (B) Qualifications
- X ^{Secret} _{consideration} III: 18 - Section 18. Definition of Vacancy
- Section 19. Declaration of Inability by Statewide Elected Official
- Section 20. Determination of Inability of Statewide Elected Official
 - (A) Declaration and Counter-Declaration
 - (B) Determination by the Legislature
 - (C) Assumption of Office by Constitutional Successor
 - (D) Determination by Supreme Court
 - (E) Reconsideration by Supreme Court

insert: 20
XII: 7 (Adm. code) (CP-35)
insert: VI: 14 (CP-17) \Rightarrow Financial Burden, Local Governments
insert: (CP-37) \Rightarrow Public Service Commission (optional)
Yellow Sheet
IV: 23
or
IX: 9

ARTICLE V. JUDICIAL BRANCH

- Section 1. Judicial Power
- Section 2. Habeas Corpus, Writs, Orders and Process; Contempt
- Section 3. Supreme Court; Composition; Judgment; Terms
- Section 4. Supreme Court; Districts
- Section 5. Supreme Court; Jurisdiction; Rule-Making Power; Appointment of Judges.
 - (A) Supervisory Jurisdiction; Rule-Making Power; Assignment of Judges.
 - (B) Original Jurisdiction.
 - (C) Scope of Review
 - (D) Appellate Jurisdiction.
 - (E) Other Criminal Cases; Review.
 - (F) Appellate Jurisdiction; Civil Cases; Extent.
- Section 6. Supreme Court; Chief Justice
- Section 7. Supreme Court; Personnel
 - (A) Circuits; Panels.
 - (B) Judgments.
 - (C) Terms.
- Section 9. Courts of Appeal; Circuits and Districts
- Section 10. Courts of Appeal; Jurisdiction
 - (A) Jurisdiction.
 - (B) Scope of Review
- Section 11. Courts of Appeal; Certification
- Section 12. Courts of Appeal; Chief Judge
- Section 13. Courts of Appeal; Personnel
- Section 14. District Courts; Judicial Districts
- Section 15. Courts; Retention; Jurisdiction; Judicial District Changes; Terms
 - (A) Court Retention; Trial Courts of Limited Jurisdiction.
 - (B) Judicial Districts.
 - (C) Term.
 - (D) Number of Judges.
- Section 16. District Courts; Jurisdiction
 - (A) Original Jurisdiction.
 - (B) Appellate Jurisdiction.
- Section 17. District Courts; Chief Judge
- Section 18. Juvenile Courts; Jurisdiction
- Section 19. Mayors' Courts, Justice of the Peace Courts
- Section 20. Judges; Decrease in Terms and Compensation Prohibited
- Section 21. Judges; Elections; Vacancy

- (A) Election.
- (B) Vacancy
- (C) End of Term.
- Section ~~22~~²³ Judges; Retirement
 - (A) Retirement System
 - (B) Mandatory Retirement.
- Section ~~23~~²⁴ Judges; Qualifications
- Section ~~24~~²⁵ Judiciary Commission
 - (A) Composition.
 - (B) Term; Vacancy
 - (C) Powers.
 - (D) Other Disciplinary Action.
- Section 25. Department of Justice; Attorney General; Assistants
- Section 26. Attorney General; Powers and Duties
- Section ~~27~~²⁸ District Attorneys
 - (A) Election; Qualifications; Assistants.
 - (B) Powers.
 - (C) Prohibition.
- Section ~~28~~²⁹ Sheriffs
- Section ~~29~~³⁰ Clerks of Court
 - (A) Powers and Duties; Deputies.
 - (B) Office Hours.
- Section ~~30~~³¹ Coroners
- Section ~~31~~³² Vacancies
- Section ~~32~~³³ Reduction of Salaries and Benefits Prohibited

Moved to
IV by
Amendment

IV: 22
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sheet

- Section ~~33~~³⁴ Orleans Parish Courts; Officials
- Section ~~34~~³⁵ Jurors
 - (A) Qualifications.
 - (B) Exemptions.
- Section ~~35~~³⁶ Grand Jury
 - (A) Grand Jury.
 - (B) Right to Counsel.

ARTICLE VI. LOCAL GOVERNMENT

Part I. General Provisions

- Section 1. Parishes
 - (A) Parishes and Boundaries Ratified.
 - (B) Creation; Dissolution; Merger; Boundaries.
 - (C) Change of Parish Seat.
 - (D) Adjustment of Assets and Liabilities.
- Section 2. Municipalities
- Section 3. Classification
- Section 4. Existing Home Rule Charters and Plans of Government
- Section 5. Home Rule Charter
 - (A) Authority to Adopt; Commission.
 - (B) Petition to Elect Commission.
 - (C) Adoption; Amendment; Repeal.
 - (D) Adoption by Two or More Local Governmental Subdivisions
 - (E) Structure and Organization; Powers; Functions

- (F) Additional Powers and Functions.
- (G) Parish Officials and Schools Boards Not Affected.
- Section 6. Home Rule Charter or Plan of Government; Action by Legislature Prohibited
- Section 7. Powers of Other Local Governmental Subdivisions
 - (A) Powers and Functions.
 - (B) Parish Officials and School Boards Not Affected.
- Section 8. Home Rule Parish; Incorporation of Cities, Towns, and Villages
- Section 9. Limitations of Local Governmental Subdivisions
 - (A) Limitations.
 - (B) Police Power Not Abridged.
- Section 10. Codification of Ordinances
- Section 11. Local Officials
- Section 12. Local Officials; Compensation
- Section 13. Vacancies
 - (A) Vacancy; Appointment.
 - (B) Exception.
- Section 14. Increasing Financial Burden of Political Subdivisions
- Section 15. Local Governmental Subdivisions; Control Over Agencies
- Section 16. Special Districts and Local Public Agencies
 - (A) Consolidation.
 - (B) Assumption of Debt.
- Section 17. Land Use; Zoning; Historic Preservation
- Section 18. Industrial Areas
 - (A) Authorization.
 - (B) Access by Public Road; Police Protection.
- Section 19. Special Districts; Creation
- Section 20. Intergovernmental Cooperation.
- Section 21. Assistance to Local Industry
 - (A) Authorization.
 - (B) Property Expropriated; Sale to Aliens Prohibited
 - (C) Exception.

- Section 22. Procedure for Certain Special Elections
- Section 23. Acquisition of Property
- Section 24. Servitudes of Way; Acquisition by Prescription
- Section 25. Prescription Against State
- Section ~~26~~²⁷ Courts Not Affected

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PART II FINANCE

- Section ~~27~~²⁸ Parish Ad Valorem Tax
 - (A) Parish Tax for General Purposes; Millage Limits; Increase.
 - (B) Millage Increase Not for General Purposes.
 - (C) Parish Tax in Municipality.
 - (D) Withdrawal from Parish Taxing Authority.
- Section ~~28~~²⁹ Municipal Ad Valorem Tax
 - (A) Municipal Tax for General Purposes; Millage Limits; Increase.
 - (B) Millage Increase Not for General Purposes.
 - (C) Exception
- Section ~~29~~³⁰ Local Governmental Subdivisions; Occupational License Tax
- Section ~~30~~³¹ Local Governmental Subdivisions and School Boards; Sales Tax
 - (A) Sales Tax Authorized.
 - (B) Additional Sales Tax Authorized.

(C) Bonds; Security.

(D) Exemptions; Protection of Bonds.

Section 24³⁰ Political Subdivisions; Taxing Power

Section 22⁵¹ Special Taxes; Ratification

Section 23³² Special Taxes; Authorization.

Section 24³³ Political Subdivisions; General Obligation Bonds

(A) Authorization.

(B) Full Faith and Credit.

Section 25⁵⁴ Limitations on Bonded Indebtedness

Section 26⁵⁵ Contesting Political Subdivision Bonds

(A) Contesting Election; Time Limit.

(B) Contesting Ordinance or Resolution; Time Limit

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Section 27³⁶ Local Improvement Assessments

(A) Authorization.

(B) Certificates of Indebtedness; Security.

(C) Exception

Section 28⁵⁷ Revenue-Producing Property

(A) Authorization.

(B) Exception.

PART III. LEVEE DISTRICTS

Section 29³⁸ Levee Districts

(A) Retention; Reorganization; Consolidation.

(B) Obligation of Contract Affirmed.

Section 30³⁹ Levee District Taxes

(A) District Tax; Millage Limit.

(B) Millage Increase.

Section 31⁴⁰ Bond Issues

(A) Authorization.

(B) Sale

Section 32⁴¹ Cooperation with Federal Government

Section 33⁴² Compensation for Property Used or Destroyed; Tax

(A) ~~Compensation~~ Compensation.

(B) Appropriation.

PART IV. PORT COMMISSIONS AND DISTRICTS

Section 34⁴³ Port Commissions and Districts

PART V. DEFINITIONS

Section 35⁴⁴ Terms Defined

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Officers and Employees

X. Public [Service] FIRE AND POLICE

ARTICLE XI MUNICIPAL FIRE AND POLICE CIVIL SERVICE

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(A) Establishment of System

(B) Appointments and Promotions.

(C) Prior Provisions.

(D) Exclusion

(E) Political Activities.

XIV:8 Section 1. State Penal Institutions; Reimbursement of Parish Expense (Committee Proposal No. 12)

X:4 Section 1. Retirement and Survivor's Benefits (Committee Proposal No. 11)

(A) Public School Employees.

(B) Other Officers and Employees

(C) Retirement Systems; Change; Notice.

(D) Compensation for Survivors of Law Enforcement Officers and Firemen.

XIV:9 Section 2. Welfare, Unemployment Compensation, and Health (Committee Proposal No. 14)

X:2 Section 1. State and City Civil Service (Committee Proposal No. 9)

PART I - STATE AND CITY CIVIL SERVICE

(A) Civil Service System.

(B) Classified and Unclassified Service.

(C) State Civil Service

(D) City Civil Service Commission.

(E) Removal.

(F) Department of Civil Service; Directors

(G) Appointments; Promotions.

(H) Appeals

(I) Prohibitions Against Political Activities.

(J) Rules, Investigations; Wages and Hours.

(K) Penalties

(L) Appeal

(M) Appropriations.

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(N) Acceptance of Act; Other Cities, Parishes, City and Parish Governed Jointly.

(D) City, Parish Civil Service System; Creation; Prohibition.

ARTICLE XV NATURAL RESOURCES (Committee Proposal No. 34)

Section 1. Natural Resources and Environment; Public Policy

Section 2. Natural Gas

(A) Public Policy; Regulation.

(B) Pipelines.

Section 3. Alienation of Water Bottoms

Section 4. Reservation of Mineral Rights; Prescription

(A) Reservation of Mineral Rights.

(B) Prescription.

Section 5. Public Notice; Public Bidding Requirements

Section 6. Tideland Ownership

XIV:9 Section 7. Offshore Mineral Revenues; Use of Funds

Section 7.7 Wildlife and Fisheries Commission

(A) Members; Terms.

(B) Duties; Compensation.

Section 7.8 Forestry

(A) Forestry; Acreage Taxes.

(B) Forestry Commission.

(C) State Forester.

Section 7.9 Public Service Commission (Committee Proposal No. 37)

yellow pages: (optional)

(A) Composition; Term; Domicile.

(B) Powers and Duties.

(C) Limitation.

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or
IX:9

(D) Applications, Petitions, and Schedules; Protective Bond and Security.

(E) Appeals

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VIII
ARTICLE VIII EDUCATION

Preamble

- Section 1. Public Educational System
- Section 2. State Superintendent of Education
- Section 3. State Board of Elementary and Secondary Education
- (A) Creation; Functions.
 - (B) Membership; Terms.
 - (C) Vacancy.
- Section 4. Approval of Private Schools
- Section 5. Board of Regents
- (A) Creation; Functions
 - (B) Membership; Terms.
 - (C) Vacancy
 - (D) Powers
 - (E) Powers Not Vested.
- Section 6. Board of Trustees for State Colleges and Universities
- (A) Creation; Functions.
 - (B) Membership; Terms
 - (C) Vacancy
- Section 7. Board of Supervisors of L.S.U. and Agricultural and Mechanical College; Board of Supervisors of Southern University and A and M College
- (A) Creation; Powers.
 - (B) Membership; Terms.
 - (C) Vacancy
- Section 8. Boards; Membership; Compensation.
- (A) Dual Membership.
 - (B) Student Membership.
 - (C) Compensation
- Section 9. Parish School Boards; Parish Superintendents
- (A) Boards.
 - (B) Superintendents.
- Section 10. Existing Boards and Systems Recognized; Consolidation

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- (A) Recognition.
- (B) Ouachita Parish and Monroe City School Systems; Board Membership.
- (C) Consolidation.

- Section 11. Appropriations; State Boards.
- Section 12. Appropriations; Higher Education.
- Section 13. Funding; Apportionment.
- (A) Free School Books.
 - (B) Memorial Foundation Program.
 - (C) Local Funds.
 - (D) Municipal School Systems.
- Section 14. Tulane University.

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- Section 1. Election Code.

Section 2. Secret Ballot; Absentee Voting; Preservation of Ballot.

Section 3. Privilege from Arrest.

Section 4. Prohibited Use of Public Funds.

Section 5. Registrar of Voters.

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ARTICLE VII REVENUE AND FINANCE
(C.P. No. 15)

PART I: *State Finance General (Sec. 1100-05)*

- Section 1. Power to Tax; Public Purpose
- Section 2. Power to Tax; Limitation
- Section 3. Collection of Taxes
- Section 4. Income Tax; Severance Tax; Political Subdivisions
- (A) Income Tax.
 - (B) Severance Tax.
 - (C) Severance Tax; Political Subdivisions.
 - (D) Severance Tax Allocation.
 - (E) Royalties Allocation
- Section 5. Motor Vehicle License Tax
- Section 6. State Debt; Full Faith and Credit Obligations
- (A) Authorization.
 - (B) Capital Improvements.
 - (C) Full Faith and Credit.
 - (D) Referendum.
 - (E) Exception.
- Section 7. State Debt; Interim Emergency Board
- (A) Composition.
 - (B) Powers.
 - (C) Limitations.
 - (D) Allocation.
- Section 8. State Bond Commission
- (A) Creation.
 - (B) Approval of Bonds.
 - (C) Contesting State Bonds.
- Section 9. State Funds
- (A) Deposit in State Treasury.
 - (B) Bond Security and Redemption Fund.
 - (C) Exception.
- Section 10. Expenditure of State Funds
- (A) Appropriations.
 - (B) Balanced Budget.
 - (C) Publication.
 - (D) Public Purpose.
- Section 11. Budgets
- (A) Operating Budget.
 - (B) Capital Budget.
- Section 12. Reports and Records
- Section 13. Investment of State Funds
- Section 14. Donation, Loan, or Pledge of Public Credit
- (A) Prohibited Uses.
 - (B) Authorized Uses.
 - (C) Cooperative Endeavors.
 - (D) Prior Obligations.
- Section 15. Release of Obligations to State, Parish, or Municipality.

(A) Release.

(D) Exemption

Section 16. Taxes: Prescription

Prescription

Tid lands

Section 17. Legislation to Obtain Federal Aid

Section 11.

Section 11.

Section 11. Little League, Civilian (11-1-17)

Section 1. Code of Ethics (11-1-17)

Section -- Dual Employment and Dual Office Holding (11-1-17)

ARTICLE XIII. PROPERTY TAXATION PART II. Property Taxation

Section 18. Ad Valorem Taxes

(A) Assessments

(B) Classification

(C) Use Value

(D) Valuation

(E) Review

(F) Reappraisal

Section 19. State Property Taxation; Rate Limitation

Section 20. Homestead Exemption

(A) Homesteaders (5 paragraphs listing exemptions)

(B) Residential Lessees

Section 21. Other Property Exemptions

(A), (B), (C) untitled paragraphs

(D), (E), (F)

Section 22. No Impairment of Existing Taxes or Obligations

Section 23. Adjustment of Ad Valorem Tax Millages

Section 24. Revenue Sharing Fund

(A) Creation of Fund

(B) Annual Allocation

(C) Distribution Formula

(D) Distributing Officer

(E) Bonded Debt

Section 25. Tax Assessors

(A) Election; Term

(B) Orleans Parish

(C) Vacancy

Section 26. Tax Sales

(A) Tax Sales

(B) Redemption

(C) Annulment

(D) Quieting Tax Title

(E) Movables; Tax Sales

(F) Postponement of Taxes

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Section 1. Exemptions From Seizure and Sale

ARTICLE XIII. CIVILIAN PROVISIONS (Committee Proposal No. 10)

Section 3. Civilian-Military Relations

Section 4. Right to Direct Participation

Section 2. Oath of Office

Section 1. State Capital

Section 6. Freedom of Information and Trust

Section 5.

Section 7. Administrative and District Judicial Authority

Section 5. Preservation of Louisiana's Cultural Heritage

Section 9.

ARTICLE XIII. CONSTITUTIONAL REVISION

Section 1. Amendments

(A) Procedure

(B) Form of Proposal

(C) Ratification

Section 2. Constitutional Convention

Section 3. Laws Effectuating Amendments

ARTICLE XIV. TRANSITION

Section 6. Legislative Session (11-1-17)

Section 7. Transition; Civil Service Commission; State; City (11-1-17)

(A) State Commission

(B) City Commission

Section 8. Transition; Civil Service Officers; Employees; State; Cities

Section 7. Board of Regents (11-1-17)

Section 2. Board of Supervisors of LSU and A and M College

Section 3. State Board of Elementary and Secondary Education; Board of Trustees for State Colleges and Universities

Section 4. Boards; New Appointments

Section 5. Mandatory Reorganization of State Government (11-1-17)

NOTES

D.P. No. 43 may be found above in Volume IV.

- Section 14. District Court, Judicial District
- Section 14. The state shall be divided into judicial districts, each composed of at least one parish and served by at least one district judge. Subject to limitations in Section 20 of this Article, the legislature may by law establish, divide, or merge judicial districts with approval in a referendum in each district and parish affected.

*Section 15. Courts of Limited Jurisdiction

Section 15. The legislature may by law establish trial courts of limited jurisdiction with jurisdiction over civil

NOTE
Titles
Needed

Portals
Revenue Sharing

Titles
Grand Jurors

Insert
IV: 20

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 (As recommended by the Committee
 on Style and Drafting)
 January 17, 1974

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- Section 8. [Transition] Civil Service Commission; State; City
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MINUTES

Minutes of the Committee on Rules and Drafting of the Constitutional Convention of 1973

Held pursuant to notice by the Secretary in accordance with the Rules of the Convention

Treaty Room, White House Inn
Baton Rouge, Louisiana
Saturday, January 19, 1974, 8:20 a.m.

Presiding: Justice Albert Tate, Jr., Chairman of the Committee
on Style and Drafting

Present:

Albert Tate, Jr.
Emmett Asseff
John L. Avant
David Conroy
James L. Dennis
Donald Kelly
Anthony M. Rachal, Jr.
Earl J. Schmitt, Jr.
Maz N. Tobias, Jr.
J. Burton Willis

Absent:

Camille F. Gravel, Jr.
Anthony J. Guarisco
R. Gordon Kean
Chalin O. Perez

Chairman Tate called the meeting to order and asked the secretary to call the roll. With a quorum present, the committee adopted styling changes in COMMITTEE PROPOSAL NO. 38 as noted in the copy of that proposal attached to and made part of these minutes as Appendix A.

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The meeting recessed at 9:45 a.m. until further notice by the chairman.

The committee met at 7:45 p.m. in the Senate Lounge to style DELEGATE PROPOSAL NO. 98, incorporating language of

the amendment to DELEGATE RESOLUTION NO. 52, proposed by Delegates Jenkins and Drew. A copy of the proposal and amendment is attached to and made part of these minutes as Appendix B. The committee adopted the proposal as noted on the attachment.

Without objection, the meeting adjourned at 8:55 p.m.


Albert Tate, Chairman

Max N. Tobias, Vice Chairman

Emmett Asseff, Secretary

NOTES

C.P. No. 38, D.P. No. 98, and D.R. No. 52 may be found in Volume IV, above.
The Proposed Constitution is reproduced as Volume III, above.

II. Comparative Presentations

Document I

9/27/73

COMMITTEE PROPOSAL NO. 3: FIRST ENROLLMENT

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE III. Legislative Department
2 Section 1. Legislative
3 Power of State; Vesting;
4 Continuous Body
5 Section 1. (A) The legis-
6 lative power of the state is
7 vested in a legislature,
8 consisting of a Senate com-
9 posed of one senator elected
10 from each senatorial district
11 and a House of Representatives
12 composed of one representative
13 elected from each representa-
14 tive district.

1 ARTICLE III. Legislative Branch
2 Section 1. Legislative
3 Power; Composition;
4 Continuous Body
5 Section 1. (A) Legislative
6 Power of State. The legislative
7 power of the state is vested in
8 a legislature, consisting of a
9 Senate and a House of Representa-
10 tives.⁽¹⁾ One senator shall be
11 elected from each senatorial
12 district and one representative
13 elected from each representative
14 district.

(1) Manual, Rule 10--short sentences, Rule 14--unrelated ideas in separate sentences.

18 (B) The legislature shall
19 be a continuous body during
20 the term for which its
21 members are elected, provided
22 that bills and resolutions
23 not finally passed by both
24 houses in any session of the
25 legislature shall be
26 automatically withdrawn from
27 its files.

18 (B) Continuous Body. The
19 legislature is a continuous body
20 during the term for which its
21 members are elected; however,⁽²⁾ a
22 bill or resolution⁽³⁾ not finally
23 passed by both houses in any
24 session⁽⁴⁾ shall expire at final
25 adjournment⁽⁵⁾ and be withdrawn
26 from the files of the
27 legislature.

(1) Manual, Rule 11--present tense.

(2) Manual, Rule 5--substitute word for phrase, see examples.

(3) Manual, Rule 12--singularization.

(4) Manual, Rules 5, 13, and Elements, II, 13--omit needless words.

(5) Manual, Rule 6--familiar words; Elements II, 12--definite language.

4 Section 2. Sessions; Annual,
5 Extraordinary
6 Section 2. (A) The legisla-
7 ture shall meet annually in
8 regular session in the state
9 capitol during a period of
10 eighty-five calendar days for
11 not more than sixty legislative

4 Section 2. Sessions
5 Section 2. (A) Annual Session.
6 The legislature shall meet an-
7 nually in regular session in the
8 state capital⁽¹⁾ for not more than
9 sixty legislative days⁽²⁾ during a
10 period of eighty-five calendar
11 days. A legislative day is a

12 days. A legislative day is a
13 calendar day on which either
14 house is in session. No such
15 session shall continue beyond
16 the eighty-fifth calendar day
17 after convening. The legisla-
18 ture shall convene at twelve
19 o'clock noon on the third
20 Monday in April of each year.
21 No new matter intended to have
22 the effect of law shall be
23 introduced or received by
24 either house of the legisla-
25 ture after midnight of the
26 fifteenth calendar day, except
27 by a favorable record vote of
28 two-thirds of the elected mem-
29 bers of each house. During
30 any regular annual session
31 held in an odd-numbered year,
32 no measures levying new taxes
33 or increasing existing taxes
34 shall be introduced or enacted.

12 calendar day on which either
13 house is in session. No such
14 session shall continue beyond
15 the eighty-fifth calendar day
16 after convening. The legislature
17 shall convene at noon on the
18 third Monday in April.⁽³⁾ No new
19 matter intended to have the
20 effect of law shall be intro-
21 duced or received by either
22 house after midnight of the
23 fifteenth calendar day, except
24 with consent,⁽⁵⁾ by record vote,⁽⁶⁾⁽⁷⁾
25 of two-thirds of the elected
26 members of each house. No
27 measures levying new taxes or
28 increasing existing taxes shall
29 be introduced or enacted⁽⁸⁾ during
30 a regular session held in an
31 odd-numbered year.

3

SECTION 2. (A)

- (1) Committee change to clarify meaning.
- (2) Elements, II, 16 - Keep related words together.
- (3) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (4) Ibid.

(5) Ibid.

(6) Standardization of language.

(7) Elements, I, 3--parenthetical expressions between commas.

(8) Elements, II, 15--parallelism.

4

SECTION 2. (B)

5 (B) The legislature may be
6 convened at other times by the
7 governor or, shall be convened
8 upon the written petition of a
9 majority of the elected members
10 of each house, by the presiding
11 officers of both houses. Such
12 petition shall be in such form
13 as shall be provided by law.
14 The governor or the presiding
15 officers of both houses, as
16 the case may be, shall issue
17 a proclamation at least five
18 days prior to convening the
19 legislature into extraordinary
20 session. The proclamation
21 shall state the object or ob-
22 jects for convening the legis-
23 lature in extraordinary
24 sessions, the date on which
25 the legislature is to be con-
26 vened, and the number of days
27 for which the legislature is

5 (B) Special Session. The
6 legislature may be convened at
7 other times by the governor and⁽¹⁾
8 shall be convened by the pre-
9 siding officers of both houses⁽²⁾
10 upon written petition of a⁽³⁾
11 majority of the elected members
12 of each house. The form of the
13 petition shall be provided by
14 law.⁽⁴⁾ At least five days prior
15 to convening the legislature in⁽⁵⁾
16 special session,⁽⁶⁾ the governor or
17 the presiding officers, as the
18 case may be, shall issue a
19 proclamation stating the objects
20 of the session, the date on
21 which it shall convene, and the
22 number of days for which it is
23 convened.⁽⁷⁾ The power to legis-
24 late shall be limited, under
25 penalty of nullity, to the
26 objects specifically enumerated
27 in the proclamation.⁽⁸⁾ The

28 convened. The power to legis-
29 late, under the penalty of
30 nullity, shall be limited to
31 the objects specifically enum-
32 erated in the proclamation
33 convening the extraordinary
34 session, and the session shall
35 be limited to the number of

28 session shall be limited to the
29 number of days stated ⁽⁹⁾ therein,
30 which shall not exceed thirty
31 calendar days.

5

SECTION 2 (B)

1 days named therein, which shall
2 never exceed thirty calendar
3 days.

4 The governor may convene
5 the legislature in extraordin-
6 ary session without prior
7 notice or proclamation on
8 occasions of public emergencies
9 caused by epidemics, attacks
10 by the enemy, or public catas-
11 trophe.

1 (C) Emergency Session. ⁽¹¹⁾ The
2 governor may convene the legis-
3 lature in special ⁽¹²⁾ session
4 without prior notice or procla-
5 mation in the event of public
6 emergency caused by epidemic,
7 enemy attack, or public
8 catastrophe. ⁽¹³⁾

(1) Elements, V, 16--be clear; also see Webster's definition of "and" and "or"; Elements, I, 4--comma unnecessary when connective "and" and subject expressed only once.

(2) Elements, II, 16--keep related words together.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Ibid.

(5) See Webster's definition of "in" and "into."

- (6) Committee change--modernization.
- (7) Manual, Rules 5, 13, and Elements, II, 13--omit needless words; Elements, II, 14--avoid succession of loose sentences.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 14--unrelated ideas in separate sentences.
- (9) Elements, II, 15--parallelism.
- (10) Ibid.; i.e. maintain consistent form and usage.
- (11) Title added by committee for clarity.
- (12) Modernization of language by committee.
- (13) Manual, Rule 12--singularization.

SECTION 3.

17	Section 3. Size	17	Section 3. Size
18	Section 3. The number of	18	Section 3. The number of
19	members of the legislature	19	members of the legislature shall
20	shall be provided by law, but	20	be provided by law, but the
21	the number of Senate members	21	number of senators ⁽¹⁾ shall not
22	shall not exceed thirty- nine	22	exceed thirty-nine and the
23	and the number of House mem-	23	number of representatives, ⁽²⁾ one
24	bers shall not exceed one	24	hundred five.
25	hundred five.	25	
26		26	

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Ibid.; and, for comma placement, see Webster's, Rule 4.2.6, ellipsis.

SECTION 4.(A)

1 Section 4. Qualifications;
 2 Residence Requirements;
 3 Term; Vacancies; Salary
 4 Section 4. (A) Every person,
 5 who is an elector and has
 6 reached the age of eighteen
 7 years at the time of qualifi-
 8 cations for the office, shall
 9 be eligible for membership in
 10 the legislature.
 11
 12

1 Section 4. Qualifications;
 2 Residence and Domicile
 3 Requirements; Term;
 4 Vacancies
 5 Section 4. (A) Age;
 6 Residence; Domicile. An elector
 7 who at the time of qualification
 8 as a candidate has attained the
 9 age of eighteen years, resided
 10 in the state for the preceding
 11 two years, and been actually
 12 domiciled in the legislative
 13 district from which he seeks
 14 election for the preceding year,⁽¹⁾
 15 ⁽²⁾ is eligible for membership in
 16 the legislature.

In general, Subsection (A) contains some material formerly in Subsection (B) because enrolled proposal contradictory.

(1) Manual, Rule 5, 13 and Elements, II, 13--omit needless words; Elements, V, 16--be clear.

(2) Manual, Rule 11, present tense.

SECTION 4.(B)

1 (B) No person shall be
 2 eligible to membership in the
 3 legislature unless at the time

1 (B) Reapportionment; Resi-
 2 dence and Domicile. However, at
 3 the next regular election for

4 of qualification for the office
5 he shall have been a resident
6 of the state for two years and
7 actually domiciled within the
8 legislative district from which
9 he seeks election for one year
10 immediately preceding quali-
11 fication for office. However,
12 at the next regular election
13 for members of the legislature
14 following the reapportionment
15 of the legislature, a person
16 may qualify for election to
17 either house of the legislature
18 from any district created in
19 whole or in part from the
20 district existing prior to
21 reapportionment in which such
22 person was domiciled, if he was
23 domiciled in that prior district
24 for at least one year im-
25 mediately preceding his election
26 and if he was a resident of the
27 state for at least two years
28 immediately preceding his
29 election. The seat of any
30 member who changes his domicile
31 from the legislative district
32 he represents or, if elected
33 after reapportionment, whose

4 members of the legislature
5 following legislative re-
6 apportionment, ⁽¹⁾ an elector ⁽²⁾ may
7 qualify as a candidate from any ⁽³⁾
8 district created in whole or in
9 part from the district existing
10 prior to reapportionment ⁽⁴⁾ if he
11 was domiciled in that prior district
12 for at least one year immediately
13 preceding his qualification and ⁽⁵⁾ ⁽⁶⁾
14 was a resident of the state for ⁽⁷⁾
15 the two years ⁽⁸⁾ preceding his
16 qualification. ⁽⁹⁾ The seat of any
17 member who changes his domicile
18 from the district he represents ⁽¹⁰⁾
19 or, if elected after reapportion-
20 ment, whose domicile is not
21 within the district he represents
22 at the time he is sworn into
23 office, shall be vacated thereby, ⁽¹¹⁾
24 any declaration of retention of
25 domicile to the contrary not-
26 withstanding.

34 domicile is not within the dis- 34
35 trict he represents at the time 35

9

1 he is sworn into office, shall 1
2 be vacated thereby, any 2
3 declaration of a retention of 3
4 domicile to the contrary 4
5 notwithstanding. 5

SECTION 4(B)

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(2) Elements, II, 15--maintain consistent usage;
Elements, V, 16--be clear.

(3) Ibid.

(4) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(5) Elements, II, 15--maintain consistent usage;
Elements, V, 16--be clear.

(6) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(7) Manual, Rule 5, use a word instead of a phrase.

(8) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(9) Elements, II, 15--maintain consistent usage;
Elements, V, 16--be clear.

(10) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(11) Ibid.

CAVEAT: footnotes (2), (5), and (9) suggest
changes for consistency which call
for an interpretation of authors'
intent

SECTION 4.(C)

13 (C) The members of the
14 legislature shall be elected
15 for terms of four years each.

13 (C) Term. A member of the
14 legislature shall be elected
15 for a four-year term.⁽¹⁾

(1) Manual, Rule 12--singularization.

SECTION 4.(D)

1 (D) When a vacancy occurs
2 in either house of the legis-
3 lature, the remainder of the
4 term shall be filled only by
5 election, as provided by law.

1 (D) Vacancy. A vacancy
2 in the legislature shall be
3 filled for the remainder of
4 the term only by election.⁽¹⁾
5

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

SECTION 5.(A)

10
11 Section 5. Legislative
12 Apportionment; Judicial
13 Review; Apportionment
14 by Supreme Court
15 Section 5. (A) Not later

10 Section 5. Legislative Reap-
11 portionment; Reapportion-
12 ment by Supreme Court;
13 Judicial Review
14 Section 5. (A) Reappor-
15 tionment by Legislature. By⁽¹⁾

16 than the end of the first year
17 following the year in which
18 the population of this state
19 is reported to the president
20 of the United States for each
21 decennial federal census, the
22 legislature shall apportion
23 the representation in each
24 house as equally as practic-
25 able on the basis of the total
26 state population as shown by
27 the census.

16 the end of the ⁽²⁾ year following
17 the year in which the popula-
18 tion of this state is reported
19 to the president of the United
20 States for each decennial
21 federal census, the legislature
22 shall reapportion ⁽³⁾ the represen-
23 tation in each house as equally
24 as practicable on the basis of
25 the total state population as
26 shown by the census.
27

(1) Manual, Rule 5--substitute word for phrase.

(2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(3) Elements, II, 15--maintain consistent usage;
Elements, V, 16--be clear.

[See Section 4: "reapportionment" is used there.]

12

SECTION 5. (B)

1 (B) If the legislature
2 fails to apportion itself as
3 required in Paragraph (A) of
4 this Section, the supreme
5 court, upon petition by any
6 elector, shall apportion each

1 (B) Reapportionment by Supreme
2 Court. If the legislature fails
3 to reapportion ⁽¹⁾ itself as required
4 in Paragraph (A) of this Section,
5 the supreme court, upon petition
6 by any elector, shall reapportion ⁽²⁾

7 house as provided in Paragraph | 7 each house as provided in Paragraph
8 (A) of this Section. | 8 (A) of this Section.

(1) Elements, VI, 15--maintain consistent usage;
Elements, V, 16--be clear.

(2) Ibid.

SECTION 5.(C)

11 (C) The procedure for
12 review and petition shall be
13 provided by law.
14

11 (C) Judicial Review. The
12 legislature shall provide the
13 procedure for review and peti-
14 tion.⁽¹⁾

(1) Manual, Rule 11--active voice.

11

SECTION 6.(A)

15 Section 6. Judging Quali-
16 fications and Elections;
17 Procedural Rules; Disci-
18 pline; Officers

19 Section 6. (A) Each house
20 shall be the judge of the
21 qualifications and elections
22 of its own members, determine
23 the rules of its procedure,

15 Section 6. Judging Qualifi-
16 cations and Elections;
17 Procedural Rules; Disci-
18 pline; Expulsion;
19 Subpoenas; Contempt; Officers

20 Section 6. (A) Judging
21 Qualifications and Elections;
22 Procedural Rules; Discipline;
23 Expulsion. Each house shall be

24 not inconsistent with the pro-
25 visions of this constitution,
26 and may punish its members for
27 disorderly conduct or contempt
28 and, with the concurrence of
29 two-thirds of its elected
30 members, may expel a member.
31 Expulsion shall create a
32 vacancy in the office.
33
34

24 the judge of the qualifications
25 and elections of its members;⁽¹⁾⁽²⁾
26 shall determine its rules of
27 procedure,⁽³⁾ consistent with the
28 provisions of this constitution;⁽⁴⁾
29 may punish its members for dis-
30 orderly conduct or contempt;⁽⁵⁾ and
31 may expel a member with consent
32 of two-thirds of its elected
33 members.⁽⁶⁾ Expulsion creates a
34 vacancy in the office.⁽⁷⁾

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Webster's, Rule 5.1.3--semicolon as strong comma; Elements, I, 2--commas in series.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Elements, II, 15--parallelism.

(4) Webster's, Rule 5.1.3--semicolon as strong comma; Elements, I, 2--commas in series.

(5) Ibid.

(6) Elements, II, 15--parallelism.

(7) Manual, Rule 11--present tense.

SECTION 6. (B)

7 (B) Each house shall have
8 power to compel the attendance
9 and testimony of witnesses and
10 the production of books and

7 (B) Subpoena Power; Contempt.
8 Each house may⁽¹⁾ compel the atten-
9 dance and testimony of witnesses
10 and the production of books and

<p>11 papers before such house as a 12 whole, before any committee 13 thereof, or before joint com- 14 mittees of the houses and 15 shall have the power to punish 16 for contempt those in willful 17 disobedience of its orders.</p>	<p>11 paper before it⁽²⁾, before any com- 12 mittee thereof, or before joint 13 committees of the houses and may⁽³⁾ 14 punish those in willful dis- 15 obedience of its orders for 16 contempt.⁽⁴⁾ 17</p>
--	--

(1) Manual, Rules 5, 13 and Elements, II, 13-- substitute a word for a phrase; Manual, Rule 7-- "may" is discretionary.

(2) Manual, Rules 5, 13 and Elements, II, 13-- substitute a word for a phrase.

(3) Manual, Rules 5, 13 and Elements, II, 13-- substitute a word for a phrase; Manual, Rule 7--"may" is discretionary.

(4) Elements, II, 16--keep related words together.

15

SECTION 6. (C)

<p>23 (C) Each house shall choose 24 its own officers, including a 25 permanent presiding officer 26 selected from its membership, 27 who shall be designated in the 28 Senate as the president of 29 the Senate and in the House as 30 the speaker of the House of 31 Representatives. The clerical</p>	<p>23 (C) Officers. Each house shall 24 choose its officers, including a 25 permanent presiding officer se- 26 lected from its membership.⁽¹⁾The 27 presiding officers shall be the 28 president of the Senate and the 29 speaker of the House of Represen- 30 tatives.⁽²⁾The clerical officers⁽³⁾ 31 shall be the clerk of the House</p>
--	--

32 officers of the two houses
33 shall be the clerk of the
34 House of Representatives and
35 the secretary of the Senate,
36 each of whom shall have the
37 power to administer oaths.

32 of Representatives and the secre-
33 tary of the Senate, each of whom
34 (5)
may administer oaths.
35
36
37

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless word.

(2) Manual, Rule 10--short sentences, Rule 14--
unrelated ideas in separate sentences.

(3) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(4) Ibid.

(5) Manual, Rules 5, 13 and Elements, II, 13--
substitute a word for a phrase; Manual, Rule.
7--"may" is discretionary.

16

SECTION 7

8 Section 7. Privileges and
9 Immunities
10 Section 7. The members of
11 the legislature shall in all
12 cases, except felony, be
13 privileged from arrest during
14 their attendance at the ses-
15 sions and committee meetings
16 of their respective houses and
17 in going to and returning from
18 the same. No member shall be
19 questioned in any other place

8 Section 7. Privileges and
9 Immunities
10 Section 7. Except for felony,⁽¹⁾
11 (2)
a member of the legislature shall
12 be privileged from arrest during
13 (3)
his attendance at sessions and
14 committee meetings of his house⁽⁴⁾
15 and while going to and from them.⁽⁵⁾ ⁽⁶⁾
16 No member shall be questioned
17 (7) elsewhere⁽⁸⁾ for any speech in
18 either house.
19

20 for any speech or debate in | 20
21 either house. | 21

- (1) Manual, Rule 18--place exceptions first when specific.
- (2) Manual, Rule 12--singularization.
- (3) Ibid.
- (4) Ibid.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Manual, Rules 5, 13 and Elements, II, 13--substitute a word for a phrase; Manual, Rule 6, avoid hackneyed reference words.
- (7) Manual, Rule 5--Substitute word for phrase.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 8

23 Section 8. Conflict of
24 Interest
25 Section 8. Legislative
26 office is a public trust and
27 every effort to realize per-
28 sonal gain through official
29 conduct is a violation of
30 that trust. The legislature
31 shall enact a code of ethics
32 prohibiting conflict between
33 public duty and private inter-
34 ests of members of the legis-
35 lature.

23 Section 8. Conflict of
24 Interest
25 Section 8. Legislative office
26 is a public trust,⁽¹⁾ and every
27 effort to realize personal gain
28 through official conduct violates⁽²⁾
29 that trust. The legislature
30 shall enact a code of ethics
31 prohibiting conflict between
32 public duty and private interests
33 of members of the legislature.
34
35

(1) Elements, I, 4--comma between independent clauses.

(2) Manual, Rule 5--substitute word for phrase.

18

SECTION 9. (A)

10 Section 9. Quorum; Compul-
11 sory Attendance; Journal;
12 Adjournment; Consent of
13 Other House

14 Section 9. (A) Not less
15 than a majority of the elected
16 members of each house shall
17 form a quorum to transact
18 business, but a smaller number
19 may adjourn from day-to-day
20 and shall have power to compel
21 the attendance of absent
22 members.

10 Section 9. Quorum; Compul-
11 sory Attendance; Journal;
12 Adjournment With Consent
13 of Other House

14 Section 9. (A) Quorum. Not
15 less than a majority of the
16 elected members of each house
17 shall form a quorum to transact
18 business, but a smaller number
19 may adjourn from day-to-day
20 and may ⁽¹⁾compel the attendance
21 of absent members.
22

(1) Manual, Rules 5, 13 and Elements, II, 13--substitute a word for a phrase; Manual, Rule 7--"may" is discretionary.

19

SECTION 9. (B)

24 (B) Each house shall keep
25 a journal of its proceedings,
26 and cause the same to be
27 published immediately after

24 (B) Journal. Each house
25 shall keep a journal of its
26 proceedings and have it ⁽¹⁾
27 published immediately after

28 the close of each session.
29 The journal shall accurately
30 reflect the proceedings of
31 that house, including all
32 record votes. A record vote
33 is a vote by yeas and nays,
34 with said yeas and nays being
35 published in the journal.

28 the close of each session. The
29 journal shall accurately reflect
30 the proceedings of that house,
31 including all record votes. A
32 record vote is a vote by yeas
33 and nays, with each member's
34 vote published in the journal.⁽²⁾
35

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Elements, V, 16--be clear.

.10

SECTION 9. (C)

10 (C) Whenever the legis-
11 lature is in session neither
12 house shall adjourn for more
13 than three days or to any
14 other place than that in which
15 it is then meeting, without
16 the consent of the other house.

10 (C) Adjournment. When the
11 legislature is in session,⁽¹⁾
12 neither house shall adjourn
13 for more than three days or to
14 another place without consent⁽³⁾ ⁽⁴⁾
15 of the other house.
16

(1) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.

(2) Webster's Rule 4.2.1--comma sets off introductory adverbial clause.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words, substitute word for phrase.

(4) Ibid.

.11

SECTION 10

17 Section 10. Legislative
18 Auditor
19 Section 10. There shall be
20 a legislative auditor who
21 shall be elected by the con-
22 sent of a majority of the
23 elected members of each house
24 and may be removed by the
25 consent of two-thirds of the
26 elected members of each house.
27 The legislative auditor shall
28 be responsible solely to the
29 legislature and shall serve
30 as a fiscal advisor to the
31 legislature. He shall perform
32 such duties and functions rela-
33 ting to the auditing of the
34 fiscal records of state and
35 local governments as are pro-
36 vided by law.

17 Section 10. Legislative
18 Auditor
19 Section 10. There shall be
20 a legislative auditor respon-
21 sible solely to the legislature.⁽¹⁾
22 He shall serve as a fiscal
23 advisor to it⁽²⁾ and shall perform
24⁽³⁾ the duties and functions provi-
25 ded by law⁽⁴⁾ related to auditing⁽⁵⁾
26⁽⁶⁾ fiscal records of state and
27 local governments. He shall
28 be elected by majority vote of
29 the elected members of each
30 house and may be removed by
31 two-thirds vote of the elected
32 members of each house.⁽⁷⁾
33
34
35

- (1) Elements, see II, 9--suggests topic sentence open paragraph; Manual, Rule 10--short sentences.
- (2) Manual, Rules 5, 13 and Elements II, 13--substitute a word for a phrase, omit needless words.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Elements, II, 16--Keep related words together; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Ibid.

(7) See Elements, II, 9--sentence placement to end unit of composition.

SECTION 11

12	Section 11. Compensation of	12	Section 11. Compensation of
13	Elected Public Officers;	13	Elected Public Officers;
14	Reduction	14	Reduction
15	Section 11. The compensa-	15	Section 11. The compensation
16	tion of elected public officers	16	of no elected public officer ⁽¹⁾
17	shall not be reduced during	17	shall be reduced during the
18	the term for which they are	18	term for which he is elected.
19	elected.	19	

(1) Manual, Rule 12--singularization.

(2) Elements, II, 11--positive verb.

(3) Manual, Rule 12--singularization.

SECTION 13

1	Section 13. Local or	1	Section 13. Local or Special
2	Special Laws; Notice of	2	Laws; Notice of Intent;
3	Intention; Publication	3	Publication
4	Section 13. No local or	4	Section 13. No local or
5	special law shall be enacted	5	special law shall be enacted ⁽¹⁾
6	by the legislature unless	6	unless notice of the intent ⁽²⁾ to
7	notice of the intention to	7	introduce a bill effecting such ⁽³⁾

8 introduce such law has been
9 published, without cost to
10 the state, in the official
11 journal of the locality where
12 the matter or things to be
13 affected are situated on two
14 separate days, the last day
15 of which is at least thirty
16 days prior to the introduction
17 of such a bill into the legis-
18 lature. The notice shall state
19 the substance of the contem-
20 plated law. Every such bill
21 shall contain a recital that
22 the notice has been given.

8 a law has been published, on
9 two separate days⁽⁴⁾ without cost
10 to the state, in the official
11 journal of the ocality where
12 the matter or things to be
13 affected are situated.⁽⁵⁾ The
14 last day of publication shall
15 be at least thirty days prior
16 to introduction of the bill.⁽⁶⁾ ⁽⁷⁾ ⁽⁸⁾
17 The notice shall state the
18 substance of the contemplated
19 law,⁽⁹⁾ and every such bill shall
20 recite that notice has been
21 given.
22

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.
- (3) Elements, V, 19--take no shortcuts at cost of clarity.
- (4) Elements, II, 16--keep related words together.
- (5) Manual, Rule 10--short sentences, Rule 14--unrelated ideas in separate sentences.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) Manual, Rule 6--avoid hackneyed reference words.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (9) See Elements: I, 4, and II, 14--desirability of occasional loose sentence.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 14.(A) & (B)

17 Section 14. Suits Against
18 the State
19 Section 14. (A) Neither the
20 state nor any of its agencies
21 or political subdivisions
22 shall be immune from suit and
23 liability in contract or for
24 injury to person or property.
25 (B) In other cases the
26 legislature may authorize
27 suit to be filed against the
28 state, its agencies and politi-
29 cal subdivisions and any con-
30 current resolution enacted
31 for the purpose shall waive
32 immunity from suit and liabili-
33 ty.

17 Section 14. Suits Against
18 the State
19 Section 14. (A) Contract and
20 Tort. Neither the state nor⁽¹⁾
21 its agencies or political sub-
22 divisions shall be immune from
23 suit and liability in contract
24 or for injury to person or
25 property. The legislature may
26 authorize other types of suits⁽²⁾
27 to be filed against the state,
28 its agencies, and political
29 subdivisions; a concurrent⁽³⁾
30 resolution authorizing suit shall⁽⁴⁾
31 waive immunity from suit and
32 liability.
33

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Elements, II, 12--use specific language.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Webster's Rule 5.1.1--semicolon as weak period.

(4) Elements, II, 12--use specific language.
[Titling suggests (A) and (B) of enrolled proposal be combined into one paragraph.]

SECTION 14. (C)

9 (C) The legislature shall
10 provide for a method of proce-
11 dure and the effects of the
12 judgments which may be render-
13 ed in all cases against the
14 state, its agencies and poli-
15 tical subdivisions.

9 (B) Procedure. The legisla-
10 ture shall provide a procedure
11 for and fix the effects of (1)
12 judgments against the state, a
13 state agency, or a political
14 subdivision. (2)
15

(1) Elements, II, 15--parallelism.

(2) Manual, Rule 12--singularization.

SECTION 14. (D);

21 (D) Public property and
22 funds shall not be subject to
23 seizure, and no judgment
24 against the state, its agencies
25 or political subdivision shall
26 be exigible, payable, or paid
27 except out of funds appropriat-
28 ed for payment by the state,
29 its agencies or political
30 subdivision against whom judg-
31 ment is rendered.

21 (C) Public Property; Payment
22 of Judgment. No public property
23 or funds shall be subject to
24 seizure, and no judgment against
25 the state, a state agency, (2) or a (3)
26 political subdivision shall be
27 exigible, payable, or paid except
28 from funds appropriated for
29 payment by the legislature (5) or
30 the (6) political subdivision against
31 whom judgment is rendered.

(1) Elements, II, 11--positive verb.

(2) Manual, Rule 12--singularization.

(3) Elements, II, 15--parallelism.

- (4) Manual, Rule 5--substitute word for phrase.
- (5) Elements, II, 12--use specific language.
- (6) Elements, II, 15--parallelism.

CAVEAT: Re: footnote (5).
The State and its agencies don't appropriate money.

26

SECTION 15

<p>Section 15. Continuity of Government</p> <p>Section 15. The legislature shall provide for the orderly and temporary continuity of state government, in periods of emergency, until such time as the normal processes of government can be reestablished in accordance with the constitution and laws of the state. Except as otherwise provided in this constitution, it shall also provide for the prompt and temporary succession to the powers and duties of public offices, the incumbents of which may become unable to execute the functions of their offices.</p>	<p>2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21</p>	<p>Section 15. Continuity of Government</p> <p>Section 15. The legislature shall provide for⁽¹⁾ orderly and temporary continuity of state government, in periods of emergency, until⁽²⁾ normal processes of government can be reestablished in accordance with the constitution and laws of the state;⁽³⁾ and, except as otherwise provided by this constitution,⁽⁴⁾ for the prompt and temporary succession to the powers and duties of public offices when incumbents become unavailable to execute their functions.⁽⁵⁾</p>
---	--	--

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

- (2) Ibid.
- (3) Webster's Rule 5.1.3--semicolon as strong comma.
[Two sentences of enrolled proposal joined to avoid ambiguity.]
- (4) Webster's Rule 4.2.6--ellipsis.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 11--present tense.

SECTION 16

27	Section 16. Style of Laws;	27	Section 16. Style of Laws;
28	Enacting Clause	28	Enacting Clause
29	Section 16. The style of	29	Section 16. The style of laws ⁽¹⁾
30	the laws enacted by the legis-	30	enacted by the legislature shall ⁽²⁾
31	lature of this state shall	31	be, "Be it enacted by the Legis- ⁽³⁾
32	be: "Be it enacted by the	32	lature of Louisiana." It shall
33	Legislature of Louisiana."	33	be unnecessary to repeat the ⁽⁴⁾
34	It shall not be necessary to	34	enacting clause after the first
35	repeat the enacting clause	35	section of an act.
36	after the first section of an	36	
37	act.	37	

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Ibid.
- (3) Elements, III, p. 30--quotation used as direct object preceded by comma.
- (4) Elements, II, 11--statements in positive form.

Section 17. (A)

8 Section 17. Passage of Bills
9 Section 17. (A) The legis-
10 lature shall enact no law
11 except by a bill introduced
12 during a session of the
13 legislature, and shall propose
14 no amendment to the constitu-
15 tion except by a joint reso-
16 lution introduced during a
17 session of the legislature,
18 which shall be processed as a
19 bill. Every bill, except the
20 general appropriation bill and
21 bills for the enactment, rear-
22 rangement, codification, or
23 revision of a system of laws,
24 shall be confined to one
25 object and every bill shall
26 contain a brief title indica-
27 tive of its object. No action
28 on any matter intended to have
29 the effect of law shall be
30 taken except in open, public
31 meeting.

8 Section 17. Passage of Bills
9 Section 17. (A) Introduction;
10 Title; Single Object;
11 Public Meetings. The
12 legislature shall enact no law
13 except by a bill introduced
14 during that session, and pro-
15 pose no constitutional⁽³⁾ amend-
16 ment except by a joint resolu-
17 tion⁽⁴⁾ which shall be processed
18 as a bill. Every bill, except
19 the general appropriation bill
20 and bills for the enactment,
21 rearrangement, codification, or
22 revision of a system of laws,
23 shall be confined to one object.
24⁽⁵⁾ Every bill shall contain a brief
25 title indicative of its object.
26⁽⁶⁾ Action on any matter intended
27 to have the effect of law shall
28 be taken in⁽⁷⁾ public meeting.
29
30
31

(1) Elements, II, 12--use specific language.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Manual, Rules 5, 13 and Elements, II, 13--substitute a word for a phrase.

- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Manual, Rule 10--short sentences, Rule 14--unrelated ideas in separate sentences.
- (6) Elements, II, 11--sentences in positive form.
- (7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 17 (B)

1
2 (B) All bills enacting,
3 amending, or reviving laws
4 shall set forth completely the
5 provisions of the laws enacted,
6 amended, or revived, and no
7 system or code of laws shall
8 be adopted by general refer-
9 ence to such system or code
10 of laws.

1
2 (B) No General Reference. A
3 bill enacting, amending, or
4 reviving a law shall set forth
5 completely the provisions of the
6 law enacted, amended, or revived,
7 and no system or code of laws
8 shall be adopted by general
9 reference to it.⁽³⁾
10

(1) Manual, Rule 12--singularization.

(2) Ibid.

(3) Manual, Rules 5, 13 and Elements, II, 13--substitute word for phrase.

SECTION 17 (C)

16 (C) No bill shall be
17 amended in its passage through
18 either house so as to make a

16 (C) Germane Amendments. No
17 bill shall be amended in either
18 house to make a change not

19	change not germane to the bill	19	germane to the bill as ⁽³⁾ intro-
20	as originally introduced.	20	duced.

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Ibid.
- (3) Ibid.

SECTION 17 (D)

26	(D) Every bill shall be	26	(D) Three Readings. Every
27	read at least by title on	27	bill shall be read at least by
28	three separate days in each	28	title on three separate days in
29	house. No bill shall be con-	29	each house. No bill shall be
30	sidered for final passage	30	considered for final passage
31	unless and until a public	31	unless ⁽¹⁾ a public hearing has been
32	hearing has been held on such	32	held on the ⁽²⁾ bill and it has
33	bill and it has been reported	33	been reported on by a committee.
34	on by a committee.	34	

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Manual, Rule 6--avoid hackneyed reference words.

SECTION 17 (E)

1	(E) No bill which has been	1	(E) Rejected Bills; Recon-
2	rejected by either house may	2	sideration. No bill
3	again be proposed or considered	3	⁽¹⁾ rejected by either house may
4	in the same house during the	4	again be introduced ⁽²⁾ or considered

5 same session without the
6 consent of a majority of the
7 members elected to the house
8 which rejected it.

5 during the same session by the
6 house which rejected it ⁽³⁾ without
7 the consent of a majority of
8 the members elected to that house. ⁽⁴⁾

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Elements, II, 12--use specific language, V, 16--be clear

(3) Elements, V, 16--be clear.

(4) Ibid.

CAUTION: TO CLERK () TO CLERK () TO CLERK ()

SECTION 17(F)

14 (F) No amendments to bills
15 by one house shall be concur-
16 red in by the other, nor shall
17 any conference committee report
18 be concurred in by either house
19 except by the same vote requir-
20 ed for final passage of the
21 bill. The vote thereon shall
22 be by record vote.

14 (F) Concurrence in Amendments.
15 No amendment to a bill ⁽¹⁾ by one
16 house shall be concurred in by
17 the other, and no ⁽²⁾ conference
18 committee report shall be ⁽³⁾
19 concurred in by either house
20 except by the same vote required
21 for final passage of the bill.
22 The vote thereon shall be by
23 record vote.

(1) Manual, Rule 12--singularization.

(2) Elements, II, 15--parallelism.

(3) Ibid.

SECTION 17(G)

24 (G) No bill shall become
25 law without the concurrence
26 of at least a majority of the
27 members elected to each house.
28 Final passage of a bill shall
29 be by record vote. At the
30 request of one-fifth of the
31 members elected to either
32 house, a record vote shall be
33 taken on any other measure or
34 for any other purpose.
35

24 (G) Majority Vote; Record
25 Vote. No bill shall become
26 law without the consent⁽¹⁾ of at
27 least a majority of the members
28 elected to each house. Final
29 passage of a bill shall be by
30 record vote. In either house,⁽²⁾
31 a record vote shall be taken on
32 any matter⁽³⁾ upon the request of
33 one-fifth of the elected members.⁽⁴⁾
34
35

(1) Standardization of language.

(2) Elements, V, 16--be clear.

(3) Manual, Rules 5, 13 and Elements, II, 13--sub-
stitute a word for phrase.

(4) Elements, V, 16--be clear.

SECTION 18.(A)

9 Section 18. Appropriations
10 Section 18. (A) No money
11 shall be withdrawn from the
12 state treasury except through

9 Section 18. Appropriations
10 Section 18. (A) Specific
11 Appropriation for One
12 Year. No money shall be

13 specific appropriation, and,
14 except as otherwise provided
15 in this constitution, no
16 appropriation of money shall
17 be made under the heading of
18 contingencies, nor shall any
19 appropriation be made for
20 longer than one year.
21

13 withdrawn from the state treasury
14 except through specific appro-
15 priation.⁽¹⁾ Except as otherwise
16 provided in this constitution,
17 no appropriation⁽²⁾ shall be made
18 under the heading of contingen-
19 cies, nor shall any appropria-
20 tion be made for longer than one
21 year.

(1) Manual, Rule 10--short sentences, Rule 14--un-
related ideas in separate sentences.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit
needless words.

44

SECTION 18 (B)

26 (B) All bills for raising
27 revenue or appropriating
28 money shall originate in the
29 House of Representatives, but
30 the Senate may propose or
31 concur in amendments, as in
32 other bills.

26 (B) Origin in House of
27 Representatives. A bill raising⁽¹⁾
28 revenue or appropriating money
29 shall originate in the House
30 of Representatives, but the
31 Senate may propose or concur
32 in amendments.⁽²⁾

(1) Manual, Rule 12--singularization; Manual, Rules
5, 13 and Elements, II, 13--omit needless words.

(2) Manual, Rules, 5, 13 and Elements, II, 13--omit
needless words.

SECTION 18 (C)

4 (C) The general appropria-
5 tion bill shall be itemized
6 and shall contain only appro-
7 priations for the ordinary
8 operating expenses of govern-
9 ment, public charities, pensions,
10 and the public debt and inter-
11 est thereon.
12

4 (C) General Appropriation
5 Bill; Limitations. The
6 general appropriation bill shall
7 be itemized and shall contain
8 only appropriations for the
9 ordinary operating expenses of
10 government, public charities,
11 pensions, and the public debt
12 and interest thereon.

CHANGE IN TITLE ONLY.

15

SECTION 18.(D)

17 (D) All other bills for
18 appropriating money shall be
19 for a specific purpose and
20 for a specific amount.
21

17 (D) Specific Purpose and
18 Amount. All other bills⁽¹⁾
19 appropriating money shall be
20 for a specific purpose and⁽²⁾
21 amount.

(1) Manual, Rules 5, 13 and Elements, II, 13--omit
needless words.

(2) Ibid.

SECTION 18 (E)

1 (E) Any bill appropriating
2 money in an extraordinary
3 session of the legislature

26 (E) Special Session. Except
27 for expenses of the legislature,⁽¹⁾
28 a bill appropriating money in a⁽²⁾

4 convened after final adjourn-
5 ment of the regular session
6 held in the last year of the
7 term of office of a governor,
8 except for expenses of the
9 legislature, shall require
10 the approval of three-fourths
11 of the elected members of
12 each house.

29 special ⁽³⁾ session convened after
30 final adjournment of the regular
31 session ⁽⁴⁾ in the last year of the
32 term of office of a governor
33 shall require the consent ⁽⁵⁾ of
34 three-fourths of the elected
35 members of each house.

- (1) Manual, Rule 18--place exceptions first when specific.
- (2) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words; Elements, II, 15--maintain consistent form and usage.
- (3) Modernization of language by committee
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Standardization of language.

SECTION 19. (1.)

8 Section 19. Signing of Bills;
9 Delivery to Governor
10 Section 19. (A) A bill that
11 has been passed by both houses
12 of the legislature shall be
13 signed by the presiding
14 officers of both houses and
15 shall be submitted to the gov-

8 Section 19. Signing of Bills;
9 Delivery to Governor
10 Section 19. (A) Signing;
11 Delivery. A bill passed by ⁽¹⁾
12 both houses shall be signed by ⁽²⁾
13 the presiding officers ⁽³⁾ and
14 delivered ⁽⁴⁾ within three days after
15 passage ⁽⁵⁾ to the governor for his

16	error for his signature or	16	signature, veto, or other action.
17	other action. Delivery to the	17	
18	governor shall be within three	18	
19	days after passage.	19	

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Ibid.
- (3) Ibid.
- (4) Elements, II, 12--use specific language.
- (5) Elements, II, 16--keep related words together; Elements, II, 14--avoid succession of loose sentences.
- (6) Elements, II, 12--use specific language.

SECTION 19.(b)

25	(B) No joint, concurrent,	25	(B) Resolutions. No joint,
26	or other resolution shall	26	concurrent, or other resolution
27	require the signature or other	27	shall require the signature or
28	action of the governor.	28	other action of the governor.

CHANGE IN TITLE ONLY.

SECTION 20.(A)

1	Section 20. Signature of	1	Section 20. Signature of
2	Governor on Bills; Veto	2	Governor on Bills; Veto
3	Section 20. (A) A bill,	3	Section 20. (A) Lack of
4	except a joint resolution,	4	Gubernatorial Action. A

5 shall become law if the gover-
6 nor does not sign or veto the
7 bill within ten days after its
8 delivery to him if the legis-
9 lature is in session or within
10 twenty days if the legislature
11 is adjourned.

5 bill, except a joint resolution,
6 shall become law if the governor
7 fails to sign or veto it ⁽¹⁾ ⁽²⁾ within
8 ten days after its delivery to
9 him if the legislature is in
10 session, ⁽³⁾ or within twenty days
11 if the legislature is adjourned.

(1) Elements, II, 11--put sentences in positive form.

(2) Manual, Rules 5, 13 and Elements, II, 13-- substitute word for phrase.

(3) Webster's, Rule 4.4.2--comma for emphasis and to set off contrasting element.

18

SECTION 20.(b)

17 (B) If the governor does
18 not approve of a bill, he may
19 veto it and shall return it
20 to the legislature with his
21 veto message, with twelve
22 days after its delivery to him
23 if the legislature is in
24 session. If the legislature
25 has adjourned before the
26 governor vetoes or returns one
27 or more bills, he shall return
28 them, with his veto message,
29 to the legislature as provided

17 (B) Veto. When the governor
18 vetoes a bill, ⁽¹⁾ he shall return
19 it to the legislature, with
20 his veto message, within twelve
21 days after its delivery to him
22 if the legislature is in session.
23 If the legislature adjourns ⁽²⁾ before
24 the governor vetoes or returns
25 one or more bills, he shall return
26 them, with his veto message, ⁽³⁾ as
27 provided by law. ⁽⁴⁾ A bill thus
28 returned ⁽⁵⁾ and subsequently approved
29 by two-thirds of the elected

30 by law. Any bill thus returned
31 by the governor and subsequent-
32 ly approved by two-thirds of
33 the elected members of each
34 house shall become law.
35

30 members of each house shall
31 become law.
32
33
34
35

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; Elements, II, 12--use
specific language; Elements, II, 11--put state-
ments in positive form.

(2) Manual, Rule 11--present tense.

(3) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(4) See Webster's definitions--meanings in this
context identical; Manual, Rule 5--use short
words; Elements, II, 15--maintain consistent
form and usage.

(5) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

SECTION 20(C)

1 (C) The legislature shall
2 meet in veto session at the
3 seat of government at twelve
4 o'clock noon on the fortieth
5 day following the sine die
6 adjournment of the most recent
7 session of the legislature for
8 the purpose of considering all
9 measures vetoed by the governor,
10 except that if such day falls
11 on a Sunday the session shall

7 (C) Veto Session. The
8 legislature shall meet in veto
9 session in the state capital⁽¹⁾
10 at noon on the fortieth day⁽²⁾
11 following final adjournment⁽³⁾
12 of the most recent session, to⁽⁴⁾
13 consider all bills vetoed by⁽⁵⁾ ⁽⁶⁾
14 the governor.⁽⁷⁾ If the fortieth
15 day falls on a Sunday,⁽⁸⁾ the
16 session shall convene at noon
17 on the succeeding Monday. No⁽⁹⁾

12 convene at noon on the next
13 succeeding Monday. No veto
14 session shall exceed five
15 calendar days in length, and
16 any veto session may be
17 adjourned sine die prior to
18 the end of the fifth day upon
19 the vote of two-thirds of the
20 elected members of each house.

21 No veto session shall be
22 held if a simple majority of
23 the elected members of either
24 or both houses indicate in
25 writing that a veto session
26 is not necessary. Such written
27 notice must be received by
28 the presiding officer of the
29 respective houses at least five
30 days prior to the day on which
31 the veto session is to convene.

18 veto session shall exceed five
19 calendar days,⁽¹⁰⁾ and any veto
20 session may be finally⁽¹¹⁾ adjourned
21 prior to the end of the fifth
22 day with the consent⁽¹²⁾ of two-
23 thirds of the elected members of
24 each house.

25 No veto session shall be held
26 if a majority⁽¹³⁾ of the elected
27 members of either house indicate⁽¹⁴⁾
28 in writing that a veto session is
29 unnecessary.⁽¹⁵⁾ ⁽¹⁶⁾ The written notice
30 must be received by the presiding
31 officers⁽¹⁷⁾ at least five days
32 prior to the day on which the
33 veto session is to convene.

SECTION 20.(C)

(1) Committee changed to clarify meaning.

(2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(3) Elements, V, 20--avoid foreign languages;
Elements, II, 15--maintain consistent form and
usage.

(4) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; Webster's Rule 4.4.2--
insert comma to prevent confusion.

- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words--shorten phrase.
- (6) Elements, II, 12--use specific language.
- (7) Manual, Rule 10--short sentences.
- (8) Webster's, Rule 4.2.1--set off introductory adverb clause.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (10) Ibid.
- (11) Elements, V, 20--avoid foreign languages; Elements, II, 15--maintain consistent form and usage.
- (12) Standardization of language.
- (13) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (14) Ibid.
- (15) Elements, II, 11--put statements in positive form.
- (16) Manual, Rule 6--avoid hackneyed reference words.
- (17) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 21

8 Section 21. Effective Date
 9 of Laws
 10 Section 21. All laws shall
 11 be published in the official
 12 journal of the state as pro-
 13 vided by law and thereafter
 14 shall take effect on the
 15 sixtieth day after final
 16 adjournment of the session in

8 Section 21. Effective Date
 9 of Laws
 10 Section 21. All laws shall
 11 be published in the official
 12 journal of the state⁽¹⁾ and shall
 13 take effect thereafter⁽²⁾ on the
 14 sixtieth day after final adjourn-
 15 ment of the session in which⁽³⁾
 16 enacted. However, any bill may

17 which they were enacted. How-
18 ever, any bill may specify
19 an earlier or later effective
20 date.

17 specify an earlier or later
18 effective date.
19
20

(1) Manual, Rules 5, 13 and Elements, II, 13--omit
needless words.

(2) Elements, II, 15--parallelism.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit
needless words.

42

SECTION 22

1 Section 22. Suspension of
2 Laws
3 Section 22. No power of
4 suspending laws of this state
5 shall be exercised except by
6 the legislature and then only
7 by the same vote and, except
8 for gubernatorial veto and
9 time limitations for introduc-
10 tion, according to the same
11 procedures and formalities
12 required for enactment of the
13 law proposed to be suspended.
14 After the effective date of
15 this constitution every reso-
16 lution suspending a law shall
17 fix the period of the suspension
18 which shall not extend beyond

1 Section 22. Suspension of
2 Laws
3 Section 22. Only the legis-
4 lature may suspend a law,⁽¹⁾ and
5 then only by the same vote and,
6 except for gubernatorial veto
7 and time limitations for
8 introduction, according to the
9 same procedures and formalities
10 required for enactment of that⁽²⁾
11 law. After the effective date
12 of this constitution,⁽³⁾ every reso-
13 lution suspending a law shall
14 fix the period of suspension,⁽⁴⁾
15 which shall not extend beyond
16 the effective date of laws⁽⁵⁾
17 enacted at the next regular
18 session.⁽⁶⁾

19	the effective date of the laws	19
20	enacted at the next regular	20
21	session of the legislature.	21

- (1) Elements, II, 15--parallelism; Elements, II, 11--put sentences in positive form; Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Webster's Rule 4.2.1--comma to set off introductory clause.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Webster's, Rule 4.2.1--comma to set off introductory phrases.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Ibid.
- (6) Ibid.

. . .

SECTION 23

17 Section 23. Corporations;
 18 Perpetual or Indefinite
 19 Duration; Dissolution;
 20 Perpetual Franchises or
 21 Privileges

22 Section 23. Neither the
 23 state nor any political sub-
 24 division shall grant a perpe-
 25 tual franchise or privilege
 26 to any person or corporation;
 27 however, the legislature may
 28 authorize the organization of
 29 corporations for perpetual or

17 Section 23. Corporations;
 18 Perpetual or Indefinite
 19 Duration; Dissolution;
 20 Perpetual Franchises or
 21 Privileges

22 Section 23. Neither the
 23 state nor any political subdi-
 24 vision shall grant a perpetual
 25 franchise or privilege; however,
 26 the legislature may authorize
 27 the organization of corporations
 28 for perpetual or indefinite
 29 duration. Every corporation

30 indefinite duration. Every
31 corporation shall be subject
32 to dissolution or forfeiture
33 of its charter or franchise,
34 as provided by general law.
35

30 shall be subject to dissolution
31 or forfeiture of its charter or
32 franchise, as provided by
33 general law.
34
35

(1) Manual, Rules 5, 13 and Elements, II, 13--omit
needless words.

44

SECTION 24 (A)

6 Section 24. Impeachment
7 Section 24. (A) Any state
8 or district official, whether
9 elected or appointed, shall be
10 liable to impeachment for com-
11 mission or conviction of felon-
12 ies, malfeasance, or for gross
13 misconduct during his term of
14 office.

6 Section 24. Impeachment
7 Section 24. (A) Persons
8 (1)
8 Liable. A state or dis-
9 trict official, whether elected
10 or appointed, shall be liable
11 to impeachment for commission
12 or conviction, ⁽²⁾during his term
13 of office, ⁽²⁾of a felony, malfeas-
14 ance, or for gross misconduct.

(1) See Webster's definitions--meanings identical in
this context; Manual, Rule 5--use short words;
Elements, II, 15--maintain consistent form and
usage.

(2) Webster's, Rule 4.1.2--pair of commas to set off
appositional phrase.

CAVEAT: Footnote (2) calls
for consideration
of authors' intent.

44

SECTION 24.(B)

1 (B) All impeachments shall
2 be by the House of Represen-
3 tatives, and shall be tried
4 by the Senate, whose members
5 shall be upon oath or affirma-
6 tion for that purpose, and a
7 vote of two-thirds of the
8 senators elected shall be
9 necessary to convict. The
10 Senate may sit for said pur-
11 pose whether the House be in
12 session or not, and may adjourn
13 as it thinks proper. Convic-
14 tion upon impeachment shall
15 result in immediate removal
16 from office. Nothing herein
17 shall prevent any other action,
18 prosecution, or punishment
19 authorized by statute.

1 (B) Procedure. ⁽¹⁾Impeachment
2 shall be by the House of Repr-
3 sentatives and trial ⁽²⁾by the
4 Senate, with senators under ⁽³⁾oath
5 or affirmation for the trial. ⁽⁴⁾
6 The consent of two-thirds of
7 the elected ⁽⁵⁾senators shall be
8 necessary to convict. The
9 Senate may try an impeachment ⁽⁶⁾
10 whether or not the House is ⁽⁷⁾in ⁽⁸⁾session and may adjourn when ⁽⁹⁾
11 it thinks proper. Conviction
12 upon impeachment shall result in
13 immediate removal from office
14 and shall not prevent any other ⁽¹⁰⁾
15 action, prosecution, or punish-
16 ment authorized by law. ⁽¹¹⁾

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 12--singularization.

(2) Elements, II, 15--parallelism.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Elements, II, 12--use specific language; Manual, Rule 10--short sentences, Rule 14--unrelated ideas in separate sentences.

(5) Elements, II, 15--maintain consistent form and usage.

(6) Elements, II, 12--use specific language.

(7) Elements, II, 15--parallelism.

(8) Manual, Rule 11--indicative mood.

- (9) Elements, II, 12--use specific language.
- (10) Elements, V, 16--be clear.
- (11) Standardization of language.

SECTION 25

9 Section 25. Removal by Suit;
 10 Officers Subject
 11 Section 25. For the causes
 12 enumerated in Paragraph (A)
 13 of Section 24 of this Article,
 14 the legislature shall by
 15 general law provide for the
 16 removal by suit of any state,
 17 district, parochial, ward, or
 18 municipal officer except the
 19 governor, lieutenant governor,
 20 and judges of the courts of
 21 record.

9 Section 25. Removal by Suit;
 10 Officers Subject
 11 Section 25. For the causes
 12 enumerated in Paragraph (A)
 13 of Section 24 of this Article,
 14 the legislature shall provide
 15 by general law ⁽¹⁾ for the removal
 16 by suit of any state, district,
 17 parochial, ward, or municipal
 18 officer except the governor,
 19 lieutenant governor, and judges
 20 of the courts of record.
 21

(1) Elements, II, 16--keep related words together.

SECTION 26

13 Section 26. Recall
14 Section 26. The legislature
15 shall provide by general law
16 for the recall by election of
17 any state, district, parochial,
18 ward, or municipal officer
19 except judges of the courts
20 of record. The sole issue
21 at any recall election shall
22 be whether such officer shall
23 be recalled.

13 Section 26. Recall
14 Section 26. The legislature
15 shall provide by general law
16 for the recall by election of
17 any state, district, parochial,
18 ward, or municipal officer
19 except judges of the courts of
20 record. The sole issue at a⁽¹⁾
21 recall election shall be whether
22 the⁽²⁾ officer shall be recalled.
23

(1) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words; Elements, II, 15--maintain consistent form and usage.

(2) Manual, Rule 6--avoid hackneyed reference words.

4.

SECTION 27. (17)

8 Section 27. Taking Office
9 Section 27. (A) Members of
10 the legislature shall take
11 office thirty days prior to
12 the date for the convening
13 of the first session of each
14 term for which members are
15 elected every four years.

8 Section 27. Taking Office
9 Section 27. (A) Full Term.
10 Members of the legislature shall
11 take office thirty days prior
12 to the convening⁽¹⁾ date of the
13 first regular⁽²⁾ session of each
14 term for which they are elected.⁽⁴⁾
15

(1) Manual, Rules 5, 13 and Elements, II, 13--substitute a word for phrase.

- (2) Elements, II, 12--use specific language;
Elements, V, 16--be clear.
- (3) Use pronoun to avoid repetition.
- (4) Manual, Rules 5, 13, Elements, 11, 13--omit
needless words.

CAVEAT: Footnote (2) calls
for consideration
of authors' intent.

SECTION 27.(B)

21 (B) A person elected to
22 fill an unexpired legislative
23 term shall take office thirty
24 days after the secretary of
25 state promulgates the election
26 returns.

21 (B) Filling Vacancy. A
22 person elected to fill a vacancy⁽¹⁾
23 in an unexpired legislative term
24 shall take office thirty days
25 after the secretary of state
26 promulgates the election returns.

- (1) Elements, V, 16--be clear; Elements, V, 19--no
shortcuts at cost of clarity.

CAVEAT: Confusion exists
about whether Sec-
tion 27, both sub-
sections (A) and
(B), was adopted
by convention.

.49

November 6, 1973

SECTIONS OF COMMITTEE PROPOSAL NO. 3 WHICH THE COMMITTEE ON
STYLE AND DRAFTING MAY WISH TO RECONSIDER IN ORDER TO MEET
OBJECTIONS OF THE COMMITTEE ON LEGISLATIVE POWERS AND FUNCTIONS.

SECTION 1. (B)

18 (B) The legislature shall
 19 be a continuous body during
 20 the term for which its
 21 members are elected, provided
 22 that bills and resolutions
 23 not finally passed by both
 24 houses in any session of the
 25 legislature shall be
 26 automatically withdrawn from
 27 its files.

18 (B) Continuous Body. The
 19 legislature is a continuous body⁽¹⁾
 20 during the term for which its
 21 members are elected; however,⁽²⁾ a
 22 bill or resolution⁽³⁾ not finally
 23 passed in any session⁽⁴⁾ shall ex-⁽⁵⁾
 24 pire at final adjournment⁽⁶⁾ and
 25 be withdrawn from the files of
 26 the legislature.
 27

(1) Manual, Rule 11--present tense.

(2) Manual, Rule 5--substitute word for phrase, see examples.

(3) Manual, Rule 12--singularization.

(4) Elements, V, 16--be clear.

(5) Manual, Rules 5, 13, and Elements, II, 13--omit needless words.

(6) Manual, Rule 6--familiar words; Elements, II, 12--definite language.

CAVEAT: whether this provision as adopted affects "simple" resolutions, which do not require approval of both houses. As amended, (deletion of "by both houses") it would be clear that simple resolutions not finally passed by one house expire. The amended section would mean that a simple resolution finally passed by the one house in which introduced would not expire.

SECTION 2. (B)

5 (B) The legislature may be
6 convened at other times by the
7 governor or, shall be convened
8 upon the written petition of a
9 majority of the elected members
10 of each house, by the presiding
11 officers of both houses. Such
12 petition shall be in such form
13 as shall be provided by law.
14 The governor or the presiding
15 officers of both houses, as
16 the case may be, shall issue
17 a proclamation at least five
18 days prior to convening the
19 legislature into extraordinary
20 session. The proclamation
21 shall state the object or ob-
22 jects for convening the legis-
23 lature in extraordinary
24 sessions, the date on which
25 the legislature is to be con-
26 vened, and the number of days
27 for which the legislature is
28 convened. The power to legis-
29 late, under the penalty of
30 nullity, shall be limited to
31 the objects specifically enum-
32 erated in the proclamation

5 (B) Special Session. The
6 legislature may be convened at
7 other times by the governor and⁽¹⁾
8 shall be convened by the pre-
9 siding officers of both houses⁽²⁾
10 upon written petition of a⁽³⁾
11 majority of the elected members
12 of each house. The form of the
13 petition shall be provided by
14 law.⁽⁴⁾ At least five days prior
15 to convening the legislature in⁽⁵⁾
16 special⁽⁶⁾ session, the governor or
17 the presiding officers, as the
18 case may be, shall issue a
19 proclamation stating the objects
20 of the session, the date on
21 which it shall convene, and the
22 number of days for which it is
23 convened.⁽⁷⁾ The power to legis-
24 late shall be limited, under
25 penalty of nullity, to the
26 objects specifically enumerated
27 in the proclamation.⁽⁸⁾ The
28 session shall be limited to the
29 number of days stated therein,⁽⁹⁾
30 which shall not exceed thirty⁽¹⁰⁾
31 calendar days.
32

33 convening the extraordinary 33
 34 session, and the session shall 34
 35 be limited to the number of 35

SECTION 2 (B)

1 days named therein, which shall 1
 2 never exceed thirty calendar 2
 3 days. 3
 4 The governor may convene 4
 5 the legislature in extraordin- 5
 6 ary session without prior 6
 7 notice or proclamation on 7
 8 occasions of public emergencies 8
 9 caused by epidemics, attacks 9
 10 by the enemy, or public catas- 10
 11 trophe. 11

1 (C) Emergency Session.⁽¹¹⁾ The
 2 governor may convene the legis-
 3 lature in special session⁽¹²⁾
 4 without prior notice or procla-
 5 mation in the event of public
 6 emergency caused by epidemic,
 7 enemy attack, or public
 8 catastrophe.⁽¹³⁾
 9
 10
 11

(1) Elements, V, 16--be clear; also see Webster's definition of "and" and "or"; Elements, I, 4--comma unnecessary when connective "and" and subject expressed only once.

(2) Elements, II, 16--keep related words together.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Ibid.

(5) See Webster's definition of "in" and "into."

(6) Committee change--modernization.

(7) Manual, Rules 5, 13, and Elements, II, 13--omit needless words; Elements, II, 14--avoid succession of loose sentences.

(8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 14--unrelated ideas in separate sentences.

(9) Elements, II, 15--parallelism.

(10) Ibid.; i.e. maintain consistent form and usage.

(11) Title added by committee for clarity.

(12) Modernization of language by committee.

(13) Manual, Rule 12--singularization.

6

SECTION 18 (B)

26 (B) All bills for raising
27 revenue or appropriating
28 money shall originate in the
29 House of Representatives, but
30 the Senate may propose or
31 concur in amendments, as in
32 other bills.

CHANGE IN TITLE ONLY,

26 (B) Origin in House of
27 Representatives. All bills for
28 raising revenue or appropriating
29 money shall originate in the
30 House of Representatives, but
31 the Senate may propose or con-
32 cur in amendments, as in other
33 bills.

SECTION 18 (C)

4 (C) The general appropria-
5 tion bill shall be itemized
6 and shall contain only appro-
7 priations for the ordinary
8 operating expenses of govern-
9 ment, public charities, pensions
10 and the public debt and inter-
11 est thereon.
12

CHANGE IN TITLE ONLY.

4 (C) General Appropriation
5 Bill; Limitations. The
6 general appropriation bill shall
7 be itemized and shall contain
8 only appropriations for the
9 ordinary operating expenses of
10 government, public charities,
11 pensions, and the public debt
12 and interest thereon.

SECTION 18.(D)

17 (D) All other bills for
18 appropriating money shall be
19 for a specific purpose and
20 for a specific amount.
21

17 (D) Specific Purpose and
18 Amount. All other bills for
19 appropriating money shall be
20 for a specific purpose and
21 ⁽¹⁾ amount.

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 18 (E)

1 (E) Any bill appropriating
2 money in an extraordinary
3 session of the legislature
4 convened after final adjourn-
5 ment of the regular session
6 held in the last year of the
7 term of office of a governor,
8 except for expenses of the
9 legislature, shall require
10 the approval of three-fourths
11 of the elected members of
12 each house.

26 (E) Special Session. Except
27 for expenses of the legislature,⁽¹⁾
28 a bill appropriating money in a
29 special⁽³⁾ session convened after
30 final adjournment of the regular
31 session⁽⁴⁾ in the last year of the
32 term of office of a governor
33 shall require the favorable⁽⁵⁾
34 vote of three-fourths of the
35 elected members of each house.

(1) Manual, Rule 18--place exceptions first when specific.

(2) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words; Elements, II, 15--maintain consistent form and usage.

(3) Modernization of language by committee

(4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(5) Elements, V, 16--be clear.

36

SECTION 19.(B)

25 (B) No joint, concurrent,
26 or other resolution shall
27 require the signature or other
28 action of the governor.

25 (B) Resolutions. No joint,
26 concurrent, or other resolution
27 shall require the signature or
28 other action of the governor to
29 become effective.⁽¹⁾

(1) Elements, V, 16--be clear.

SECTION 20.(A)

1 Section 20. Signature of
2 Governor on Bills; Veto
3 Section 20. (A) A bill,
4 except a joint resolution,
5 shall become law if the gover-
6 nor does not sign or veto the
7 bill within ten days after its
8 delivery to him if the legis-
9 lature is in session or within
10 twenty days if the legislature
11 is adjourned.

1 Section 20. Signature of
2 Governor on Bills; Veto
3 Section 20. (A) Lack of
4 Gubernatorial Action. A
5 bill, except a joint resolution,
6 shall become law if the governor
7 fails to sign or veto it within
8 ten days after delivery to
9 him if the legislature is in
10 session,⁽¹⁾ or within twenty days
11 if the legislature is adjourned.⁽²⁾

(1) Elements, II, 11--put sentences in positive form.

(2) Manual, Rules 5, 13 and Elements, II, 13--substitute word for phrase.

(3) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(4) Webster's, Rule 4.4.2--comma for emphasis
and to set off contrasting element.

38

SECTION 20. (D)

17 (B) If the governor does
18 not approve of a bill, he may
19 veto it and shall return it
20 to the legislature, with his
21 veto message, within twelve
22 days after its delivery to him
23 if the legislature is in
24 session. If the legislature
25 has adjourned before the
26 governor vetoes or returns one
27 or more bills, he shall return
28 them, with his veto message,
29 to the legislature as provided
30 by law. Any bill thus returned
31 by the governor and subsequent-
32 ly approved by two-thirds of
33 the elected members of each
34 house shall become law.

35

17 (B) Veto. ⁽¹⁾ If the governor
18 does not approve a bill, he may
19 veto it. ⁽²⁾ When he vetoes a bill,
20 he shall return it to the legis-
21 lature, with his veto message,
22 within twelve days ⁽³⁾ after deliv-
23 ery to him if the legislature
24 is in session. If the legisla-
25 ture ⁽⁴⁾ adjourns ⁽⁵⁾ before he vetoes
26 or returns one or more bills,
27 he shall return them, with his
28 veto message, ⁽⁶⁾ as provided by
29 law. ⁽⁷⁾ A bill ⁽⁸⁾ returned and sub-
30 sequently approved by two-thirds
31 of the elected members of each
32 house shall become law.

33

34

35

(1) Manual, Rule 6--approved usage.

(2) Manual, Rule 10--short sentences, Rule 14--
unrelated ideas in separate sentences.

(3) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

- (4) Manual, Rule 11--present tense.
- (5) Manual, Rule 5--substitute word for phrase.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words; Elements, II, 15--maintain consistent form and usage.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

39

SECTION 21

8 Section 21. Effective Date
 9 of Laws
 10 Section 21. All laws shall
 11 be published in the official
 12 journal of the state as pro-
 13 vided by law and thereafter
 14 shall take effect on the
 15 sixtieth day after final
 16 adjournment of the session in
 17 which they were enacted. How-
 18 ever, any bill may specify
 19 an earlier or later effective
 20 date.

8 Section 21. Effective Date
 9 of Laws
 10 Section 21. All laws shall
 11 be published in the official
 12 journal of the state as provided
 13 by law and thereafter shall take
 14 effect on the sixtieth day after
 15 final adjournment of the session
 16 in which they were enacted. How-
 17 ever, any bill may specify an
 18 earlier or later effective date.
 19
 20

NO CHANGE

SECTION 27.(4)

8 Section 27. Taking Office
9 Section 27. (A) Members of
10 the legislature shall take
11 office thirty days prior to
12 the date for the convening
13 of the first session of each
14 term for which members are
15 elected every four years.

8 Section 27. Taking Office
9 Section 27. (A) Full Term.
10 Members of the legislature shall
11 take office thirty days prior
12 to the convening ⁽¹⁾ date of the
13 first regular ⁽²⁾ session of each
14 term for which they ⁽³⁾ are elected. ⁽⁴⁾
15

- (1) Manual, Rules 5, 13 and Elements, II, 13--substitute a word for phrase.
- (2) Elements, II, 12--use specific language; Elements, V, 16--be clear.
- (3) Use pronoun to avoid repetition.
- (4) Manual, Rules 5, 13, Elements, 11, 13--omit needless words.

SECTION 27.(B)

21 (B) A person elected to
22 fill an unexpired legislative
23 term shall take office thirty
24 days after the secretary of
25 state promulgates the election
26 returns.

21 (B) Filling Vacancy. A
22 person elected to fill a vacancy
23 ⁽¹⁾ in an unexpired legislative term
24 shall take office thirty days
25 after the secretary of state
26 promulgates the election returns.

- (1) Elements, V, 16--be clear; Elements, V, 19--no shortcuts at cost of clarity.

NOTES

C.P. No. 3 Floor Presentation dated 11/7/73 is reproduced above as Document I, dated 9/27/73, except pages 22, 25, 26, 39, 42, and 46-48 reproduced below.

SECTION 10

17 Section 10. Legislative
 18 Auditor
 19 Section 10. There shall be
 20 a legislative auditor who
 21 shall be elected by the con-
 22 sent of a majority of the
 23 elected members of each house
 24 and may be removed by the
 25 consent of two-thirds of the
 26 elected members of each house.
 27 The legislative auditor shall
 28 be responsible solely to the
 29 legislature and shall serve
 30 as a fiscal advisor to the
 31 legislature. He shall perform
 32 such duties and functions rela-
 33 ting to the auditing of the
 34 fiscal records of state and
 35 local governments as are pro-
 36 vided by law.

17 Section 10. Legislative
 18 Auditor
 19 Section 10. There shall be
 20 a legislative auditor respon-
 21 sible solely to the legislature.⁽¹⁾
 22 He shall serve as a fiscal
 23 advisor to it⁽²⁾ and shall perform
 24⁽³⁾ the duties and functions provi-
 25 ded by law related to auditing⁽⁴⁾
 26⁽⁵⁾ fiscal records of the state, its
 27 agencies, and political subdivi-
 28 sions.⁽⁶⁾ He shall be elected by
 29 the concurrence⁽⁷⁾ of a majority
 30 of the elected members of each
 31 house and may be removed by the
 32 concurrence⁽⁸⁾ of two-thirds of
 33 the elected members of each
 34 house.
 35

(1) Elements, see II, 9--suggests topic sentence open paragraph; Manual, Rule 10--short sentences.

(2) Manual, Rules 5, 13 and Elements II, 13--substitute a word for a phrase, omit needless words.

(3) Manual, Rule 6--avoid hackneyed reference words.

- (4) Elements, II, 16--Keep related words together; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Ibid.
- (7) Standardization of language.
- (8) Elements, V, 16--be clear.
- (9) Ibid.

SECTION 14.(A)

17 Section 14. Suits Against
 18 the State
 19 Section 14. (A) Neither the
 20 state nor any of its agencies
 21 or political subdivisions
 22 shall be immune from suit and
 23 liability in contract or for
 24 injury to person or property.

17 Section 14. Suits Against
 18 the State
 19 Section 14. (A) No Immunity
 20 in Contract and Tort. Neither
 21 the state nor ⁽¹⁾its agencies or
 22 political subdivisions shall be
 23 immune from suit and liability
 24 in contract or for injury to per-
 25 son or property.

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 14.(B)

26 (B) In other cases the
 27 legislature may authorize

26 (B) Waiver in Other Suits.
 27 The legislature may authorize

28 suit to be filed against the
29 state, its agencies and politi-
30 cal subdivisions and any con-
31 current resolution enacted
32 for the purpose shall waive
33 immunity from suit and liabili-
34 ty.

28 other suits against the state,
29 its agencies, and political sub-
30 divisions.⁽²⁾ A measure authoriz-
31 ing suit shall waive immunity
32 from suit and liability.
33
34

(1) Elements, II, 12--use specific language; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Manual, Rule 10--short sentences, Rule 14--unrelated ideas in separate sentences.

(3) Elements, II, 12--use specific language.

25

SECTION 14.
(C) + (D)

9 (C) The legislature shall
10 provide for a method of proce-
11 dure and the effects of the
12 judgments which may be render-
13 ed in all cases against the
14 state, its agencies and poli-
15 tical subdivisions.
16 (D) Public property and
17 funds shall not be subject to
18 seizure, and no judgment
19 against the state, its agencies
20 or political subdivision shall
21 be exigible, payable, or paid
22 except out of funds appropriat-

9 (C) Procedure; Judgments.
10 The legislature shall provide
11 a procedure for suits against
12 the state, a state agency, or
13 a political subdivision.⁽¹⁾ It
14 shall provide for the effect of
15 a judgment, but no public pro-
16 perty or public funds shall be⁽²⁾
17 subject to seizure.⁽³⁾ No judgment
18 against the state, a state agency⁽⁴⁾
19 or a political subdivision shall⁽⁵⁾
20 be exigible, payable, or paid ex-
21 cept from funds appropriated⁽⁶⁾
22 therefor by the legislature or⁽⁷⁾ ⁽⁸⁾

23	ed for payment by the state,	23	by the ⁽⁹⁾ political subdivision
24	its agencies or political	24	against which judgment is ren-
25	subdivision against whom judg-	25	dered.
26	ment is rendered.		

In general, subject matter suggests combination of (C) and (D) of enrolled proposal.

- (1) Manual, Rule 12--singularization; Elements, V, 16--be clear; Manual, Rule 14--unrelated ideas in separate sentences.
- (2) Elements, II, 11--positive verb.
- (3) Elements, II, 14--avoid a succession of loose sentences.
- (4) Manual, Rule 12--singularization.
- (5) Elements, II, 15--parallelism.
- (6) Manual, Rule 5--substitute word, for phrase.
- (7) Ibid.
- (8) Elements, II, 12--use specific language.
- (9) Elements, II, 15--parallelism.

SECTION 20.(15)

17 (B) If the governor does
 18 not approve of a bill, he may
 19 veto it and shall return it
 20 to the legislature, with his
 21 veto message, within twelve
 22 days after its delivery to him
 23 if the legislature is in
 24 session. If the legislature
 25 has adjourned before the
 26 governor vetoes or returns one

17 (B) Veto. If the governor
 18 does not approve a bill, he may
 19 veto it. ⁽²⁾ When he vetoes a bill,
 20 he shall return it to the legis-
 21 lature, with his veto message,
 22 within twelve days after deliv-
 23 ery to him if the legislature
 24 is in session. If the legisla-
 25 ture adjourns ⁽⁴⁾ before he vetoes ⁽⁵⁾
 26 or returns one or more bills,

27 or more bills, he shall return
28 them, with his veto message,
29 to the legislature as provided
30 by law. Any bill thus returned
31 by the governor and subsequent-
32 ly approved by two-thirds of
33 the elected members of each
34 house shall become law.

27 he shall return them, with his
28 veto message, ^(c.) as provided by
29 law. ⁽¹⁾ A bill returned and sub- ⁽⁸⁾
30 sequently approved by two-thirds
31 of the elected members of each
32 house shall become law.

- (1) Manual, Rule 6--approved usage.
- (2) Manual, Rule 10--short sentences, Rule 14--unrelated ideas in separate sentences.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Manual, Rule 11--present tense.
- (5) Manual, Rule 5--substitute word for phrase.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words; Elements, II, 15--maintain consistent form and usage.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Section 21

8 Section 21. Effective Date
9 of Laws
10 Section 21. All laws shall

8 Section 21. Effective Date
9 of Laws
10 Section 21. All laws shall

11 be published in the official
12 journal of the state as pro-
13 vided by law and thereafter
14 shall take effect on the
15 sixtieth day after final
16 adjournment of the session in
17 which they were enacted. How-
18 ever, any bill may specify
19 an earlier or later effective
20 date.

11 be published in the official
12 journal of the state as provided
13 by law and thereafter shall take
14 effect on the sixtieth day after
15 final adjournment of the session
16 in which they were enacted. How-
17 ever, any bill may specify an
18 earlier or later effective date.
19
20

NO CHANGE

42

1 (B) All impeachments shall
2 be by the House of Represen-
3 tatives, and shall be tried
4 by the Senate, whose members
5 shall be upon oath or affirma-
6 tion for that purpose, and a
7 vote of two-thirds of the
8 senators elected shall be
9 necessary to convict. The
10 Senate may sit for said pur-
11 pose whether the House be in
12 session or not, and may adjourn
13 as it thinks proper. Convic-
14 tion upon impeachment shall

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SECTION 24. (1)

1 (B) Procedure. ⁽¹⁾ Impeachment
2 shall be by the House of Repre-
3 sentatives and trial ⁽²⁾ by the
4 Senate, with senators under ⁽³⁾ oath
5 or affirmation for the trial. ⁽⁴⁾
6 The concurrence of two-thirds of
7 the elected senators shall be
8 necessary to convict. The
9 Senate may try an impeachment ⁽⁷⁾
10 whether or not the House is in ⁽⁸⁾ ⁽⁹⁾
11 session and may adjourn when ⁽¹⁰⁾
12 it deems ⁽¹¹⁾ proper. Conviction
13 upon impeachment shall result in
14 immediate removal from office.

15 result in immediate removal
16 from office Nothing herein
17 shall prevent any other action,
18 prosecution, or punishment
19 authorized by statute.

15 Nothing herein shall prevent
16 other action, prosecution, or
17 punishment authorized by law.⁽¹²⁾
18
19

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 12--singularization.
- (2) Elements, II, 15--parallelism.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Elements, II, 12--use specific language; Manual, Rule 10--short sentences, Rule 14--unrelated ideas in separate sentences.
- (5) Elements, V, 16--be clear.
- (6) Elements, II, 15--maintain consistent form and usage.
- (7) Elements, II, 12--use specific language.
- (8) Elements, II, 15--parallelism.
- (9) Manual, Rule 11--indicative mood.
- (10) Elements, II, 12--use specific language.
- (11) Manual, Rule 6--approved usage.
- (12) Standardization of language.

SECTION 25

9 Section 25. Removal by Suit;
10 Officers Subject
11 Section 25. For the causes
12 enumerated in Paragraph (A)
13 of Section 24 of this Article,
14 the legislature shall by
15 general law provide for the

9 Section 25. Removal by Suit;
10 ⁽¹⁾ Officials Subject
11 Section 25. For the causes
12 enumerated in Paragraph (A)
13 of Section 24 of this Article,
14 the legislature shall provide
15 ⁽²⁾ by general law for the removal

16 removal by suit of any state,
17 district, parochial, ward, or
18 municipal officer except the
19 governor, lieutenant governor,
20 and judges of the courts of
21 record.

16 by suit of any state, district,
17 parochial, ward, or municipal
18 official⁽³⁾ except the governor,
19 lieutenant governor, and judges
20 of the courts of record.
21

(1) Standardization of language.

(2) Elements, II, 16--keep related words together.

(3) Standardization of language.

47

SECTION 26

13 Section 26. Recall
14 Section 26. The legislature
15 shall provide by general law
16 for the recall by election of
17 any state, district, parochial,
18 ward, or municipal officer
19 except judges of the courts
20 of record. The sole issue
21 at any recall election shall
22 be whether such officer shall
23 be recalled.

13 Section 26. Recall
14 Section 26. The legislature
15 shall provide by general law
16 for the recall by election of
17 any state, district, parochial,
18 ward, or municipal official⁽¹⁾
19 except judges of the courts of
20 record. The sole issue at a⁽²⁾
21 recall election shall be whether
22 the⁽³⁾ official⁽⁴⁾ shall be recalled.
23

(1) Standardization of language.

(2) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words; Elements, II, 15--maintain consistent form and usage.

(3) Manual, Rule 6--avoid hackneyed reference words.

(4) Standardization of language.

48

November 7, 1973

COMMITTEE PROPOSAL NO. 3: FIRST ENROLLMENT

Changes recommended by Committee on Legislative Powers and Functions and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTIONS AS ADOPTED:
INCORPORATING CHANGES
RECOMMENDED BY COMMIT-
TEE ON STYLE AND DRAFTING

FURTHER CHANGES RECOMMENDED
BY BOTH COMMITTEES TO CLAR-
IFY POSSIBLE AMBIGUITIES

SECTION 20(B)

17 (B) Veto. If the governor
18 does not approve a bill, he may
19 veto it. When he vetoes a bill,
20 he shall return it to the legis-
21 lature, with his veto message,
22 within twelve days after deliv-
23 ery to him if the legislature
24 is in session. If the legisla-
25 ture adjourns before he returns
26 or returns one or more bills,
27 he shall return them, with his
28 veto message, as provided
29 law. A bill returned and sub-
30 sequently approved by two-thirds
31 of the elected members of each
32 house shall become law.

17 (B) Veto. If the governor
18 does not approve a bill, he may
19 veto it. When he vetoes a bill,
20 he shall return it to the legis-
21 lature, with his veto message,
22 within twelve days after deliv-
23 ery to him if the legislature
24 is in session. If the governor
25 returns or vetoes a bill after
26 the legislature adjourns, he⁽¹⁾
27 shall return it, with his veto
28 message, as provided by law.
29 A bill returned and subsequently
30 approved by two-thirds of the
31 elected members of each house
32 shall become law.

33
34
35

33
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35

(1)

CAVEAT: As adopted by the convention, the second sentence of Section 20(B) possibly could mean that if the governor vetoed even one bill before the legislature adjourned, the method provided by law for the return of vetoed bills would be inapplicable. An alternative is submitted above which satisfies the apparent intent of the convention that the legislature provide the method for the return of vetoed bills after adjournment.

SECTION 21

8	Section 21. Effective Date	8	Section 21. Effective Date
9	of Laws	9	of Laws
10	Section 21. All laws shall	10	Section 21. All laws shall
11	be published in the official	11	take effect on the sixtieth
12	journal of the state as provided	12	day after final adjournment of
13	by law and thereafter shall take	13	the session in which they were
14	effect on the sixtieth day after	14	enacted, and shall be pub-
15	final adjournment of the session	15	lished in the official journal
16	in which they were enacted. How-	16	of the state as provided by
17	ever, any bill may specify an	17	(1) law. However, any bill may
18	earlier or later effective date.	18	specify an earlier or later
19		19	effective date.
20		20	

(1)

CAVEAT: As adopted by the convention, Section 21 appears to prohibit a law from going into effect before it is published in the official state journal. Because problems could arise if there are technical or practical difficulties in publishing the laws, resulting in confusion about effective dates and perhaps in the failure of necessary legislation to have an effect, an alternative is submitted above, which requires publication, but does not condition effectiveness on publication.

SECTION 27
(A)

8	Section 27. Taking Office	8	Section 27. Taking Office.
9	Section 27. (A) Full Term.	9	Section 27. (A) Full Term.
10	Members of the legislature shall	10	Members of the legislature
11	take office thirty days prior	11	shall take office on the same
12	to the convening date of the	12	day as the governor and other
13	first regular session of each	13	officials elected statewide.
14	term for which they are elected.	14	
15		15	
16		16	

SECTION 27
(B)

22	Section 27. (B) Filling	22	Section 27. (B) Filling
23	Vacancy. A person elected to	23	Vacancy. A person elected to
24	fill a vacancy in an unexpired	24	fill the remainder of an un-
25	legislative term shall take	25	expired legislative term shall
26	office thirty days after the	26	take office within thirty days
27	secretary of state promulgates	27	after the secretary of state
28	the election returns.	28	promulgates the election
29		29	returns.
30		30	

CAVEAT: Some disagreement exists about the text of Section 27 (A)&(B). A check of the verbatim transcript reveals that the language recommended above was in fact the language adopted by the convention.

Change recommended by Committee on Style and Drafting to clarify possible ambiguity, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTION AS ADOPTED:
INCORPORATING CHANGE
RECOMMENDED BY COM-
MITTEE ON STYLE AND
DRAFTING

FURTHER CHANGE RECOMMENDED
BY COMMITTEE TO CLARIFY
POSSIBLE AMBIGUITY

SECTION 4(D)

1 (D) Vacancy. A vacancy
2 in the legislature shall be
3 filled for the remainder of
4 the term only by election,
5 as provided by law.
6
7
8
9

1 (D) Vacancy. A vacancy
2 in the legislature shall be
3 filled for the remainder of
4 the term only by election,
5 by the electors of the res-
6 pective district, as provided
7 by law.
8
9

(1)
CAVEAT: The possibility exists under the language adopted in this subsection that the legislature could provide by law that a vacancy in legislative office be filled by an election held among the members of the house in which the vacancy occurred.



November 2, 1973

TO: Members of the Committee on Style and Drafting
FROM: Al Tate, Chairman
SUBJECT: Meeting to be Held November 6

I am calling a meeting of the Committee on Style and Drafting for Tuesday, November 6, after adjournment, in the Treaty Room. The meeting, which I expect will be a short one, is to consider the response of the Committee on Legislative Powers and Functions to our suggested style changes of the Legislative Article. Particularly, we shall consider about five changes which were objected to, and possible alternative amendments that would clarify some of the ambiguities we pointed out in caveats.

Attached are alternative amendment proposals that were drafted in accordance with the caveats.

Also attached are a comparative presentation of the Judiciary Article as enrolled and with staff changes and a copy of the first enrollment of the Judiciary Article with staff-suggested editing. These will be discussed at a later meeting, and not at the meeting of November 6.

Yours sincerely,
Al Tate, Jr.
Al Tate, Jr.
Chairman

AT, Jr:am
Attachment

P.S. Also for consideration on Nov. 6, will be the problem of whether Section 27 of the Legislative Article reads as proposed by Delegate Harron Drew.

November 2, 1973

Committee on Style and Drafting
Objections by the Committee on Legislative Powers and Functions to the suggested changes by the Committee on Style and Drafting

1. In Section 1(B), the committee recommends deletion of the words "expire at final adjournment and" so that the paragraph would read as follows:

"(B) Continuous Body. The legislature is a continuous body during the term for which its members are elected; however, a bill or resolution not finally passed in any session shall be withdrawn from the files of the legislature."

2. In Section 2(B), the committee recommends that the word "Extraordinary" be used instead of the word "Special". It also recommends that the same substitution be made throughout the Article.

3. At the end of Section 18(C), the committee recommends use of the word "or" instead of "and" so that the paragraph reads:

"(C) General Appropriation Bill: Limitations. The general appropriation bill shall be itemized and shall contain only appropriations for the ordinary operating expenses of government, public charities, pensions, and the public debt or interest thereon."

4. In Section 2(A), the committee recommends the addition of the words "signs it or if he" so that the section would read:

"(A) Lack of Governorial Action. A bill, except a joint resolution, shall become law if the governor signs it or if he fails to sign or veto it within ten days after delivery to him if the legislature is in session, or within twenty days if the legislature is adjourned."

November 2, 1973

Committee on Style and Drafting
All amendments to the Constitution with caveat:
to be submitted by the Committee on Legislative Powers & Functions

Section 2(B) should read: *1973*

"(B) Veto. If the governor does not approve a bill, he may veto it. When he vetoes a bill, he shall return it to the legislature, with his veto message, within twelve days after delivery to him if the legislature is in session. If the governor returns or vetoes a bill after the legislature adjourns, he shall return it, with his veto message, as provided by law. A bill returned and subsequently approved by two-thirds of the elected members of each house shall become law."

Section 21 should read: *1973*

"Section 21. All laws shall take effect on the sixtieth day after final adjournment of the session in which they were enacted, and shall be published in the official journal of the state as provided by law. However, any bill may specify an earlier or later effective date."

*Still need 4(1) to be...
- full term
- all on my the election of the legislature...*

November 2, 1973

Committee on Style and Drafting
Amendment to conform with the probable intent of the Drew amendment

Section 27 would read: *Full Term*

"Section 27. (A) Members of the legislature shall take office on the same day as the governor and other officials elected statewide.

(B) A person elected to fill the remainder of an unexpired legislative term shall take office within thirty days after the secretary of state proclaims the election returns."

D O C U M E N T I I I

COMMITTEE PROPOSAL NO. 4: FIRST ENROLLMENT

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLEDSUGGESTED CHANGES

1 Section 1. Composition
 2 Section 1. (A) The execu-
 3 tive branch shall consist of the
 4 governor, lieutenant governor,
 5 secretary of state, treasurer,
 6 commissioner of agriculture,
 7 commissioner of insurance, su-
 8 perintendent of education, com-
 9 missioner of elections, and all
 10 other executive offices, agen-
 11 cies, and instrumentalities of
 12 the state.
 13
 14

1 Section 1. Composition;
 2 Number of Departments
 3 Section 1. (A) Composi-
 4 tion. The executive branch
 5 shall consist of the governor,
 6 lieutenant governor, secretary
 7 of state, treasurer, commissioner
 8 of agriculture, commissioner of
 9 insurance, superintendent of
 10 education, commissioner of
 11 elections, and all other
 12 executive offices, agencies,
 13 and instrumentalities of the
 14 state.

COMMENT:

CHANGE IN TITLE ONLY

SECTION 1.(B)

4 (B) All offices, agen-
5 cies, and other instrumental-
6 ities of the executive branch
7 of state government and their
8 respective functions, powers,
9 duties, and responsibilities,
10 except for the offices of gov-
11 ernor and lieutenant governor,
12 shall be allocated, according
13 to function, within not more
14 than twenty departments.

4 (B) Number of Departments.
5 Except for the offices of gover-
6 nor and lieutenant governor,⁽¹⁾
7 all offices, agencies, and other
8 instrumentalities of the
9 executive branch⁽²⁾ and their⁽³⁾
10 functions, powers, duties, and
11 responsibilities shall be allocat-
12 ed according to function with-
13 in not more than twenty
14 departments.

COMMENT:

(1) Manual, Rule 18--place exceptions first when specific.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Ibid. See also Elements, IV, p. 51: "Respective" may "usually be omitted with advantage."

(4) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

SECTIONS 2.(A) + (B)

1 Section 2. Qualifications
2 Section 2. (A) To be eli-
3 gible for any statewide elective
4 office a person must have at-
5 tained the age of twenty-five

1 Section 2. Statewide
2 Elected Officials;
3 Qualifications; Dual
4 Officeholding
5 Section 2. (A) Qualifi-

6 years by the date of his qualifi-
7 cation as a candidate for office,
8 be an elector and be a citizen
9 of the United States and of this
10 state for at least five years
11 immediately preceding the date
12 of his qualification as a can-
13 didate for office. He shall
14 hold no other public office,
15 except by virtue of his office,
16 during his tenure in office.

24 (B) The attorney general
25 shall be the state's chief legal
26 officer, head the department of
27 justice, and shall have been ad-
28 mitted to the practice of law in
29 this state for at least the five
30 years immediately preceding his
31 election.

6 cations. To be eligible for any
7 statewide elective office,⁽¹⁾ a
8 person must be an elector,⁽²⁾ have
9 attained the age of twenty-
10 five years by the date of his
11 qualification as a candidate,⁽³⁾
12 and have been a citizen of the
13 state for at least five years⁽⁴⁾
14 immediately preceding that date.⁽⁵⁾
15 The attorney general also shall⁽⁶⁾
16 have been admitted to the prac-
17 tice of law in this state for
18 at least five years immediately⁽⁷⁾
19 preceding his election.⁽⁸⁾

24 (B) Dual Officeholding
25 Prohibited.⁽¹⁰⁾ No statewide
26 elected official shall hold any
27 other public office, except
28 by virtue of his office, dur-
29 ing his tenure.⁽¹¹⁾

SECTIONS 2.(A)+(B)

COMMENT:

- (1) Webster's, Rule 4.2.1--commas to set off introductory phrase.
- (2) Rearrangement of verbal constructions to allow elimination of words later in sentence.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Tense change for clarity; Elements, V, 16--be clear.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words. (One must be a citizen of the United States before he can be a citizen of a state.)
- (6) Ibid.
- (7) Duties of attorney general omitted here because they are also in Section 8.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (9) Inclusion of additional qualification of attorney general suggested by content and title of paragraph (A).
- (10) Manual, Rule 14--develop unrelated ideas in separate paragraphs.
- (11) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

CAVEAT: Arrangement of materials suggested by footnotes 7-11 requires consideration of authors' intent.

4

SECTION 3.(A)

5	Section 3. Elections and	5	Section 3. Statewide
6	Terms	6	Elected Officials;
7	Section 3. (A) The gover-	7	Election; Term; Limita-
8	nor, lieutenant governor, secre-	8	tion on Governor

9 tary of state, attorney general,
10 commissioner of agriculture,
11 commissioner of elections, com-
12 missioner of insurance, super-
13 intendent of education and trea-
14 surer shall each be elected for
15 a term of four years by the
16 electors of the state, at the
17 time and place of voting for
18 members of the legislature. A
19 person who has served as gover-
20 nor for more than one and one-
21 half terms in two consecutive
22 terms shall not be elected gov-
23 ernor for the next succeeding
24 term.

9 Section 3. (A) Election;
10 Limitation on Governor. The
11 governor, lieutenant governor,
12 secretary of state, attorney
13 general, commissioner of
14 agriculture, commissioner of
15 elections, commissioner of
16 insurance, superintendent of
17 education, and treasurer each
18 shall be elected for a term of
19 four years by the electors of
20 the state at the time and place
21 of voting for members of the
22 legislature. A person who has
23 served as governor for more than
24 one and one-half terms in two
25 consecutive terms shall not be
26 elected governor for the suc-
27 ceeding term.

COMMENT:

(1) Manual, Rule 20--and Elements, I, 2--commas in series.

(2) Elements, II, 16--keep related words together.

(3) Webster's, 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; See definitions, Webster's 7th New Collegiate Dictionary.

SECTION 3.(B)

1 (B) The term of office of
2 each elected official enumer-
3 ated in this section shall begin
4 at noon on the second Monday in
5 March next following the elec-
6 tion.

1 (B) Term. The term of
2 office of each statewide elect-
3 ed official shall begin at
4 noon on the second Monday in
5 March next following the elec-
6 tion.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; substitute a word for a
phrase.

SECTION 3.(C)

10 (C) No official shall be
11 elected statewide, except as
12 provided by this constitution.
13
14

10 (C) Additional Statewide
11 Officials Prohibited, Exception.
12 Except as provided by this
13 constitution, no official shall
14 be elected statewide.

COMMENT:

(1) Manual, Rule 18--place exception first
when specific.

SECTION 4

1 Section 4. Compensation
2 Section 4. Except as other-
3 wise provided in this constitu-
4 tion, the compensation of each
5 elected official shall be fixed
6 by the legislature.

1 Section 4. Compensation
2 Section 4. Except as other-
3 wise provided by this constitu-
4 tion, the compensation of each
5 elected official shall be fixed
6 by the legislature.

COMMENT:

(1) Standardization of language.

SECTION 5.(A)

1 Section 5. Powers and
2 Duties of Governor
3 Section 5. (A) Executive
4 Authority. The governor shall
5 be the chief executive officer
6 of the state and shall faith-
7 fully support the constitution
8 and laws of the state and the
9 United States.

1 Section 5. Powers and
2 Duties of Governor
3 Section 5. (A) Executive
4 Authority. The governor shall
5 be the chief executive officer
6 of the state. (1) He shall faith-
7 fully support the constitution
8 and laws of the state and the
9 United States.

COMMENT:

(1) Manual, Rule 10--short sentences; and Rule 14--unrelated ideas in separate sentences.

SECTION 5.(B)

17 (B) Legislative Reports
18 and Recommendations. The gov-
19 ernor shall, at the beginning
20 of each regular session of the
21 legislature, and may at other
22 times, make reports and recom-
23 mendations and give information
24 to the legislature concerning
25 the affairs of state, including
26 its complete financial condi-
27 tion.

17 (B) Legislative Reports
18 and Recommendations. The gov-
19 ernor shall, at the beginning
20 of each regular session, ⁽¹⁾ and
21 may at other times, make reports
22 and recommendations and give
23 information to the legislature
24 concerning the affairs of state,
25 including its complete financial
26 condition.
27

COMMENT:

(1) Manual, Rules 5, 13--omit needless words.

SECTION 5.(C)

1 (C) Reports and Informa-
2 tion. Any department head shall
3 provide the governor with re-
4 ports and information, in writing
5 or otherwise, when requested by
6 him on any subject relating to
7 such department, excepting mat-
8 ters relating to investigations
9 of the governor's office.

1 (C) Reports and Informa-
2 tion. Upon request of the
3 governor, ^{(1) (2)} a department head
4 shall provide him with reports ⁽³⁾
5 and information, in writing or
6 otherwise, on any subject relat-
7 ing to the department, except ⁽⁴⁾ ⁽⁵⁾
8 matters concerning investiga- ⁽⁶⁾
9 tions of the governor's office.

COMMENT:

(1) Phrase placed at beginning of sentence to improve flow of lines 4-6; Elements, V, 16--be clear.

(2) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.

(3) Use pronoun to avoid repetition.

(4) Manual, Rule 6--common usage.

(5) Ibid.

(6) Manual, Rule 5--substitute word for phrase; avoid repetition.

SECTION 5. (D)

17 (D) Operating Budget.

18 The governor shall submit to the
19 legislature, at a time fixed by
20 law, a proposed state budget
21 for the next fiscal year setting
22 forth all proposed state expen-
23 ditures and anticipated state
24 revenues.

17 (D) Operating Budget.

18 The governor shall submit to the
19 legislature, at a time fixed by
20 law, a proposed state budget
21 for the next fiscal year setting
22 forth all proposed state expen-
23 ditures and anticipated state
24 revenues.

COMMENT:

NO CHANGE

SECTION 5. (E)

4 (E) Capital Budget. The
5 governor shall submit to each
6 regular session of the legis-
7 lature a proposed five-year
8 capital outlay program with a re-
9 quest for implementation of the
10 first year of the five-year pro-
11 gram.

4 (E) Capital Budget. The
5 governor shall submit to the
6 legislature, at each regular
7 session, ⁽¹⁾ a proposed five-year
8 capital outlay program and ⁽²⁾
9 request implementation of the
10 first year of the program. ⁽³⁾
11

COMMENT:

(1) Elements, V, 16--be clear; Webster's, Rule 4.1.1 --commas to set off parenthetical expressions.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Ibid.

10

SECTION 5.(F)

7 (F) Pardon, Commutation,
8 Reprieve, and Remission; Board
9 of Pardons. (1) The governor
10 shall have the power to grant
11 reprieves to those convicted of
12 offenses against the state and
13 upon the recommendation of the
14 Board of Pardons may grant com-
15 mutation of sentence, may par-
16 don those convicted of offenses
17 against the state and may remit
18 fines and forfeitures imposed
19 for such offenses; provided,
20 however, that each first offen-
21 der who has never previously
22 been convicted of a felony shall
23 be eligible for pardon automat-
24 ically upon completion of his
25 sentence without the aforemen-
26 tioned recommendation.

27 (2) The Board of Pardons
28 shall consist of five electors
29 appointed by the governor, sub-

7 (F) Pardon, Commutation,
8 Reprieve, and Remission; Board
9 of Pardons. (1) The governor
10 may⁽¹⁾ grant reprieves to persons⁽²⁾
11 convicted of offenses against
12 the state and,⁽³⁾ upon recommenda-
13 tion of the Board of Pardons,⁽³⁾
14 may commute sentences,⁽⁴⁾ pardon⁽⁵⁾
15 those convicted of offenses
16 against the state,⁽⁶⁾ and remit⁽⁷⁾
17 fines and forfeitures imposed
18 for such offenses.⁽⁸⁾ However, a⁽⁹⁾
19 first offender never previously⁽¹⁰⁾
20 convicted of a felony shall be
21 eligible automatically for⁽¹²⁾
22 pardon upon completion of his
23 sentence without the afore-
24 mentioned recommendation.

25 (2) The Board of Pardons
26 shall consist of five electors
27 appointed by the governor, sub-
28 ject to confirmation by the
29 Senate. Each member of the board⁽¹³⁾ ⁽¹⁴⁾

30 ject to confirmation by the
31 Senate. Members of such board
32 shall serve a term concurrent
33 with that of the governor ap-
34 pointing them.

30 shall serve a term concurrent
31 with that of the governor
32 appointing him. (15)
33
34

11

SECTION 5. (F)

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--
Substitute a word for a phrase; Manual, Rule 7--
"may" is discretionary.

(2) Elements, V, 16--be clear; "those" is a
demonstrative pronoun with no antecedent: noun
required for clarity.

(3) Webster's, Rule 4.1.1, and Elements, I, 3--
commas to set off parenthetical phrases.

(4) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; substitute a word for a
phrase.

(5) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; Elements, II, 15--
parallelism.

(6) Manual, Rule 20 and Elements, I, 2--commas
in a series.

(7) Elements, II, 15--parallelism.

(8) Manual, Rule 5--substitute a word for a
phrase; Rule 10--use short sentences.

(9) Manual, Rule 5 and Elements, II, 13--omit
needless words.

(10) Ibid.

(11) Ibid.

(12) Elements, II, 16--keep related words to-
gether.

(13) Manual, Rule 12--singularization.

(14) Ibid.

(15) Ibid.

12

SECTION 5.(6)

1 (G) Receipt of Bills from
2 the Legislature. The date and
3 hour when a bill passed by the
4 legislature is delivered to the
5 governor shall be endorsed
6 thereon.

1 (G) Receipt of Bills from
2 the Legislature. The date and
3 hour when a bill finally adopted⁽¹⁾
4 by the legislature is delivered
5 to the governor shall be en-
6 dorsed thereon.

COMMENT:

(1) Manual, Rule 6--approved usage.

Section 5.(4)

10 (H) Item Veto. (1) The
11 governor may veto any line item
12 in an appropriation bill. The
13 items vetoed shall be void un-
14 less the veto is overridden as
15 prescribed for the passage of
16 any bill over a veto.

17 (2) The governor shall
18 either veto line items, or use
19 other means provided in the
20 bill, in order that total appro-
21 priations for the year shall not
22 exceed anticipated revenues for
23 the year.

10 (H) Item Veto. (1) The
11 governor may veto any line item
12 in an appropriation bill. An
13 item⁽¹⁾ vetoed shall be void unless
14 the veto is overridden as pre-
15 scribed for the enactment⁽²⁾ of any
16 bill over a veto.

17 (2) The governor shall⁽³⁾
18 veto line items⁽⁴⁾ or use means⁽⁵⁾
19 provided in the bill⁽⁶⁾ in order
20 that total appropriations for
21 the year shall not exceed
22 anticipated revenues for that⁽⁷⁾
23 year.

SECTION 5.(H)

COMMENT:

- (1) Manual, Rule 12--singularization.
- (2) Manual, Rule 6--approved usage.
- (3) Use of "either...or" implies governor must select one method only; Elements, V, 16--be clear.
- (4) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.
- (5) Use of "other" implies line item veto provided in bill; Elements, V, 16--be clear.
- (6) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.
- (7) Substitution of "that" for "the", to avoid repetition and to emphasize time period.

14

SECTION 5.(I)

1 (I) Appointments. (1) The 2 governor shall appoint, subject 3 to confirmation by the Senate, 4 the heads of all departments in 5 the executive branch whose elec- 6 tion or appointment is not pro- 7 vided for by this constitution 8 and all members of boards and 9 commissions in the executive 10 branch whose election or ap- 11 pointment is not otherwise pro- 12 vided for by this constitution 13 or by statute. 14 (2) Should the legislature	1 (I) Appointments. (1) The 2 governor shall appoint, subject 3 to confirmation by the Senate, 4 the head of each department in 5 the executive branch whose 6 election or appointment is not 7 provided for by this constitution 8 and the members of each board 9 and commission in the executive 10 branch whose election or appoint- 11 ment is not provided for by 12 this constitution, or by law. 13 (2) When the legislature 14 is in session, the governor shall
---	--

15 be in session, the governor
16 shall submit for confirmation
17 by the Senate the names of those
18 appointed within forty-eight
19 hours after the appointment is
20 made. Failure of the Senate to
21 confirm, prior to the end of
22 the session, shall constitute
23 rejection of the appointment.

24 (3) Should the legislature
25 not be in session, the governor
26 may make interim appointments,
27 which shall expire at the end
28 of the next session of the leg-
29 islature, unless submitted to
30 and confirmed by the Senate
31 during such session.

32 (4) A person not confirmed
33 by the Senate shall not be ap-
34 pointed to the same office dur-
35 ing any recess of the legisla-
36 ture.

15 submit for confirmation by the
16 Senate the name of an appointee⁽⁷⁾
17 within forty-eight hours after
18 the appointment is made. Failure
19 of the Senate to confirm⁽⁸⁾ prior
20 to the end of the session shall⁽⁸⁾
21 constitute rejection.⁽⁹⁾

22 (3) When the legislature
23 is not in session, the governor⁽¹⁰⁾
24 may make interim appointments,
25 which shall expire at the end
26 of the next session of the
27 legislature, unless submitted
28 to and confirmed by the Senate
29 during that session.⁽¹¹⁾

30 (4) A person not confirm-
31 ed by the Senate shall not be
32 appointed to the same office
33 during any recess of the legis-
34 lature.

SECTION 5. (I)

COMMENT:

(1) Manual, Rule 12--singularization.

(2) Elements, II, 15--parallelism.

(3) Manual, Rule 12--singularization; Elements, II,
15, parallelism.

- (4) Manual, Rules 5, 13, and Elements, II, 13--omit needless words.
- (5) Standardization of language.
- (6) Manual, Rule 11--indicative mood.
- (7) Manual, Rule 12--singularization!
- (8) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (10) Manual, Rule 11--indicative mood.
- (11) Manual, Rule 6--avoid hackneyed reference words.

16

SECTION 5. (J)

<p>19 (J) Removal. The gover-</p> <p>20 nor may remove from office</p> <p>21 those whom he appoints, except</p> <p>22 those appointed for a term fixed</p> <p>23 by this constitution or as may</p> <p>24 be fixed by statute.</p>	<p>19 (J) Removal Power. The</p> <p>20 governor may remove from office</p> <p>21 a person he appoints, except a</p> <p>22 person appointed for a term fixed</p> <p>23 ed by this constitution or by</p> <p>24 law.</p>
--	--

COMMENT:

- (1) Title change to reflect subject matter.
- (2) Elements, V, 16--be clear--"those" is a demonstrative pronoun with no antecedent: noun required for clarity; Manual, Rule 12--Singularization.
- (3) Ibid.
- (4) Manual, Rule 11--present tense.
- (5) Standardization of language.

17

SECTION 5.(K)

1 (K) Commander-in-Chief.
2 The governor shall be commander-
3 in-chief of the armed forces of
4 the state, except when they are
5 called into service of the fed-
6 eral government. He may call
7 out the armed forces of the
8 state to preserve law and order,
9 to suppress insurrection, to
10 repel invasion, or in other
11 times of emergency.

1 (K) Commander-in-Chief.
2 The governor shall be commander-
3 in-chief of the armed forces of
4 the state, except when they are
5 called into service of the
6 federal government. He may
7 call out these ⁽¹⁾ forces to pre-
8 serve law and order, to suppress
9 insurrection, to repel invasion,
10 or in other times of emergency.
11

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--
substitute a word for a phrase.

SECTION 5.(L)

15 (L) Other Powers and
16 Duties. The governor shall
17 have such other powers and per-
18 form such other duties as may
19 be authorized by this constitu-
20 tion or provided by statute.

15 (L) Other Powers and
16 Duties. The governor shall
17 have ⁽¹⁾ other powers and perform
18 ⁽¹⁾ other ⁽²⁾ duties authorized by this
19 constitution or provided by
20 law. ⁽³⁾

COMMENT:

- (1) Manual, Rule 6--avoid hackneyed reference words.
- (2) Manual, Rule 11--present tense.
- (3) Standardization of language.

SECTION 6

1 Section 6. Powers and
2 Duties of the Lieuten-
3 ant Governor
4 Section 6. The lieutenant
5 governor shall serve ex officio
6 as a member of each committee,
7 board, and commission on which
8 the governor serves, exercise
9 the powers delegated to him
10 by the governor, and have such
11 other powers and perform such
12 other duties in the executive
13 branch as may be authorized by
14 this constitution or provided
15 by statute.

1 Section 6. Powers
2 Duties of Lieuten-
3 ant Governor
4 Section 6. The lieutenant
5 governor shall serve ex officio
6 as a member of each committee,
7 board, and commission on which
8 the governor serves and exercise
9 the powers delegated to him by
10 the governor.⁽¹⁾ He shall have
11⁽²⁾ other powers and perform⁽²⁾ other
12 duties in the executive branch
13⁽³⁾ authorized by this constitution
14 or provided by law.⁽⁴⁾
15

COMMENT:

- (1) Manual, Rule 10--short sentences.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Manual, Rule 11--present tense.
- (4) Standardization of language.

SECTION 7

1 Section 7. Powers and
2 Duties of the Secretary
3 of State

1 Section 7. Powers and
2 Duties of Secretary
3 of State

4 Section 7. There shall be
5 a department of state headed by
6 the secretary of state, who
7 shall be the chief election
8 officer of the state and shall
9 prepare and certify the ballots
10 for all elections and promulgate
11 all election returns; administer
12 the election laws except for
13 those relating to voter regis-
14 tration and custody of voting
15 machines; administer the state
16 corporation and trademark laws;
17 serve as keeper of the Great
18 Seal of the State of Louisiana
19 and attest therewith all offic-
20 ial laws, documents, proclama-
21 tions, and commissions; adminis-
22 ter and preserve the official
23 archives of the state; promul-
24 gate, publish, and retain the
25 originals of all laws enacted
26 by the legislature; and counter-
27 sign all commissions and keep
28 an official registry of same.
29 He may administer oaths, and
30 shall have such other powers
31 and perform such other duties as
32 may be authorized by this con-
33 stitution or provided by
34 statute.

4 Section 7. The secretary
5 of state shall head the Depart-⁽¹⁾
6 ment of State and shall be the⁽²⁾
7 chief election officer of the
8 state.⁽³⁾ He shall prepare and
9 certify the ballots for all
10 elections and promulgate all
11 election returns; administer
12 the election laws, except those⁽⁴⁾ ⁽⁵⁾
13 relating to voter registration
14 and custody of voting machines;
15 administer the state corporation
16 and trademark laws; serve as
17 keeper of the Great Seal of the
18 State of Louisiana and attest
19 therewith all official laws,
20 documents, proclamations, and
21 commissions; administer and
22 preserve the official archives
23 of the state; promulgate and
24 publish all laws enacted by
25 the legislature and retain the
26 originals thereof; and counter-⁽⁶⁾
27 sign and keep an official
28 registry of all commissions.⁽⁷⁾
29 He may administer oaths, and
30 shall have⁽⁸⁾ other powers and
31 perform⁽⁸⁾ other duties authorized⁽⁹⁾
32 by this constitution or pro-
33 vided by law.⁽¹⁰⁾
34

SECTION 7

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 11 and Elements, II, 10--active voice; Manual, Rule 8--rewrite "there is."
- (2) Manual, Rule 23--capitalize name of government department.
- (3) Manual, Rule 10--short sentences.
- (4) Webster's, Rule 4.4.2--comma for emphasis and to set off exception.
- (5) Manual, Rules 5, 13 and Elements, II, 13--substitute a word for a phrase.
- (6) Elements, V, 16--be clear.
- (7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (8) Manual, Rule 6--avoid hackneyed reference words.
- (9) Manual, Rule 11--present tense.
- (10) Standardization of language.

21

SECTION 8

1 Section 8. Powers and
2 Duties of the Attorney
3 General
4 Section 8. There shall be
5 a department of justice headed
6 by the attorney general who
7 shall be the state's chief legal
8 officer.

1 Section 8. Powers and Duties
2 of Attorney General
3 Section 8. The attorney
4 general shall head the Depart-⁽¹⁾
5 ment of Justice and shall be⁽²⁾
6 the state's chief legal
7 officer.
8

COMMENT:

(1) Manual, Rule 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 11 and Elements, II, 10--active voice; Manual, Rule 8--rewrite "there is."

(2) Manual, Rule 23--capitalize name of government department.

SECTION 9

1 Section 9. Powers and
 2 Duties of the Treasurer
 3 Section 9. There shall be
 4 a department of treasury headed
 5 by the state treasurer who shall
 6 be responsible for the custody,
 7 investment, and disbursement of
 8 the public funds of the state,
 9 except as otherwise provided by
 10 this constitution. He shall re-
 11 port annually to the governor
 12 and the legislature at least
 13 one month in advance of the re-
 14 gular session on the financial
 15 condition of the state, and
 16 shall have such other powers and
 17 perform such other duties as may
 18 be authorized by this constitu-
 19 tion or provided by statute.

1 Section 9. Powers and
 2 Duties of Treasurer
 3 Section 9. The state
 4 treasurer shall head ⁽¹⁾ the Depart-
 5 ment of the Treasury and shall ⁽²⁾
 6 be responsible for the custody,
 7 investment, and disbursement of
 8 the public funds of the state,
 9 except as otherwise provided
 10 by this constitution. He shall
 11 report annually to the governor
 12 and to the legislature at ⁽³⁾
 13 least one month before each ⁽⁴⁾
 14 regular session on the financial
 15 condition ⁽⁵⁾ of the state, and
 16 shall have other powers and ⁽⁵⁾
 17 perform other duties ⁽⁶⁾ authorized
 18 by this constitution or provided
 19 by law. ⁽⁷⁾

COMMENT:

(1) Manual, Rule 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 11 and Elements, II, 10--active voice; Manual, Rule 8--rewrite "there is."

(2) Manual, Rule 23--capitalize name of government department.

(3) Elements, II, 15--parallelism.

(4) Manual, Rules 5, 13 and Elements, II, 13--substitute a word for a phrase.

(5) Manual, Rule 6--avoid hackneyed reference words.

(6) Manual, Rule 11--present tense.

(7) Standardization of language.

SECTION 10

1 Section 10. Powers and
2 Duties of the Commis-
3 sioner of Agriculture
4 Section 10. There shall be
5 a department of agriculture
6 headed by the commissioner of
7 agriculture, who shall exercise
8 all functions of the state in
9 relation to the promotion, pro-
10 tection, and advancement of ag-
11 riculture except such research
12 and educational functions ex-
13 pressly allocated by this con-
14 stitution or by statute to
15 other state agencies. The
16 department shall exercise such
17 functions and the commissioner
18 shall have such other powers
19 and perform such other duties
20 as may be authorized by this
21 constitution or provided by
22 statute.

1 Section 10. Powers and
2 Duties of Commissioner
3 of Agriculture
4 Section 10. The commission-
5 er of agriculture shall head the ⁽¹⁾
6 Department of Agriculture ⁽²⁾ and
7 shall exercise all functions of
8 the state relating ⁽³⁾ to the pro-
9 motion, protection, and advance-
10 ment of agriculture, except ⁽⁴⁾
11 research and educational
12 functions expressly allocated
13 by this constitution or by
14 law to other state agencies. ⁽⁵⁾ ⁽⁶⁾
15 He shall have other powers and ⁽⁷⁾
16 perform other duties ⁽⁸⁾ authorized
17 by this constitution or provid-
18 ed by law. ⁽⁹⁾
19
20
21
22

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13-- omit needless words; Manual, Rule 11 and Elements, II, 10--active voice; Manual, Rule 8-- rewrite "there is."
- (2) Manual, Rule 23--capitalize name of government department.
- (3) Manual, Rules 5, 13 and Elements, II, 13-- substitute word for phrase.
- (4) Manual, Rule 6--avoid hackneyed reference words.
- (5) Standardization of language.
- (6) Elements, V, 16--be clear.
- (7) Manual, Rule 6--avoid hackneyed reference words.
- (8) Manual, Rule 11--present tense.
- (9) Standardization of language.

CAVEAT: footnote (6) suggests deletion of a sentence. Can departments exercise functions?

SECTION 11

1 Section 11. Powers and
 2 Duties of the Commis-
 3 sioner of Insurance
 4 Section 11. There shall be
 5 a department of insurance headed
 6 by the commissioner of insurance.
 7 The department shall exercise
 8 such functions and the commis-
 9 sioner shall have such powers
 10 and perform such duties as may
 11 be authorized by this constitu-
 12 tion or provided by statute.

1 Section 11. Powers and
 2 Duties of Commissioner
 3 of Insurance
 4 Section 11. The commission-
 5 er of insurance shall head the ⁽¹⁾
 6 Department of Insurance and ⁽²⁾
 7 ⁽³⁾ shall have such powers and
 8 perform such duties authorized ⁽⁴⁾
 9 by this constitution or provid-
 10 ed by law. ⁽⁵⁾
 11
 12

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 11 and Elements, II, 10--active voice; Manual, Rule 8--rewrite "there is."

(2) Manual, Rule 23--capitalize name of government department.

(3) Elements, V, 16--be clear.

(4) Manual, rule 11--present tense.

(5) Standardization of language.

CAVEAT: footnote (3) suggests deletion of a sentence. Can departments exercise functions?

25

SECTION 12

1	Section 12. Department of	1	Section 12. Powers and
2	Elections and Registra-	2	Duties of Commissioner
3	tion	3	of Elections and Regis-
4	Section 12. There shall be	4	tration
5	a department of elections and re-	5	Section 12. The commission-
6	gistration headed by the state	6	er of elections shall head the
7	commissioner of elections who	7	Department of Elections and
8	shall administer the laws re-	8	Registration and shall administer
9	lative to custody of voting ma-	9	the laws relating to custody
10	chines and voter registration.	10	of voting machines and voter
11	The commissioner shall have such	11	registration. He shall have
12	powers and perform such duties	12	other powers and perform other
13	as may be authorized by this	13	duties authorized by this con-
14	constitution or provided by	14	stitution or provided by law.
15	statute.	15	

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 11 and Elements, II, 10--active voice; Manual, rule 8--rewrite "there is."

(2) Manual, Rule 23--capitalize name of government department.

(3) Standardization of language.

(4) Manual, Rule 5--substitute a word for a phrase.

(5) Standardization of language.

(6) Manual, Rule 11--present tense.

(7) Standardization of language.

SECTION 13

1 Section 13. First Assis-
2 tants
3 Section 13. Each statewide
4 elected official, except the gov-
5 ernor and lieutenant governor,
6 shall appoint a first assistant,
7 subject to public confirmation
8 by the Senate, and may remove him
9 at his pleasure. The official
10 shall submit such appointment to
11 the Senate in the same manner in
12 which the governor submits ap-
13 pointments, and shall be subject
14 to the same procedures and limi-
15 tations in connection therewith
16 as are imposed upon the gover-

1 Section 13. First Assis-
2 tants
3 Section 13. Each statewide
4 elected official except the
5 governor and lieutenant governor⁽¹⁾
6 shall appoint a first assis-
7 tant, subject to public confirma-
8 tion by the Senate, and may
9 remove him at his pleasure. Sub-
10 mission of the appointment shall
11 be made in the manner and sub-
12 ject to the procedures and limita-
13 tions applicable to appointments
14 submitted by the governor.⁽²⁾
15 The first assistant shall possess
16 the qualifications required for⁽³⁾ ⁽⁴⁾

17 nor. The first assistant shall | 17 election to that office.
18 possess the same qualifications | 18
19 as those required for election | 19
20 to that office. | 20

COMMENT:

(1) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(2) Elements, V, 16--be clear.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Ibid.

27

SECTION 14

1	Section 14. Vacancy in	1	Section 14. Vacancy in
2	Office of Governor	2	Office of Governor
3	Section 14. The order of	3	Section 14. When a
4	succession in the office of gov-	4	vacancy occurs ⁽¹⁾ in the office of
5	ernor in the event of vacancy	5	governor, ⁽²⁾ the order of succession
6	shall be (1) the elected lieu-	6	shall be (1) the elected
7	tenant governor, (2) the elected	7	lieutenant governor, (2) the
8	secretary of state, (3) the	8	elected secretary of state, (3)
9	elected attorney general, (4) the	9	the elected attorney general,
10	elected treasurer, (5) the pre-	10	(4) the elected treasurer, (5)
11	siding officer of the Senate,	11	the presiding officer of the
12	(6) the presiding officer of the	12	Senate, (6) the presiding
13	House of Representatives, and	13	officer of the House of Representa-
14	then as may be provided by	14	tives, and then as may be pro-
15	statute. Successors shall	15	vided by law. ⁽³⁾ The successor ⁽⁴⁾

16 serve the remaining term for
17 which the governor was elected.
18

16 shall serve the remainder of
17 the ⁽⁵⁾ term for which the governor
18 was elected.

COMMENT:

- (1) Manual, Rule 11--active voice.
- (2) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.
- (3) Standardization of language.
- (4) Manual, Rule 12--singularization.
- (5) Elements, V, 16--be clear.

SECTION 15

1 Section 15. Vacancy in
2 Office of Lieutenant
3 Governor
4 Section 15. Whenever there
5 is a vacancy in the office of
6 the lieutenant governor, the
7 governor shall nominate a lieu-
8 tenant governor, who shall take
9 office upon confirmation by a
10 majority vote of the elected
11 members of each house of the
12 legislature .

1 Section 15. Vacancy in
2 Office of Lieutenant
3 Governor
4 Section 15. When a
5 vacancy occurs in the office
6 of lieutenant governor, the
7 governor shall nominate a
8 lieutenant governor, who shall
9 take office upon confirmation
10 by a majority vote of the
11 elected members of each house
12 of the legislature.

COMMENT:

- (1) Manual, Rule 8--rewrite "there is." ; Manual, rule 11--active voice.
- (2) Elements, V, 16--be clear.

SECTION 16.

1 Section 16. Vacancies in
2 Other Statewide Elective
3 Offices
4 Section 16. A vacancy in
5 any statewide elective office,
6 other than that of governor or
7 lieutenant governor, shall be
8 filled by the first assistant of
9 such official: however, if the
10 unexpired term remaining is more
11 than one year, the office shall
12 be filled by election held at
13 the next regularly scheduled
14 congressional election or state-
15 wide election. and the first
16 assistant shall serve only until
17 the person then elected takes
18 office.

1 Section 16. Vacancies in
2 Other Statewide Elective
3 Offices
4 Section 16. A vacancy in
5 a statewide elective office⁽¹⁾⁽²⁾
6 other than that of governor or⁽²⁾
7 lieutenant governor shall be
8 filled by the first assistant.⁽³⁾
9 However, if the unexpired term⁽⁴⁾
10 exceeds one year, the office⁽⁵⁾
11 shall, be filled by election at⁽⁶⁾
12 the next regularly scheduled⁽⁷⁾
13 congressional or statewide
14 election, and the first
15 assistant shall serve only
16 until the person then elected
17 takes office.
18

COMMENT:

(1) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.

(2) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(5) Manual, Rule 5--substitute a word for a phrase.

(6) Manual, Rules 5, 13 and Elements II, 13--omit needless words.

(7) Ibid.

SECTION 17. (A)

1 Section 17. Other Vacan-
2 cies
3 Section 17. (A) Should
4 no other provision therefor be
5 made by this constitution, by
6 statute, by local government
7 charter, by home rule charter
8 or plan of government, or by
9 ordinance, the governor shall
10 have the power to fill any va-
11 cancy occurring in any elective
12 office. If, at the time a va-
13 cancy occurs in such office, the
14 unexpired portion of the term
15 of office is more than one year,
16 the vacancy shall be filled at
17 an election, as may be provided
18 by statute. The appointment
19 provided for herein shall be
20 effective only until a succes-
21 sor is duly elected and quali-
22 fied.

1 Section 17. Other Vacan-
2 cies; Gubernatorial
3 Appointment; Election;
4 Qualifications
5 Section 17. (A) Guber-
6 natorial Appointment; Election.
7 If no other provision therefor
8 ⁽¹⁾ is made by this constitution,
9 by law, ⁽²⁾ by local government
10 charter, by home rule charter
11 or plan of government, or by
12 ordinance, the governor may ⁽³⁾
13 fill a vacancy occurring in any
14 elective office. If, when a ⁽⁴⁾
15 vacancy occurs in the office, ⁽⁵⁾
16 the unexpired portion of the ⁽⁶⁾
17 term exceeds one year, the ⁽⁷⁾
18 vacancy shall be filled at an ⁽⁸⁾
19 election, as provided by law, ⁽⁹⁾
20 ⁽¹⁰⁾ and the appointment shall be ⁽¹¹⁾
21 effective only until a successor
22 ⁽¹²⁾ takes office.

COMMENT:

(1) Manual, Rule 11--indicative mood.

(2) Standardization of language.

(3) Manual, Rules 5, 13 and Elements, II, 13--
substitute a word for a phrase; Manual, Rule 7--
"may" is discretionary.

- (4) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.
- (5) Manual, Rule 5--substitute a word for a phrase.
- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Manual, Rule 5--substitute a word for a phrase.
- (8) Manual, Rule 11--present tense.
- (9) Standardization of language.

31

SECTION 17 (A)

- (10) Elements, V, 16--be clear: lines 14 and 15 set conditions for lines 20-22.
- (11) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (12) Elements, V, 16--be clear; standardization of language.

CAVEAT: Re: footnote (12).
 Uniformity suggests concluding words of Section 17(A) conform with concluding words of Section 16.

32

SECTION 17.(B)

28 (B) Nothing in this Sec-
 29 tion shall be construed as
 30 changing the qualifications for
 31 the various offices involved,
 32 and all appointments must be of
 33 persons who otherwise would be
 34 eligible to hold offices to
 35 which appointed.

28 (B) Qualifications. Noth-
 29 ing in this Section shall change⁽¹⁾
 30 the qualifications for any
 31 office,⁽²⁾ and every appointee⁽³⁾
 32 must be otherwise⁽⁴⁾ eligible to⁽⁵⁾
 33 hold the office to which appoint-
 34 ed.⁽⁶⁾
 35

COMMENT:

- (1) Manual, Rule 5--substitute word for phrase.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 12--singularization.
- (3) Manual, Rule 12--singularization.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Ibid.
- (6) Manual, Rule 12--singularization.

SECTION 18

1 Section 18. Definition of
 2 Vacancy
 3 Section 18. A vacancy as
 4 used in this constitution shall
 5 occur in the event of death,
 6 resignation, removal by any
 7 means, or the failure to take
 8 office for any reason.

1 Section 18. Definition of
 2 Vacancy
 3 Section 18. A vacancy ⁽¹⁾
 4 shall occur in the event of
 5 death, resignation, removal by
 6 any means, ⁽²⁾ or failure to take
 7 office for any reason.
 8

COMMENT:

- (1) Elements, V, 16--be clear.
- (2) Elements, II, 15--parallelism.

CAVEAT: footnote (1) requires consideration of author's intent.

SECTION 19

1 Section 19. Declaration
2 of Inability
3 Section 19. Whenever a
4 statewide elective official
5 transmits to the presiding of-
6 ficer of the Senate and the pre-
7 siding officer of the House of
8 Representatives a written de-
9 claration that he is unable to
10 discharge the powers and duties
11 of the office and until he
12 transmits to them a written de-
13 claration to the contrary, the
14 person succeeding to the office
15 in the event of a vacancy shall
16 assume the powers and duties of
17 the office as acting official.

1 Section 19. Declaration
2 of Inability (1)
3 Section 19. When a state-
4 wide elected official transmits
5 to the presiding officers of
6 the Senate and House of Repre-
7 sentatives a written declaration
8 of his inability to discharge
9 his official powers and duties, (5) (6)
10 and until he transmits to them
11 a written declaration to the
12 contrary, the person who would
13 succeed (7) to the office when a
14 vacancy occurs shall assume (8)
15 the powers and duties of the
16 office as acting official.
17

COMMENT:

(1) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.

(2) Elements, II, 15--maintain consistent usage; Elements V, 16--be clear.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Ibid.

(5) Ibid.

(6) Webster's Rule 4.1.1--commas to set off parenthetical expression; Elements, II, 15--parallelism.

(7) Elements, V, 16--be clear.

(8) Manual, Rule 5, substitute word for phrase.

SECTION 20.(A)

1 Section 20. Determination
2 of Inability
3 Section 20. (A) Whenever
4 a majority of the statewide
5 elected officials determine that
6 any other such official is un-
7 able to discharge the powers and
8 duties of his office, they shall
9 transmit to the presiding of-
10 ficer of each house of the leg-
11 islature and to such official,
12 and shall file in the office
13 of the secretary of state, their
14 written declaration that such
15 official is unable to exercise
16 the powers and perform the
17 duties of his office. There-
18 after the constitutional suc-
19 cessor shall assume the office
20 as acting official unless,
21 within forty-eight hours after
22 such filing in the office of
23 the secretary of state, such
24 official files in said office
25 and transmits to said presiding
26 officers his written counter-

1 Section 20. Determination
2 of Inability
3 Section 20. (A) Declara-
4 tion and Counterdeclaration.
5 When ⁽¹⁾ a majority of the state-
6 wide elected officials deter-
7 mine that any other such
8 official is unable to dis-
9 charge his official powers
10 and duties, ⁽²⁾ they shall trans-
11 mit to the presiding officer
12 of each house and to the ⁽³⁾ ⁽⁴⁾
13 official, and shall file in
14 the office of the secretary of
15 state, their written declara-
16 tion of his inability. ⁽⁵⁾ There-
17 after, ⁽⁶⁾ the constitutional
18 successor shall assume the
19 office as acting official
20 unless, within forty-eight
21 hours after the filing in the
22 office of the secretary of
23 state, the elected official ⁽⁷⁾
24 files in that office and ⁽⁸⁾
25 transmits to the presiding ⁽⁹⁾
26 officers his written counter-

27	declaration that he is able to	27	declaration of his ability to
28	exercise such powers and perform	28	exercise the powers and per-
29	such duties.	29	form the duties of his office.

Section 20(B)

COMMENT:

(1) See Webster's definitions--meanings identical in this context; Manual, Rule 5--use short words.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Ibid.

(4) Manual, Rule 6--avoid hackneyed reference words.

(5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(6) Manual, Rule 20 and Webster's, Rule 4.2.1--comma to set off introductory adverbs.

(7) Manual, Rule 6--avoid hackneyed reference words; Elements, V, 16--be clear.

(8) Manual, Rule 6--avoid hackneyed reference words.

(9) Ibid.

(10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(11) Manual, Rule 6--avoid hackneyed reference words.

(12) Ibid.

(13) Elements, V, 16--be clear.

SECTION 20(B)

4	(B) The legislature shall	4	(B) Determination by
5	convene at noon on the third cal-	5	the Legislature. The legis-
6	endar day after the filing of	6	lature shall convene at noon
7	any counter-declaration, which	7	on the third calendar day

8 may be filed by such official at
9 any time. Should two-thirds of
10 the elected members of each
11 house of the legislature fail to
12 adopt a resolution within
13 seventy-two hours declaring
14 that probable justification for
15 the determination that inability
16 exists, such officer shall con-
17 tinue or resume in office.
18
19

8 after the filing of any
9 counterdeclaration,⁽¹⁾ which may
10 be filed by the⁽²⁾ official at
11 any time. If two-thirds of⁽³⁾
12 the elected members of each
13 house⁽⁴⁾ fail to adopt a resolu-
14 tion within seventy-two hours
15 declaring probable justifi-⁽⁵⁾
16 cation for the determination
17 that inability exists, the⁽⁶⁾
18 officer shall continue in or⁽⁷⁾
19 resume office.

COMMENT:

- (1) Manual, Rule 21--use of hyphens.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Manual, Rule 11--indicative mood.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Ibid.
- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Elements, II, 16--keep related words together.

SECTION 20.(C)

18 (C) Should two-thirds of
19 the elected members of each
20 house so adopt a resolution de-
21 claring that probable justifica-
22 tion exists for the declaration

18 (C) Assumption of Office
19 by Constitutional Successor.
20 If two-thirds of the elected⁽¹⁾
21 members of each house⁽²⁾ adopt
22 a resolution declaring probable⁽³⁾

23 of inability, the constitutional
24 successor shall assume the powers
25 and duties of the office and
26 such resolution shall be trans-
27 mitted forthwith to the Supreme
28 Court of Louisiana.
29

23 justification exists for the
24 declaration of inability, the
25 constitutional successor shall
26 assume the powers and duties of
27 the office and the resolution
28 shall be transmitted forthwith
29 to the supreme court. (5)

COMMENT:

(1) Manual, Rule 11--indicative mood.

(2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(3) Ibid.

(4) Manual, Rule 6--avoid hackneyed reference words.

(5) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

39

SECTION 20 (D)

9 (D) By preference and pri-
10 ority over all other matters,
11 the supreme court shall deter-
12 mine the issue of inability
13 after due notice and hearing, by
14 a majority vote of members elec-
15 ted to said court, under such
16 rules as it may adopt.
17
18

9 (D) Determination by
10 Supreme Court. By preference
11 and with priority over all
12 other matters, the supreme
13 court shall determine the issue
14 of inability after due notice
15 and hearing, by a majority vote
16 of members elected to said court,
17 under such rules as it may
18 adopt.

COMMENT:

(1) Elements, II, 15--parallelism.

40

SECTION 20. (E)

4 (E) A judgment of the
5 supreme court affirming inabil-
6 ity may be reconsidered by the
7 court, after due notice and
8 hearing, either upon its own
9 motion or upon the application
10 of such official. Upon proper
11 showing and by majority vote of
12 its elected members, the court
13 may, upon such reconsideration,
14 determine that no inability then
15 exists, whereupon such officer
16 shall immediately resume the
17 powers and duties of his office.
18

4 (E) Reconsideration by
5 Surpeme Court. A judgment of
6 the supreme court affirming
7 inability may be reconsidered
8 by the court, after due notice
9 and hearing, either upon its
10 own motion or upon the applica-
11 tion of the official. Upon
12 proper showing and by majority
13 vote of its elected members,
14 the court may ⁽¹⁾determine that no
15 inability then exists, where-
16 upon ⁽²⁾the officer shall imme-
17 diately ⁽³⁾resume the powers and
18 duties of his office.

COMMENT:

(1) Manual, Rule 6--avoid hackneyed reference words.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Manual, Rule 6--avoid hackneyed reference words.

41

SECTION 21

1 Section 21. Absences
2 Section 21. In the event
3 of a temporary absence of the

1 Section 21. Temporary
2 Absences
3 Section 21. When the gov-

4 governor from the state, the
5 lieutenant governor shall act
6 as governor. In the event of a
7 temporary absence of a state-
8 wide elected official from the
9 state, the appointed first assis-
10 tant shall act in his absence.
11

4 ernor is temporarily absent ⁽¹⁾
5 from the state, the lieutenant
6 governor shall act as governor.
7 When any other statewide elected
8 official is temporarily absent ⁽²⁾
9 from the state, the appointed
10 first assistant shall act in
11 his absence.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; Manual, Rule 11 and Elements,
II, 10--active voice.

(2) Ibid.; Elements II, 15--parallelism.

42

SECTION 22

1 Section 22. Reorganization
2 Section 22. Reallocation of
3 the functions, powers, and
4 duties of all departments, of-
5 fices, agencies, and other in-
6 strumentalities of the executive
7 branch except those functions,
8 powers, duties, and departments
9 allocated by this constitution
10 shall be as provided by statute.
11

1 Section 22. Reorganization
2 Section 22. Reallocation
3 of the functions, powers, and
4 duties of all departments,
5 offices, agencies, and other
6 instrumentalities of the
7 executive branch, ⁽¹⁾ except those
8 functions, powers, duties, and
9 departments allocated by this
10 constitution, ⁽¹⁾ shall be as pro-
11 vided by law. ⁽²⁾

COMMENT:

(1) Webster's, Rule 4.1.1--commas to set off
contrasting elements.

(2) Standardization of language.

43

SECTION 23

1 Section 23. Appointment
2 of Officials; Merger,
3 Consolidation of Offices
4 and Departments

5 Section 23. After the first
6 election of state officials fol-
7 lowing adoption of this constitu-
8 tion, the legislature may, by a
9 favorable vote of two-thirds of
10 the elected members of each house
11 provide for appointment, in lieu
12 of election, of the state super-
13 intendent of education, the com-
14 missioner of insurance, the com-
15 missioner of agriculture, the
16 state commissioner of elections,
17 or any of them. In such event
18 the legislature shall prescribe
19 qualifications and method of ap-
20 pointment and by similar vote,
21 may provide that any such of-
22 fices, their departments and
23 functions be merged or consoli-
24 dated with any other office or
25 department in the executive
26 branch. No action of the legis-
27 lature, pursuant hereto, shall
28 reduce the term or compensation
29 of any elected official. By

1 Section 23. Appointment
2 of Officials; Merger,
3 Consolidation of Offices
4 and Departments

5 Section 23. After the
6 first election of state officials
7 following the effective date⁽¹⁾ of
8 this constitution, the legisla-
9 ture, by consent⁽²⁾ of two-thirds
10 of the elected members of each
11 house, may provide for appoint-⁽³⁾
12 ment, in lieu of election, of
13 the state superintendent of
14 education, the commissioner of
15 insurance, the commissioner of
16 agriculture, the state commissioner
17 of elections, or any of them.
18 In that event, the legislature⁽⁴⁾
19 shall prescribe qualifications
20 and method of appointment and
21 by similar vote, may provide for
22 the merger or consolidation of
23 any such office, its department,
24 and functions with any other⁽⁵⁾
25 office or department in the
26 executive branch. No action of
27 the legislature pursuant hereto⁽⁶⁾
28 shall reduce the term or compen-
29 sation of any incumbent elected⁽⁷⁾

<p>30 a vote of two-thirds of the</p> <p>31 elected members of each house,</p> <p>32 the legislature may reestablish</p> <p>33 any of such offices as an elec-</p> <p>34 tive office and, in such event,</p> <p>35 shall prescribe qualifications.</p>	<p>30 official. By consent of two-</p> <p>31 thirds of the elected members</p> <p>32 of each house, the legislature</p> <p>33 may reestablish any such office</p> <p>34 as elective and, in that event,</p> <p>35 shall prescribe qualifications.</p>
--	---

44

SECTION 23

COMMENT:

- (1) Elements, V, 16--be clear.
- (2) Standardization of language.
- (3) Elements, II, 16--keep related words together: do not separate the parts of a verb.
- (4) Manual, Rule 6--avoid hackneyed reference words.
- (5) Manual, Rule 12--singularization; Manual, Rule 11 and Elements, II, 10--active voice; Manual, Rule 11--indicative mood.
- (6) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.
- (7) Elements, V, 16--be clear.
- (8) Standardization of language.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (10) Manual, Rule 6--avoid hackneyed reference words.

CAVEAT: footnotes (1) and (7) require consideration of authors' intent.

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D O C U M E N T VI

COMMITTEE PROPOCAL NO. 4: FIRST ENROLLMENT

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE IV. EXECUTIVE BRANCH
 2 Section 1. Composition
 3 Section 1. (A) The execu-
 4 tive branch shall consist of the
 5 governor, lieutenant governor,
 6 secretary of state, treasurer,
 7 commissioner of agriculture,
 8 commissioner of insurance,
 9 superintendent of education,
 10 commissioner of elections, and
 11 all other executive offices,
 12 agencies, and instrumentalities
 13 of the state.
 14
 15

1 ARTICLE IV. EXECUTIVE BRANCH
 2 Section 1. Composition;
 3 Number of Departments;
 4 Reorganization
 5 Section 1. (A) Composition.
 6 The executive branch shall consist
 7 of the governor, lieutenant gover-
 8 nor, secretary of state, attorney
 9 general,⁽¹⁾ treasurer, commis ioner
 10 of agriculture, commissioner of
 11 insurance, superintendent of educa-
 12 tion, commissioner of elections,
 13 and all other executive offices,
 14 agencies, and instrumentalities
 15 of the state.

COMMENT:

(1) Attorney general included to conform with Sections 2 and 8.

SECTION 1.111

4 (B) All offices, agen-
5 cies, and other instrumental-
6 ities of the executive branch
7 of state government and their
8 respective functions, powers,
9 duties, and responsibilities,
10 except for the offices of gov-
11 ernor and lieutenant governor,
12 shall be allocated, according
13 to function, within not more
14 than twenty departments.

4 (B) Number of Departments.
5 Except for the offices of gover-
6 nor and lieutenant governor,⁽¹⁾
7 all offices, agencies, and other
8 instrumentalities of the
9 executive branch⁽²⁾ and their⁽³⁾
10 functions, powers, duties, and
11 responsibilities shall be allocat-
12 ed according to function with-
13 in not more than twenty
14 departments.

COMMENT:

(1) Manual, Rule 18--place exceptions first when specific.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Ibid. See also Elements, IV, p. 51: "Respective" may "usually be omitted with advantage."

(4) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

SECTION 22-

1 Section 22. Reorganization
2 Section 22. Reallocation of
3 the functions, powers, and
4 duties of all departments, of-
5 fices, agencies, and other in-
6 strumentalities of the executive

1 (C) Reorganization. Real-
2 location of the functions,
3 powers, and duties of all de-
4 partments, offices, agencies,
5 and other instrumentalities of
6 the executive branch,⁽¹⁾ except

7 branch except those functions,
8 powers, duties, and departments
9 allocated by this constitution
10 shall be as provided by statute.
11

7 those functions, powers, duties,
8 and departments allocated by
9 this constitution,⁽¹⁾ shall be as
10 provided by law.⁽²⁾
11

COMMENT:

- (1) Webster's, Rule 4.1.1--commas to set off contrasting elements.
- (2) Standardization of language.

Sections 2. (a) v.

1 Section 2. Qualifications
2 Section 2. (A) To be eli-
3 gible for any statewide elective
4 office a person must have at-
5 tained the age of twenty-five
6 years by the date of his qualifi-
7 cation as a candidate for office,
8 be an elector and be a citizen
9 of the United States and of this
10 state for at least five years
11 immediately preceding the date
12 of his qualification as a can-
13 didate for office. He shall
14 hold no other public office,
15 except by virtue of his office,
16 during his tenure in office.
17

1 Section 2. Statewide
2 Elected Officials;
3 Qualifications; Dual
4 Officeholding
5 Section 2. (A) Qualifi-
6 cations. To be eligible for any
7 statewide elective office,⁽¹⁾ a
8 person must be an elector,⁽²⁾ have
9 attained the age of twenty-
10 five years by the date of his
11 qualification as a candidate,⁽³⁾
12 and have been a citizen of the
13 United States and of the state
14 for at least five years imme-
15 diately preceding that⁽⁴⁾ date.
16 The attorney general also shall
17 have been admitted to th prac-
⁽⁵⁾
⁽⁶⁾

18
19
20
21
22
23
24 (B) The attorney general
25 shall be the state's chief legal
26 officer, head the department of
27 justice, and shall have been ad-
28 mitted to the practice of law in
29 this state for at least the five
30 years immediately preceding his
31 election.
32
33
34
35

18 tice of law in the state for at
19 least five years immediately
20 preceding his election.⁽⁸⁾
21
22
23
24 (B) Dual Officeholding
25 Prohibited.⁽⁹⁾ No statewide
26 elected official shall hold any
27 other public office, except
28 by virtue of his office, dur-
29 ing his tenure.⁽¹⁰⁾
30
31
32
33
34
35

SECTIONS 2.(A) + (B)

COMMENT:

(1) Webster's, Rule 4.2.1--commas to set off introductory phrase.

(2) Rearrangement of verbal constructions to allow elimination of words later in sentence.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Tense change for clarity; Elements, V, 16--be clear.

(5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(6) Duties of attorney general omitted here because they are also in Section 8.

(7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(8) Inclusion of additional qualification of attorney general suggested by content and title of paragraph (A).

(9) Manual, Rule 14--develop unrelated ideas in separate paragraphs.

(10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

CAVEAT: As enrolled, the qualifications for statewide elective office include residence in the state for a certain time before the date "of qualification as a candidate". The additional requirement for the attorney general is phrased in terms of being admitted to the practice of law for five years "preceding his election." The amendments as proposed do not change this. The convention may consider that its intention was uniformly to provide that eligibility requirements be met at time of qualification rather than election. (See also CP 3, Legislative Branch, and CP 21, Judicial Branch) If this is the intent, the language referring to the attorney general could be revised to read:

"admitted to the practice of law in the state for at least five years immediately preceding the date of his qualification as a candidate."

- 5 -

SECTION 3.(11)

5 Section 3. Elections and
6 Terms
7 Section 3. (A) The gover-
8 nor, lieutenant governor, secre-
9 tary of state, attorney general,
10 commissioner of agriculture,
11 commissioner of elections, com-
12 missioner of insurance, super-

5 Section 3. Election; Term; Limita-
6 tions
7 Section 3. (A) Election; Limita-
8 tion on Governor. The governor,
9 lieutenant governor, secretary of
10 state, attorney general, treasurer,
11 commissioner of agriculture, commis-
12 sioner of insurance, superintendent

<p>13 intendent of education and trea- 14 surer shall each be elected for 15 a term of four years by the 16 electors of the state, at the 17 time and place of voting for 18 members of the legislature. A 19 person who has served as gover- 20 nor for more than one and one- 21 half terms in two consecutive 22 terms shall not be elected gov- 23 ernor for the next succeeding 24 term. 25</p>	<p>13 of education,⁽¹⁾ and commissioner of 14 elections each shall be⁽²⁾ elected 15 for a term of four years by the 16 electors of the state⁽³⁾ at the time 17 and place of voting for members of 18 the legislature. A person who has 19 served as governor for more than 20 one and one-half terms in two con- 21 secutive terms shall not be elected 22 governor for the succeeding term.⁽⁴⁾ 23 24 25</p>
--	--

COMMENT:

(1) Manual, Rule 20--and Elements, I, 2--commas in series; offices rearranged to conform with listing order in Section I(A).

(2) Elements, II, 16--keep related words together.

(3) Webster's, 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; See definitions, Webster's 7th New Collegiate Dictionary.

SECTION 3.(B)

<p>1 (B) The term of office of 2 each elected official enumer- 3 ated in this section shall begin</p>	<p>1 (B) Commencement of Term. 2 The term of office of each 3 statewide elected official⁽¹⁾</p>
---	--

4 at noon on the second Monday in
5 March next following the elec-
6 tion.

4 shall begin at noon on the
5 second Monday in March next
6 following the election.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; substitute a word for a
phrase.

SECTION 3.(C)

10 (C) No official shall be
11 elected statewide, except as
12 provided by this constitution.

10 (C) Additional Limitation.
11 Except as provided by this
12 constitution, ⁽¹⁾ no official shall
13 be elected statewide.

COMMENT:

(1) Manual, Rule 18--place exception first
when specific.

-7-

SECTION 4

1 Section 4. Compensation
2 Section 4. Except as other-
3 wise provided in this constitu-
4 tion, the compensation of each
5 elected official shall be fixed
6 by the legislature.

1 Section 4. Compensation
2 Section 4. Except as other-
3 wise provided by this constitu-
4 tion, the compensation of each
5 elected official shall be fixed
6 by the legislature.

COMMENT:

(1) Standardization of language.

CAVEAT: As enrolled, Section 4 (dealing with the fixing of compensation) refers to "each elected official" without qualification, and thus could be construed to include additional officials beyond those mentioned in the Executive Article. If the desire is to limit this provision to the officials mentioned in this Article, the section might be amended to refer only to "statewide elected officials", thus:

"Except as otherwise provided by this constitution, the compensation of each statewide elected official shall be fixed by the legislature."

Or it may be preferable to move this Section into another Article.

-p-

SECTION 5.(1)

1 Section 5. Powers and
2 Duties of Governor
3 Section 5. (A) Executive
4 Authority. The governor shall
5 be the chief executive officer
6 of the state and shall faith-
7 fully support the constitution
8 and laws of the state and the
9 United States.

1 Section 5. Powers and
2 Duties of Governor
3 Section 5. (A) Executive
4 Authority. The governor shall
5 be the chief executive officer
6 of the state. ⁽¹⁾ He shall faith-
7 fully support the constitution
8 and laws of the state and of ⁽²⁾
9 the United States.

COMMENT:

(1) Manual, Rule 10--short sentences; and Rule 14--unrelated ideas in separate sentences.

(2) Elements, II, 15--parallelism.

-9-

SECTION 5.(B)

17 (B) Legislative Reports
18 and Recommendations. The gov-
19 ernor shall, at the beginning
20 of each regular session of the
21 legislature, and may at other
22 times, make reports and recom-
23 mendations and give information
24 to the legislature concerning
25 the affairs of state, including
26 its complete financial condi-
27 tion.

17 (B) Legislative Reports
18 and Recommendations. The gov-
19 ernor shall, at the beginning
20 of each regular session,⁽¹⁾ and
⁽²⁾
21 at other times may make reports
22 and recommendations and give
23 information to the legislature
24 concerning the affairs of state,
25 including its complete financial
26 condition.
27

COMMENT:

(1) Manual, Rules 5, 13--omit needless words.

(2) Elements, II, 16--keep related words together.

-10-

SECTION 5.(C)

1 (C) Reports and Informa-
2 tion. Any department head shall
3 provide the governor with re-
4 ports and information, in writing
5 or otherwise, when requested by
6 him on any subject relating to
7 such department, excepting mat-

1 (C) Departmental Reports and In-
2 formation. When requested by the gov-
3 ernor,⁽¹⁾⁽²⁾ a department head shall pro-
4 vide him⁽³⁾ with reports and informa-
5 tion, in writing or otherwise, on
6 any subject relating to the depart-
7 ment, except⁽⁵⁾ matters concerning in-⁽⁶⁾

8 ters relating to investigations | 8 vestigations of the governor's
9 of the governor's office. | 9 office.
10 COMMENT: | 10

(1) Phrase placed at beginning of sentence to improve flow of lines 4-6.

(2) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.

(3) Use pronoun to avoid repetition.

(4) Manual, Rule 6--common usage.

(5) Ibid.

(6) Manual, Rule 5--substitute word for phrase; avoid repetition.

-11-

SECTION 5. (D)

17	(D) Operating Budget.	17	(D) Operating Budget.
18	The governor shall submit to the	18	The governor shall submit to the
19	legislature, at a time fixed by	19	legislature, at a time fixed by
20	law, a proposed state budget	20	law, a proposed state budget
21	for the next fiscal year setting	21	for the next fiscal year setting
22	forth all proposed state expen-	22	forth all proposed state expen-
23	ditures and anticipated state	23	ditures and anticipated state
24	revenues.	24	revenues.

COMMENT:

NO CHANGE

SECTION 5. (E)

4 (E) Capital Budget. The
5 governor shall submit to each
6 regular session of the legis-
7 lature a proposed five-year
8 capital outlay program with a re-
9 quest for implementation of the
10 first year of the five-year pro-
11 gram.

4 (E) Capital Budget. The
5 governor shall submit to the
6 legislature, at each regular
7 session,⁽¹⁾ a proposed five-year
8 capital outlay program and shall
9 request implementation of the
10 first year of the program.⁽³⁾
11

COMMENT:

(1) Elements, V, 16--be clear; Webster's, Rule 4.1.1 --commas to set off parenthetical expressions.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Elements, II, 15--parallelism.

(3) Ibid.

SECTION 5. (F)

7 (F) Pardon, Commutation,
8 Reprieve, and Remission; Board
9 of Pardons. (1) The governor
10 shall have the power to grant
11 reprieves to those convicted of
12 offenses against the state and
13 upon the recommendation of the
14 Board of Pardons may grant com-
15 mutation of sentence, may par-
16 don those convicted of offenses
17 against the state and may remit
18 fines and forfeitures imposed

7 (F) Pardon, Commutation,
8 Reprieve, and Remission; Board
9 of Pardons. (1) The governor
10 may⁽¹⁾ grant reprieves to persons⁽²⁾
11 convicted of offenses against
12 the state and,⁽³⁾ upon recommenda-
13 tion of the Board of Pardons,⁽³⁾
14 may commute sentences,⁽⁴⁾ pardon⁽⁵⁾
15 those convicted of offenses
16 against the state,⁽⁶⁾ and remit⁽⁷⁾
17 fines and forfeitures imposed
18 for such offenses.⁽⁸⁾ However, a^(?)

19 for such offenses; provided,
20 however, that each first offen-
21 der who has never previously
22 been convicted of a felony shall
23 be eligible for pardon automat-
24 ically upon completion of his
25 sentence without the afcremen-
26 tioned recommendation.

27 (2) The Board of Pardons
28 shall consist of five electors
29 appointed by the governor, sub-
30 ject to confirmation by the
31 Senate. Members of such board
32 shall serve a term concurrent
33 with that of the governor ap-
34 pointing them.

19 first offender⁽¹⁰⁾ never previously⁽¹¹⁾
20 convicted of a felony shall be
21 eligible automatically for⁽¹²⁾
22 pardon upon completion of his
23 sentence without the aforementioned
24 recommendation.

25 (2) The Board of Pardons
26 shall consist of five electors
27 appointed by the governor, sub-
28 ject to confirmation by the
29 Senate. Each member of the board⁽¹³⁾
30 shall serve a term concurrent
31 with that of the governor
32 appointing him.⁽¹⁵⁾
33
34

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COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--
Substitute a word for a phrase; Manual, Rule 7--
"may" is discretionary.

(2) Elements, V, 16--be clear; "those" is a
demonstrative pronoun with no antecedent: noun
required for clarity.

(3) Webster's, Rule 4.1.1, and Elements, I, 3--
commas to set off parenthetical phrases.

(4) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; substitute a word for a
phrase.

(5) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; Elements, II, 15--
parallelism.

SECTION 5.(F)

(6) Manual, Rule 20 and Elements, I, 2--commas in a series.

(7) Elements, II, 15--parallelism.

(8) Manual, Rule 5--substitute a word for a phrase; Rule 10--use short sentences.

(9) Manual, Rule 5 and Elements, II, 13--omit needless words.

(10) Ibid.

(11) Ibid.

(12) Elements, II, 16--keep related words together.

(13) Manual, Rule 12--singularization.

(14) Ibid.

(15) Ibid.

CAVEAT:

[Section 5(F)(1)] As enrolled, this paragraph provides that a first offender never previously convicted of a felony shall be "eligible for pardon automatically." As adopted by the committee, the phrase is "eligible automatically for pardon." In either case, a question arises as to whether the pardon itself is automatic, with no action required by the governor or any other person, or whether the eligibility is automatic, with some action required by the governor before the pardon is granted. If the desire is to have the pardon granted automatically with no action by the governor, the language could be amended to provide:

"However, a first offender never previously convicted of a felony shall be pardoned automatically upon completion of his sentence.

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SECTION 5. (A)

Or, to make it quite clear that no recommendation is needed:

"However, a first offender never previously convicted of a felony

shall be pardoned automatically upon completion of his sentence, without a recommendation of the Board of Pardons and without action by the governor."

CAVEAT: Under this paragraph members of the pardon board are appointed by the governor, subject to "confirmation by the Senate." It is not required that this be public confirmation. The convention floor amended Section 13, dealing with confirmation of first assistants, to require "public confirmation." If the desire is to make all references to confirmation in this Article consistent with Section 13. This section could be amended to make clear that the confirmation must be "public".

[Section 5 (F)(2)]

It also may be desirable to specify more clearly what public confirmation means. Must all the debate be public, or simply the final vote on the issue? If the former is intended, perhaps it could be made clear by amendment providing:

"subject to public confirmation, after public debate, by the Senate."

SECTION 5(G)

1 (G) Receipt of Bills from
2 the Legislature. The date and
3 hour when a bill passed by the
4 legislature is delivered to the
5 governor shall be endorsed
6 thereon.

1 (G) Receipt of Bills from
2 the Legislature. The date and
3 hour of delivery to the gov-
4 ernor of a bill finally passed
5 by the legislature shall be
6 endorsed thereon.⁽¹⁾

COMMENT:

(1) Elements, V, 16--be clear.

Section 5. (H)

10 (H) Item Veto. (1) The
11 governor may veto any line item
12 in an appropriation bill. The
13 items vetoed shall be void un-
14 less the veto is overridden as
15 prescribed for the passage of
16 any bill over a veto.

17 (2) The governor shall
18 either veto line items, or use
19 other means provided in the
20 bill, in order that total appro-
21 priations for the year shall not
22 exceed anticipated revenues for
23 the year.

10 (H) Item Veto. (1) The
11 governor may veto any line item
12 in an appropriation bill. An
13 item⁽¹⁾ vetoed shall be void unless
14 the veto is overridden as pre-
15 scribed for the passage of any
16 bill over a veto.

17 (2) The governor shall⁽²⁾
18 veto line items⁽³⁾ or use means⁽⁴⁾
19 provided in the bill⁽⁵⁾ in order
20 that total appropriations for
21 the year shall not exceed
22 anticipated revenues for that⁽⁶⁾
23 year.

Section 5. (H)

COMMENT:

(1) Manual, Rule 12--singularization.

(2) Use of "either...or" implies governor must select one method only; Elements, V, 16--be clear.

(3) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(4) Use of "other" implies line item veto provided in bill; Elements, V, 16--be clear.

(5) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(6) Substitution of "that" for "the" to avoid repetition and to emphasize time period.

NOTE: Though the general provisions regarding vetoes are in the Legislative Article (See CP 3, Sections 19, 20), Section 5(H) of the Executive Article refers to the line item veto of appropriation bills. It may be desirable to consolidate those provisions in a final re-organization of the new document, and place them all in the same article.

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Section 5. (1)

1 (1) Appointments. (1) The
2 governor shall appoint, subject
3 to confirmation by the Senate,
4 the heads of all departments in
5 the executive branch whose elec-
6 tion or appointment is not pro-
7 vided for by this constitution
8 and all members of boards and
9 commissions in the executive
10 branch whose election or ap-
11 pointment is not otherwise pro-
12 vided for by this constitution
13 or by statute.

14 (2) Should the legislature
15 be in session, the governor
16 shall submit for confirmation
17 by the Senate the names of those
18 appointed within forty-eight
19 hours after the appointment is
20 made. Failure of the Senate to

1 (1) Appointments. (1) The
2 governor shall appoint, subject
3 to confirmation by the Senate,
4 the head of each department in⁽¹⁾
5 the executive branch whose
6 election or appointment is not
7 provided for by this constitution
8 and the members of each board⁽²⁾
9 and commission in the executive⁽³⁾
10 branch whose election or appoint-
11 ment is not provided for by⁽⁴⁾
12 this constitution or by law.⁽⁵⁾

13 (2) If the legislature
14 is in session, the governor shall
15 submit for confirmation by the
16 Senate the name of an appointee⁽⁶⁾
17 within forty-eight hours after
18 the appointment is made. Failure⁽⁷⁾
19 of the Senate to confirm prior⁽⁸⁾
20 to the end of the session shall

21 confirm, prior to the end of
22 the session, shall constitute
23 rejection of the appointment.

24 (3) Should the legislature
25 not be in session, the governor
26 may make interim appointments,
27 which shall expire at the end
28 of the next session of the leg-
29 islature, unless submitted to
30 and confirmed by the Senate
31 during such session.

32 (4) A person not confirmed
33 by the Senate shall not be ap-
34 pointed to the same office dur-
35 ing any recess of the legisla-
36 ture.

21 constitute rejection.⁽⁹⁾

22 (3) If the legislature
23 ⁽¹⁰⁾ is not in session, the governor
24 may make interim appointments,
25 which shall expire at the end
26 of the next session of the
27 legislature, unless submitted
28 to and confirmed by the Senate
29 ⁽¹¹⁾ during that session.

30 (4) A person not confirm-
31 ed by the Senate shall not be
32 appointed to the same office
33 during any recess of the legis-
34 lature.

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SECTION 5. (I)

COMMENT:

- (1) Manual, Rule 12--singularization.
- (2) Elements, II, 15--parallelism.
- (3) Manual, Rule 12--singularization; Elements, II, 15, parallelism.
- (4) Manual, Rules 5, 13, and Elements, II, 13--omit needless words.
- (5) Standardization of language.
- (6) Manual, Rule 11--indicative mood.
- (7) Manual, Rule 12--singularization.
- (8) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(10) Manual, Rule 11--indicative mood.

(11) Manual, Rule 6--avoid hackneyed reference words.

[Section 5(I)(1)]

CAVEAT: Same problem regarding "public confirmation" as stated in the caveat to Section 5(F) (2).

[Section 5(I)(3)]

CAVEAT: Interim appointments expire "at the end of the next session of the legislature... ." This seems to include special sessions or emergency sessions as well as regular sessions. Confirmation of appointments normally is not included as part of the call for special or emergency sessions. If the desire is to ensure that the reference is to the next regular session, the subparagraph might be amended to read:

"If the legislature is not in session, the governor may make interim appointments, which shall expire at the end of the next regular session of the legislature, unless submitted to and confirmed by the Senate during that session."

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SECTION 5.(J)

19 (J) Removal. The gover-
20 nor may remove from office
21 those whom he appoints, except
22 those appointed for a term fixed
23 by this constitution or as may
24 be fixed by statute.

19 (J) Removal Power. ⁽¹⁾The
20 governor may remove from office
21 a person ⁽²⁾he appoints, except a
22 person ⁽³⁾appointed for a term fix-
23 ed by this constitution or ⁽⁴⁾by
24 law. ⁽⁵⁾

COMMENT:

- (1) Title change to reflect subject matter.
- (2) Elements, V, 16--be clear--"those" is a demonstrative pronoun with no antecedent: noun required for clarity; Manual, Rule 12--Singularization.
- (3) Ibid.
- (4) Manual, Rule 11--present tense.
- (5) Standardization of language.

SECTION 5.(K)

1 (K) Commander-in-Chief.
 2 The governor shall be commander-
 3 in-chief of the armed forces of
 4 the state, except when they are
 5 called into service of the fed-
 6 eral government. He may call
 7 out the armed forces of the
 8 state to preserve law and order,
 9 to suppress insurrection, to
 10 repel invasion, or in other
 11 times of emergency.

1 (K) Commander-in-Chief.
 2 The governor shall be commander-
 3 in-chief of the armed forces of
 4 the state, except when they are
 5 called into service of the
 6 federal government. He may
 7 call out these ⁽¹⁾ forces to pre-
 8 serve law and order, to suppress
 9 insurrection, to repel invasion,
 10 or in other times of emergency.
 11

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--substitute a word for a phrase.

SECTION 5.(L)

15 (L) Other Powers and
 16 Duties. The governor shall
 17 have such other powers and per-

15 (L) Other Powers and
 16 Duties. The governor shall
 17 have ⁽¹⁾ other powers and perform

18	form such other duties as may	18	(1) other duties (2) authorized by this
19	be authorized by this constitu-	19	constitution or provided by
20	tion or provided by statute.	20	law. (3)

COMMENT:

- (1) Manual, Rule 6--avoid hackneyed reference words.
- (2) Manual, Rule 11--present tense.
- (3) Standardization of language.

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SECTION 6

1 Section 6. Powers and
 2 Duties of the Lieuten-
 3 ant Governor
 4 Section 6. The lieutenant
 5 governor shall serve ex officio
 6 as a member of each committee,
 7 board, and commission on which
 8 the governor serves, exercise
 9 the powers delegated to him
 10 by the governor, and have such
 11 other powers and perform such
 12 other duties in the executive,
 13 branch as may be authorized by
 14 this constitution or provided
 15 by statute.

1 Section 6. Lieutenant Governor;
 2 Powers and Duties
 3 Section 6. The lieutenant gov-
 4 ernor shall serve ex officio as a
 5 member of each committee, board, and
 6 commission on which the governor
 7 serves. (1) He shall exercise the
 8 powers delegated to him by the gov-
 9 ernor and shall have (2) other powers
 10 and perform (3) other duties in the
 11 executive branch (4) authorized by this
 12 constitution or provided by law. (5)
 13
 14
 15

COMMENT:

- (1) Manual, Rule 10--short sentences.
- (2) Elements, II, 15--parallelism.
- (3) Manual, Rule 6--avoid hackneyed reference words.

(4) Manual, Rule 11--present tense.

(5) Standardization of language.

CAVEAT: As enrolled, Section 6 provides that the lieutenant governor will serve "ex officio as a member of each committee, board, and commission on which the governor serves." This language may create the problem of whether he is a voting member of the boards, commissions and committees on which he serves ex officio. Additional clarity might be achieved by amendment to provide:

"The lieutenant governor shall serve ex officio as a (voting) (non-voting) member of each committee...."

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SECTION 7

1 Section 7. Powers and
2 Duties of the Secretary
3 of State
4 Section 7. There shall be
5 a department of state headed by
6 the secretary of state, who
7 shall be the chief election
8 officer of the state and shall
9 prepare and certify the ballots
10 for all elections and promulgate
11 all election returns; administer
12 the election laws except for
13 those relating to voter regis-
14 tration and custody of voting
15 machines; administer the state
16 corporation and trademark laws;

1 Section 7. Secretary of
2 State; Powers and
3 Duties
4 Section 7. There shall be
5 a Department of State. ⁽¹⁾ The
6 secretary of state shall head ⁽²⁾
7 the department and shall be the
8 chief election officer of the
9 state. ⁽³⁾ He shall prepare and
10 certify the ballots for all
11 elections and promulgate all
12 election returns; administer
13 the election laws, ⁽⁴⁾ except those ⁽⁵⁾
14 relating to voter registration
15 and custody of voting machines;
16 administer the state corporation

17 serve as keeper of the Great
18 Seal of the State of Louisiana
19 and attest therewith all offic-
20 ial laws, documents, proclama-
21 tions, and commissions; adminis-
22 ter and preserve the official
23 archives of the state; promul-
24 gate, publish, and retain the
25 originals of all laws enacted
26 by the legislature; and counter-
27 sign all commissions and keep
28 an official registry of same.
29 He may administer oaths, and
30 shall have such other powers
31 and perform such other duties as
32 may be authorized by this con-
33 stitution or provided by
34 statute.

17 and trademark laws; serve as
18 keeper of the Great Seal of the
19 State of Louisiana and attest
20 therewith all official laws,
21 documents, proclamations, and
22 commissions; administer and
23 preserve the official archives
24 of the state; promulgate and
25 publish all laws enacted by
26 the legislature and retain the
27 originals thereof;⁽⁶⁾ and counter-
28 sign and keep an official
29 registry of all commissions.⁽⁷⁾
30 He may administer oaths, and
31 shall have⁽²⁾ other powers and
32 perform⁽²⁾ other duties⁽⁷⁾ authorized
33 by this constitution or pro-
34 vided by law.⁽¹⁰⁾

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SECTION 7

COMMENT:

- (1) Manual, Rule 23--capitalize name of government department.
- (2) Manual, Rule 11 and Elements, II, 10--active voice.
- (3) Manual, Rule 10--short sentences.
- (4) Webster's, Rule 4.4.2--comma for emphasis and to set off exception.
- (5) Manual, Rules 5, 13 and Elements, II, 13--substitute a word for a phrase.
- (6) Elements, V, 16--be clear.

(7) Manual, Rules 5, 13 and Elements II, 13--omit needless words.

(8) Manual, Rule 6--avoid hackneyed reference words.

(9) Manual, Rule 11--present tense.

(10) Standardization of language.

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SECTION 8

1 Section 8. Powers and
2 Duties of the Attorney
3 General
4 Section 8. There shall be
5 a department of justice headed
6 by the attorney general who
7 shall be the state's chief legal
8 officer.

1 Section 8. Attorney General;
2 Powers and Duties
3 Section 8. There shall be a
4 Department of Justice.⁽¹⁾ The attorney
5 general shall head⁽²⁾ the department
6 and shall be the chief legal officer
7 of the state.⁽³⁾
8

COMMENT:

- (1) Manual, Rule 23--capitalize name of government department.
- (2) Manual, Rule 11 and Elements, II, 10--active voice.
- (3) Formal usage.

NOTE:

The attorney general is mentioned both in the Executive Article (Section 8) and in the Judiciary Article (Sections 26 and 27). The convention may deem it desirable to combine those references and place them all in one article.

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SECTION 9

1 Section 9. Powers and
2 Duties of the Treasurer
3 Section 9. There shall be
4 a department of treasury headed
5 by the state treasurer who shall
6 be responsible for the custody,
7 investment, and disbursement of
8 the public funds of the state,
9 except as otherwise provided by
10 this constitution. He shall re-
11 port annually to the governor
12 and the legislature at least
13 one month in advance of the re-
14 gular session on the financial
15 condition of the state, and
16 shall have such other powers and
17 perform such other duties as may
18 be authorized by this constitu-
19 tion or provided by statute.

1 Section 9. Treasurer;
2 Powers and Duties
3 Section 9. There shall be
4 a Department of the Treasury.⁽¹⁾
5 The treasurer shall head⁽²⁾ the
6 department and shall be re-
7 sponsible for the custody, in-
8 vestment, and disbursement of
9 the public funds of the state,
10 except as otherwise provided
11 by this constitution. He shall
12 report annually to the governor
13 and to the legislature a least⁽³⁾
14 one month before each⁽⁴⁾ regular
15 session on the financial con-
16 dition of the state, and shall⁽⁵⁾
17 have other powers and perform⁽⁵⁾
18 other duties authorized by this⁽⁶⁾
19 constitution or provided by law.⁽⁷⁾

COMMENT:

(1) Manual, Rule 23--capitalize name of government department.

(2) Manual, Rule 11 and Elements, II, 10--active voice.

(3) Elements, II, 15--parallelism.

(4) Manual, Rules 5, 13 and Elements, II, 13--substitute a word for a phrase.

(5) Manual, Rule 6--avoid hackneyed reference words.

(6) Manual, Rule 11--present tense.

(7) Standardization of language.

SECTION 10

1 Section 10. Powers and
2 Duties of the Commis-
3 sioner of Agriculture
4 Section 10. There shall be
5 a department of agriculture
6 headed by the commissioner of
7 agriculture, who shall exercise
8 all functions of the state in
9 relation to the promotion, pro-
10 tection, and advancement of ag-
11 riculture except such research
12 and educational functions ex-
13 pressly allocated by this con-
14 stitution or by statute to
15 other state agencies. The
16 department shall exercise such
17 functions and the commissioner
18 shall have such other powers
19 and perform such other duties
20 as may be authorized by this
21 constitution or provided by
22 statute.

1 Section 10. Commissioner of
2 Agriculture; Powers and Duties.
3 Section 10. There shall be a
4 Department of Agriculture.⁽¹⁾ The
5 commissioner of agriculture shall
6 head⁽²⁾ the department and shall exer-
7 cise all functions of the state re-
8 lating⁽³⁾ to the promotion, protection,
9 and advancement of agriculture, ex-
10 cept⁽⁴⁾ research and educational
11 functions expressly allocated by
12 this constitution or by law⁽⁵⁾ to
13 other state agencies.⁽⁶⁾ He shall
14 have⁽⁷⁾ other powers and perform other⁽⁷⁾
15 duties⁽⁸⁾ authorized by this constitu-
16 tion or provided by law.⁽⁹⁾
17
18
19
20
21
22

COMMENT:

(1) Manual, Rule 23--capitalize name of government department.

(2) Manual, Rule 11 and Elements, II, 10--active voice.

(3) Manual, Rules 5, 13 and Elements, II, 13-- substitute word for phrase.

(4) Manual, Rule 6--avoid hackneyed reference words.

- (5) Standardization of language.
- (6) Elements, V, 16--be clear.
- (7) Manual, Rule 6--avoid hackneyed reference words.
- (8) Manual, Rule 11--present tense.
- (9) Standardization of language.

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SECTION 10

CAVEAT: As enrolled, the last sentence refers to the department exercising functions and the commissioner having certain powers. Section 11 (Commissioner of Insurance) repeats that phraseology. This is inconsistent with the statements of powers of the other statewide elected officials (Sections 6-9 and Section 12). Also, some might question whether a "department" can exercise functions, reasoning powers and functions usually are vested in officials and performed by employees of the department.

In view of this, Section 10 has been changed to make it clear that it is the commissioner, (who is head of the department as stated in the beginning of the section) who exercises functions.

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SECTION 11

1 Section 11. Powers and
 2 Duties of the Commis-
 3 sioner of Insurance
 4 Section 11. There shall be
 5 a department of insurance headed
 6 by the commissioner of insurance.
 7 The department shall exercise
 8 such functions and the commis-

1 Section 11. Commissioner
 2 of Insurance; Powers and
 3 Duties
 4 Section 11. There shall be
 5 a Department of Insurance. ⁽¹⁾ The
 6 commissioner of insurance ⁽²⁾ shall
 7 head the department and shall ⁽³⁾
 8 have such powers and perform

9 sioner shall have such powers
10 and perform such duties as may
11 be authorized by this constitu-
12 tion or provided by statute.

9 such duties ⁽⁴⁾ authorized by this
10 constitution or provided by law.
11
12

COMMENT:

- (1) Manual, Rule 23--capitalize name of government department.
- (2) Manual, Rule 11 and Elements, II, 10--active voice.
- (3) Elements, V, 16--be clear.
- (4) Manual, rule 11--present tense.
- (5) Standardization of language.

CAVEAT: Same problem regarding a department exercising functions as mentioned in the caveat to Section 10.

Section 12

1 Section 12. Department of
2 Elections and Registra-
3 tion
4 Section 12. There shall be
5 a department of elections and re-
6 gistration headed by the state
7 commissioner of elections who
8 shall administer the laws re-
9 lative to custody of voting ma-
10 chines and voter registration.
11 The commissioner shall have such

1 Section 12. Commissioner of
2 Elections; Powers and Duties
3 Section 12. There shall be a
4 Department of Elections and Regis-
5 tration. ⁽¹⁾ The commissioner of elec-
6 tions ⁽²⁾ shall head the department and
7 shall administer the laws relating ⁽³⁾
8 to custody of voting machines and
9 voter registration. ⁽⁴⁾ He shall have
10 ⁽⁵⁾ other powers and perform ⁽⁵⁾ other
11 ⁽⁶⁾ duties authorized by this constitu-

12	powers and perform such duties	12	tion or provided by law. ⁽⁷⁾
13	as may be authorized by this	13	
14	constitution or provided by	14	
15	statute.	15	

COMMENT:

(1) Manual, Rule 23--capitalize name of government department.

(2) Manual, Rule 11 and Elements, II, 10--active voice.

(3) Standardization of language.

(4) Manual, Rule 5--substitute a word for a phrase.

(5) Standardization of language.

(6) Manual, Rule 11--present tense.

(7) Standardization of language.

--30--

SECTION 13

1	Section 13. First Assis-	1	Section 13. First Assis-
2	tants	2	tants; Appointment
3	Section 13. Each statewide	3	Section 13. Each statewide
4	elected official, except the gov-	4	elected official ⁽¹⁾ except the
5	ernor and lieutenant governor,	5	governor and lieutenant gover-
6	shall appoint a first assistant,	6	nor ⁽¹⁾ shall appoint a first assis-
7	subject to public confirmation	7	tant, subject to public confir-
8	by the Senate, and may remove him	8	mation by the Senate, and may
9	at his pleasure. The official	9	remove him at his pleasure.
10	shall submit such appointment to	10	The official shall submit the
11	the Senate in the same manner in	11	appointment to the Senate in the
12	which the governor submits ap-	12	manner and subject to the pro-

13 pointments, and shall be subject
14 to the same procedures and limi-
15 tations in connection therewith
16 as are imposed upon the gover-
17 nor. The first assistant shall
18 possess the same qualifications
19 as those required for election
20 to that office.

13 cedures and limitations applica-
14 ble to appointments submitted by
15 the governor. ⁽²⁾ The first assis-
16 tant shall possess the ⁽³⁾qualifi-
17 cations ⁽⁴⁾required for election
18 to the office.
19
20

COMMENT:

(1) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(2) Elements, V, 16--be clear.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Ibid.

CAVEAT: (See caveat to Section 5(F)(2)). As enrolled, the section requires "public confirmation by the Senate." If it is desirable to clarify whether this means public debate as well as public vote, the section might be amended to read:

"subject to public confirmation, after public debate, by the Senate."

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SECTION 14

1 Section 14. Vacancy in
2 Office of Governor
3 Section 14. The order of
4 succession in the office of gov-
5 ernor in the event of vacancy
6 shall be (1) the elected lieu-

1 Section 14. Vacancy in
2 Office of Governor
3 Section 14. When a
4 vacancy occurs ⁽¹⁾in the office of
5 governor, ⁽²⁾the order of succession
6 shall be (1) the elected

7 tenant governor, (2) the elected
8 secretary of state, (3) the
9 elected attorney general, (4) the
10 elected treasurer, (5) the pre-
11 siding officer of the Senate,
12 (6) the presiding officer of the
13 House of Representatives, and
14 then as may be provided by
15 statute. Successors shall
16 serve the remaining term for
17 which the governor was elected.

7 lieutenant governor, (2) the
8 elected secretary of state, (3)
9 the elected attorney general,
10 (4) the elected treasurer, (5)
11 the presiding officer of the
12 Senate, (6) the presiding
13 officer of the House of Representa-
14 tives, and then (7) as provided by
15 law. ⁽³⁾ The successor ⁽⁴⁾ shall serve
16 the remainder of the ⁽⁵⁾ term for which
17 the governor was elected.

COMMENT:

(1) Manual, Rule 11--active voice.

(2) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.

(3) Standardization of language.

(4) Manual, Rule 12--singularization.

(5) Elements, V, 16--be clear.

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SECTION 15

1 Section 15. Vacancy in
2 Office of Lieutenant
3 Governor
4 Section 15. Whenever there
5 is a vacancy in the office of
6 the lieutenant governor, the
7 governor shall nominate a lieu-
8 tenant governor, who shall take

1 Section 15. Vacancy in
2 Office of Lieutenant
3 Governor
4 Section 15. When a
5 vacancy occurs ⁽¹⁾ in the office
6 of ⁽²⁾ lieutenant governor, the
7 governor shall nominate a
8 lieutenant governor, who shall

9 office upon confirmation by a
10 majority vote of the elected
11 members of each house of the
12 legislature .

9 take office upon confirmation
10 by a majority vote of the
11 elected members of each house
12 of the legislature.

COMMENT:

(1) Manual, Rule 8--rewrite "there is." ; Manual,
rule 11--active voice.

(2) Elements, V, 16--be clear.

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SECTION 16.

1 Section 16. Vacancies in
2 Other Statewide Elective
3 Offices

4 Section 16. A vacancy in
5 any statewide elective office,
6 other than that of governor or
7 lieutenant governor, shall be
8 filled by the first assistant of
9 such official; however, if the
10 unexpired term remaining is more
11 than one year, the office shall
12 be filled by election held at
13 the next regularly scheduled
14 congressional election or state-
15 wide election, and the first
16 assistant shall serve only until
17 the person then elected takes
18 office.

1 Section 16. Vacancies in
2 Other Statewide Elective
3 Offices

4 Section 16. A vacancy in
5 a statewide elective office⁽¹⁾⁽²⁾
6 other than that of governor or⁽²⁾
7 lieutenant governor shall be
8 filled by the first assistant.⁽³⁾
9 If⁽⁴⁾ the unexpired term exceeds⁽⁵⁾
10 one year, the office shall be
11 filled by election⁽⁶⁾ at the next
12 regularly scheduled congress-
13 sional⁽⁷⁾ or statewide election,
14 and the first assistant shall
15 serve only until the person
16 then elected takes office.

COMMENT:

(1) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.

(2) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(5) Manual, Rule 5--substitute a word for a phrase.

(6) Manual, Rules 5, 13 and Elements II, 13--omit needless words.

(7) ibid.

SECTION 17. (11)

1 Section 17. Other Vacan-

2 cies

3 Section 17. (A) Should

4 no other provision therefor be

5 made by this constitution, by

6 statute, by local government

7 charter, by home rule charter

8 or plan of government, or by

9 ordinance, the governor shall

10 have the power to fill any va-

11 cancy occurring in any elective

12 office. If, at the time a va-

13 cancy occurs in such office, the

14 unexpired portion of the term

15 of office is more than one year,

16 the vacancy shall be filled at

1 Section 17. Other Vacan-

2 cies; Gubernatorial

3 Appointment; Election;

4 Qualifications

5 Section 17. (A) Guber-

6 natorial Appointment; Election.

7 If no other provision therefor

8 ⁽¹⁾ is made by this constitution,

9 by statute, by local government

10 charter, by home rule charter

11 or plan of government, or by

12 ordinance, the governor may ⁽²⁾

13 fill ⁽³⁾ a vacancy occurring in any

14 elective office. When a vacancy ⁽⁴⁾

15 occurs in the ⁽⁵⁾ office and the un-

16 expired portion of the term ⁽⁶⁾ exceeds

17 an election, as may be provided
18 by statute. The appointment
19 provided for herein shall be
20 effective only until a succes-
21 sor is duly elected and quali-
22 fied.

17 one year, the vacancy shall be
18 filled at an election, as provided
19 by law, and the appointment shall
20 be effective only until a succes-
21 sor takes office.
22

COMMENT:

- (1) Manual, Rule 11--indicative mood.
- (2) Manual, Rules 5, 13 and Elements, II, 13-- substitute a word for a phrase; Manual, Rule 7-- "may" is discretionary.
- (3) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.
- (4) Manual, Rule 5--substitute a word for a phrase.
- (5) Manual, Rule 6--avoid hackneyed reference words.
- (6) Manual, Rule 5--substitute a word for a phrase.
- (7) Manual, Rule 11--present tense.
- (8) Standardization of language.
- (9) Elements, V, 16--be clear; lines 14 and 15 set conditions for lines 20-22.

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SECTION 17 (A)

(10) Manual, Rules 5, 13 and Elements, II, 13-- omit needless words.

(11) Elements, V, 16--be clear; standardization of language.

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Section 17.(B)

28 (B) Nothing in this Sec-
29 tion shall be construed as
30 changing the qualifications for
31 the various offices involved,
32 and all appointments must be of
33 persons who otherwise would be
34 eligible to hold offices to
35 which appointed.

28 (B) Qualifications. Noth-
29 ing in this Section shall change⁽¹⁾
30 the qualifications for any
31 office,⁽²⁾ and every appointee⁽³⁾
32 must be otherwise⁽⁴⁾ eligible to⁽⁵⁾
33 hold the office⁽⁶⁾ to which appoint-
34 ed.
35

COMMENT:

- (1) Manual, Rule 5--substitute word for phrase.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 12--singularization.
- (3) Manual, Rule 12--singularization.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Ibid.
- (6) Manual, Rule 12--Singularization.

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SECTION 18

1 Section 18. Definition of
2 Vacancy
3 Section 18. A vacancy as
4 used in this constitution shall
5 occur in the event of death,
6 resignation, removal by any
7 means, or the failure to take
8 office for any reason.

1 Section 18. Definition of
2 Vacancy
3 Section 18. A vacancy as
4 used in this constitution shall
5 occur in the event of death,
6 resignation, removal by any
7 means,⁽¹⁾ or failure to take office
8 for any reason.

COMMENT:

(1) Elements, II, 15--parallelism.

CAVEAT: Ag enrolled, this section defines vacancy "as used in this constitution" and thus seemingly makes that definition applicable throughout the document. It appears that the term as thus defined would have that same meaning in other articles of the constitution. This may create some technical inconsistency with respect to Article III, Section 4(B) which provides that if a legislator fails to move into his new district upon reapportionment his seat becomes vacant. For clarity, it may be desirable to amend this section to read:

"A vacancy, as used in this Article, shall occur in the event...."

SECTION 19

1 Section 19. Declaration
2 of Inability
3 Section 19. Whenever a
4 statewide elective official
5 transmits to the presiding of-
6 ficer of the Senate and the pre-
7 siding officer of the House of
8 Representatives a written de-
9 claracion that he is unable to
10 discharge the powers and duties
11 of the office and until he
12 transmits to them a written de-
13 claracion to the contrary, the
14 person succeeding to the office
15 in the event of a vacancy shall
16 assume the powers and duties of
17 the office as acting official.

1 Section 19. Declaration of
2 Inability by Statewide Elected
3 Official
4 Section 19. When a statewide
5 elected⁽¹⁾ official transmits to the
6 presiding officers of the Senate and
7 House of Representatives⁽³⁾ a written
8 declaration of his inability to dis-
9 charge the powers and duties of the
10 office, and until he transmits to
11 them a written declaration to the
12 contrary, the person who would
13 succeed to the office when a vacancy⁽⁷⁾
14 occurs shall assume the powers and
15 duties of the office as acting
16 official.
17

COMMENT:

(1) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.

(2) Elements, II, 15--maintain consistent usage; Elements V, 16--be clear.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Ibid.

(5) Webster's Rule 4.1.1--commas to set off parenthetical expression; Elements, II, 15--parallelism.

(6) Elements, V, 16--be clear.

(7) Manual, Rule 5, substitute word for phrase.

(8) Manual, Rule 11 and Elements, II, 10--active voice.

SECTION 20.(i)

1 Section 20. Determination
2 of Inability
3 Section 20. (A) Whenever
4 a majority of the statewide
5 elected officials determine that
6 any other such official is un-
7 able to discharge the powers and
8 duties of his office, they shall
9 transmit to the presiding of-
10 ficer of each house of the leg-
11 islature and to such official,
12 and shall file in the office
13 of the secretary of state, their
14 written declaration that such

1 Section 20. Determination
2 of Inability of Statewide
3 Elected Official
4 Section 20. (A) Declaration
5 and Counterdeclaration. When a⁽¹⁾
6 majority of the statewide elected
7 officials determine that any
8 other such official is unable to
9 discharge the powers and duties
10 of the office, they shall trans-
11 mit a written declaration to⁽²⁾
12 this effect to the presiding
13 officer of each house and to⁽³⁾
14 the official, and shall file a⁽⁴⁾

15 official is unable to exercise
16 the powers and perform the
17 duties of his office. There-
18 after the constitutional suc-
19 cessor shall assume the office
20 as acting official unless,
21 within forty-eight hours after
22 such filing in the office of
23 the secretary of state, such
24 official files in said office
25 and transmits to said presiding
26 officers his written counter-
27 declaration that he is able to
28 exercise such powers and perform
29 such duties.

15 copy of the declaration in the
16 office of the secretary of state.⁽⁵⁾
17 Thereafter,⁽⁶⁾ the constitutional
18 successor shall assume the
19 office as acting official unless,
20 within forty-eight hours after
21 the declaration is filed in the
22 office of the secretary of state,
23 the elected official files in⁽⁷⁾
24 that office and transmits to⁽⁸⁾
25 the presiding officer of each⁽⁹⁾
26 house his written counter-⁽¹⁰⁾
27 declaration of his ability to⁽¹¹⁾
28 exercise the powers and perform⁽¹²⁾
29 the duties of his office.⁽¹³⁾⁽¹⁴⁾

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COMMENT:

- (1) See Webster's definitions--meanings identical in this context; Manual, Rule 5--use short words.
- (2) Elements, II, 16--keep related words together.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Manual, Rule 6--avoid hackneyed reference words.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Elements, II, 16--keep related words together.
- (6) Manual, Rule 20 and Webster's Rule 4.2.1--comma to set off introductory adverbs.
- (7) Manual, Rule 6--avoid hackneyed reference words; Elements, V, 16--be clear.

- (8) Manual, Rule 6--avoid hackneyed reference words.
- (9) Ibid.
- (10) Elements, V, 16--be clear.
- (11) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (12) Manual, Rule 6--avoid hackneyed reference words.
- (13) Ibid.
- (14) Elements, V, 16--be clear.

SECTION (1)

4 (B) The legislature shall
 5 convene at noon on the third cal-
 6 endar day after the filing of
 7 any counter-declaration, which
 8 may be filed by such official at
 9 any time. Should two-thirds of
 10 the elected members of each
 11 house of the legislature fail to
 12 adopt a resolution within
 13 seventy-two hours declaring
 14 that probable justification for
 15 the determination that inability
 16 exists, such officer shall con-
 17 tinue or resume in office.

4 (B) Determination by
 5 the Legislature. The legis-
 6 lature shall convene at noon
 7 on the third calendar day
 8 after the filing of any
 9 counterdeclaration, which may
 10 be filed by the official at
 11 any time. If two-thirds of
 12 the elected members of each
 13 house fail to adopt a resolu-
 14 tion within seventy-two hours
 15 declaring probable justifi-
 16 cation for the determination
 17 that inability exists, the
 18 officer shall continue in or
 19 resume office.

COMMENT:

- (1) Manual, Rule 21--use of hyphens.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Manual, Rule 11--indicative mood.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Ibid.
- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Elements, II, 16--keep related words together.

SECTION 20.(C)

18 (C) Should two-thirds of
 19 the elected members of each
 20 house so adopt a resolution de-
 21 claring that probable justifica-
 22 tion exists for the declaration
 23 of inability, the constitutional
 24 successor shall assume the powers
 25 and duties of the office and
 26 such resolution shall be trans-
 27 mitted forthwith to the Supreme
 28 Court of Louisiana.
 29

18 (C) Assumption of Office
 19 by Constitutional Successor.
 20 If ⁽¹⁾ two-thirds of the elected
 21 members of each house ⁽²⁾ adopt
 22 a resolution declaring that probable
 23 justification exists for the
 24 declaration of inability, the
 25 constitutional successor shall
 26 assume the powers and duties of
 27 the office and the resolution ⁽³⁾
 28 shall be transmitted forthwith
 29 to the supreme court. ⁽⁴⁾

COMMENT:

- (1) Manual, Rule 11--indicative mood.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 20.(D)

9 (D) By preference and pri-
10 ority over all other matters,
11 the supreme court shall deter-
12 mine the issue of inability
13 after due notice and hearing, by
14 a majority vote of members elec-
15 ted to said court, under such
16 rules as it may adopt.
17
18

9 (D) Determination by
10 Supreme Court. By preference
(1)
11 and with priority over all
12 other matters, the supreme
13 court shall determine the issue
14 of inability after due notice
15 and hearing, by a majority vote
16 of members elected to the court,
17 under such rules as it may
18 adopt.

COMMENT:

(1) Elements, II, 15--parallelism.

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SECTION 20.(E)

4 (E) A judgment of the
5 supreme court affirming inabil-
6 ity may be reconsidered by the
7 court, after due notice and
8 hearing, either upon its own
9 motion or upon the application
10 of such official. Upon proper
11 showing and by majority vote of
12 its elected members, the court
13 may, upon such reconsideration,

4 (E) Reconsideration by
5 Supreme Court. A judgment of
6 the supreme court affirming
7 inability may be reconsidered
8 by the court, after due notice
9 and hearing, either upon its
10 own motion or upon the applica-
11 tion of the official. Upon
(1)
12 proper showing and by majority
13 vote of its elected members,

14	determine that no inability then	14	the court may ⁽²⁾ determine that no
15	exists, whereupon such officer	15	inability then exists, where-
16	shall immediately resume the	16	upon the officer shall imme- ⁽³⁾
17	powers and duties of his office.	17	diately resume the powers and
18		18	duties of his office.

COMMENT:

(1) Manual, Rule 6--avoid hackneyed reference words.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Manual, Rule 6--avoid hackneyed reference words.

SECTION 21

1	Section 21. Absences	1	Section 21. Temporary
2	Section 21. In the event	2	Absences
3	of a temporary absence of the	3	Section 21. When the gov-
4	governor from the state, the	4	ernor is temporarily absent ⁽¹⁾
5	lieutenant governor shall act	5	from the state, the lieutenant
6	as governor. In the event of a	6	governor shall act as governor.
7	temporary absence of a state-	7	When any other statewide elected
8	wide elected official from the	8	official is temporarily absent ⁽²⁾
9	state, the appointed first assis-	9	from the state, the appointed
10	tant shall act in his absence.	10	first assistant shall act in
11		11	his absence.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 11 and Elements, II, 10--active voice.

(2) Ibid.; Elements II, 15--parallelism.

SECTION 21

Section 23. Appointment
of Officials; Merger,
Consolidation of Offices
and Departments

Section 23. After the first
election of state officials fol-
lowing adoption of this constitu-
tion, the legislature may, by a
favorable vote of two-thirds of
the elected members of each house,
provide for appointment, in lieu
of election, of the state super-
intendent of education, the com-
missioner of insurance, the com-
missioner of agriculture, the
state commissioner of elections,
or any of them. In such event
the legislature shall prescribe
qualifications and method of ap-
pointment and by similar vote,
may provide that any such of-
fices, their departments and
functions be merged or consoli-
dated with any other office or
department in the executive
branch. No action of the legis-
lature, pursuant hereto, shall
reduce the term or compensation
of any elected official. By

Section 22. Appointment
of Officials; Merger,
Consolidation of Offices
and Departments

Section 22. After the
first election of state officials
following the effective date⁽¹⁾ of
this constitution, the legisla-
ture, by consent⁽²⁾ of two-thirds
of the elected members of each
house, may provide for appoint-
ment, in lieu of election, of⁽³⁾
the commissioner of agricul-
ture, the commissioner of⁽⁴⁾
insurance, the superintendent
of education, the commissioner
of elections, or any of them.
In that event, the legislature⁽⁵⁾
shall prescribe qualifications
and method of appointment and
by similar vote, may provide for
the merger or consolidation of
any such office, its department,
and functions with any other⁽⁶⁾
office or department in the
executive branch. No action of
the legislature pursuant hereto⁽⁷⁾
shall reduce the term or compen-
sation of any incumbent elected⁽⁷⁾

30 a vote of two-thirds of the
31 elected members of each house,
32 the legislature may reestablish
33 any of such offices as an elec-
34 tive office and in such event,
35 shall prescribe qualifications.

30 official. By consent of two-⁽⁹⁾
31 thirds of the elected members
32 of each house, the legislature
33 may reestablish any such office
34 as elective and, in that event,⁽¹⁰⁾ ⁽¹¹⁾
35 shall prescribe qualifications.

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SECTION 2

COMMENT:

- (1) Elements, V, 16--be clear.
- (2) Standardization of language.
- (3) Elements, II, 16--keep related words together: do not separate the parts of a verb.
- (4) Elements, II, 15--parallelism.
- (5) Manual, Rule 6--avoid hackneyed reference words.
- (6) Manual, Rule 12--singularization; Manual, Rule 11 and Elements, II, 10--active voice; Manual, Rule 11--indicative mood.
- (7) Webster's Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.
- (8) Elements, V, 16--be clear.
- (9) Standardization of language.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (11) Manual, Rule 6--avoid hackneyed reference words.

CAVEAT: As enrolled, the provisions allowing converting elected offices to appointed ones provide for the change to be made after the first election of state officials "following adoption of this constitution." As amended by the committee, the reference is changed to refer to the election "following the effective date of this constitution." The change is consistent with the terminology used in other articles. No change in the practical effect of the provision is foreseen.

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1/8/74

COMMITTEE PROPOSAL NO. 4: FIRST ENROLLMENT

EXECUTIVE DEPARTMENT

Styling Suggestions from Committee on Style and Drafting:

Comparative Presentation

<u>SECTIONS ADOPTED BY CONVENTION</u>	<u>CHANGES RECOMMENDED BY COMMITTEE</u>
1 ARTICLE IV. EXECUTIVE BRANCH	1 ARTICLE IV. EXECUTIVE BRANCH
2 Section 1. Composition	2 Section 1. Composition;
3 Section 1. (A) The execu-	3 Number of Departments;
4 tive branch shall consist of the	4 Reorganization
5 governor, lieutenant governor,	5 Section 1. (A) Composition.
6 secretary of state, treasurer,	6 The executive branch shall consist
7 commissioner of agriculture,	7 of the governor, lieutenant gover-
8 commissioner of insurance,	8 nor, secretary of state, treasur-
9 superintendent of education,	9 er, commissioner of agriculture,
10 commissioner of elections, and	10 commissioner of insurance, super-
11 all other executive offices,	11 intendent of education, commis-
12 agencies, and instrumentalities	12 sioner of elections, and all
13 of the state.	13 other executive offices, agencies,
14	14 and instrumentalities of the
15	15 state.

SECTION 1.(B)

4 (B) All offices, agen-
5 cies, and other instrumental-
6 ities of the executive branch
7 of state government and their
8 respective functions, powers,
9 duties, and responsibilities,
10 except for the offices of gov-
11 ernor and lieutenant governor,
12 shall be allocated, according
13 to function, within not more
14 than twenty departments.

4 (B) Number of Departments.
5 Except for the offices of gover-
6 nor and lieutenant governor,⁽¹⁾
7 all offices, agencies, and other
8 instrumentalities of the
9 executive branch⁽²⁾ and their⁽³⁾
10 functions, powers, duties, and
11 responsibilities shall be allocat-
12 ed⁽⁴⁾ according to function with-
13 in not more than twenty
14 departments.

COMMENT:

(1) Manual, Rule 18--place exceptions first when specific.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Ibid. See also Elements, IV, p. 51: "Respective" may "usually be omitted with advantage."

(4) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

SECTION 22 becomes SECTION 1(C)

1 Section 22. Reorganization
2 Section 22. Reallocation of
3 the functions, powers, and
4 duties of all departments, of-
5 fices, agencies, and other in-

1 (C) Reorganization. Real-
2 location of the functions,
3 powers, and duties of all de-
4 partments, offices, agencies,
5 and other instrumentalities of

6	strumentalities of the executive	6	the executive branch, ⁽¹⁾ except
7	branch except those functions,	7	those functions, powers, duties,
8	powers, duties, and departments	8	and responsibilities ⁽²⁾ allocated by
9	allocated by this constitution	9	this constitution, ⁽¹⁾ shall be as
10	shall be as provided by statute.	10	provided by law. ⁽²⁾
11		11	

COMMENT:

(1) Webster's, Rule 4.1.1--commas to set off contrasting elements.

(2) Elements, V, 16--be clear

(3) Standardization of language.

SECTION 2(A) + (B) becomes SECTION 2

1	Section 2. Qualifications	1	Section 2. Qualifications.
2	Section 2. (A) To be eli-	2	Section 2. To be eligible for
3	gible for any statewide elective	3	any statewide elective office, a
4	office a person must have at-	4	person, ⁽¹⁾ by the date of his quali-
5	tained the age of twenty-five	5	fication as a candidate, ⁽²⁾ shall
6	years by the date of his qualifi-	6	have attained the age of twenty-
7	cation as a candidate for office,	7	five years, be an elector, and
8	be an elector and be a citizen	8	have been a citizen of the United
9	of the United States and of this	9	States and of this state for at
10	state for at least five years	10	least the preceding five years. ⁽³⁾
11	immediately preceding the date	11	In addition, the attorney general
12	of his qualification as a can-	12	shall have been admitted to the
13	didate for office. He shall	13	practice of law in the state for
14	hold no other public office,	14	at least the five years preceding
15	except by virtue of his office,	15	his election. ⁽⁴⁾ During his tenure

16 during his tenure in office.

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24 (B) The attorney general

25 shall be the state's chief legal

26 officer, head the department of

27 justice, and shall have been ad-

28 mitted to the practice of law in

29 this state for at least the five

30 years immediately preceding his

31 election.

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16 in office, a statewide elected

17 official shall hold no other public

18 office except by virtue of his

19 elected office.

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SECTION 2.

COMMENT:

(1) Webster's, Rule 4.2.1--commas to set off introductory phrase.

(2) Rearrangement of construction to allow elimination of words later in sentence.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Tense change for clarity; Elements, V, 16--be clear.

(5) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(6) Duties of attorney general omitted here
because they are also in Section 8.

(7) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(8) Inclusion of additional qualification of
attorney general suggested by content and title
of paragraph (A).

(9) Section 2, (A) and (B) consolidated into one
paragraph.

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SECTION 3(A) becomes SECTION 3.(A)
+ (B)

5 Section 3. Elections and
6 Terms
7 Section 3. (A) The gover-
8 nor, lieutenant governor, secre-
9 tary of state, attorney general,
10 commissioner of agriculture,
11 commissioner of elections, com-
12 missioner of insurance, super-
13 intendent of education and trea-
14 surer shall each be elected for
15 a term of four years by the
16 electors of the state, at the
17 time and place of voting for
18 members of the legislature. A
19 person who has served as gover-
20 nor for more than one and one-
21 half terms in two consecutive
22 terms shall not be elected gov-

5 Section 3. Election; Term
6 Section 3. (A) Election.
7 The governor, lieutenant governor,
8 secretary of state, attorney
9 general, treasurer, commissioner of
10 agriculture, commissioner of
11 insurance, superintendent of
12 education, and commissioner of
13 elections each shall be elected
14 for a term of four years by the
15 electors of the state at the time
16 and place of voting for members
17 of the legislature. ⁽¹⁾ The term of
18 each official shall begin at
19 noon on the second Monday in
20 March next following the election.
21 (B) Limitation on Governor.
22 A person who has served as

23 error for the next succeeding
24 term.
25
26

23 governor for more than one and
24 one-half terms in two consecu-
25 tive terms shall not be elected
26 governor for the succeeding term.

COMMENT:

(1) Manual, Rule 20--and Elements, I, 2--commas in series; offices rearranged to conform with listing order in Section I(A).

(2) Elements, II, 16--keep related words together.

(3) Webster's, 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(4) Section 3(B) merged into Section 3(A).

(5) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.

(6) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words; See definitions, Webster's 7th New Collegiate Dictionary.

-6-

SECTION 3 (B)

deleted here -
(See previous page)
[lines, 17-20]

1 (B) The term of office of
2 each elected official enumer-
3 ated in this section shall begin
4 at noon on the second Monday in
5 March next following the elec-
6 tion.

1
2
3
4
5
6

Section 3 (B)
merged into
Section 3 (A)

SECTION 3.(C)

10 (C) No official shall be
11 elected statewide, except as
12 provided by this constitution.
13
14

10 (C) Additional Limitation.
11 Except as provided by this
12 constitution, ⁽¹⁾ no official shall
13 be elected statewide.
14

COMMENT:

(1) Manual, Rule 18--place exception first when specific.

-7-

SECTION 4

1 Section 4. Compensation
2 Section 4. Except as other-
3 wise provided in this constitu-
4 tion, the compensation of each
5 elected official shall be fixed
6 by the legislature.

1 Section 4. Compensation
2 Section 4. Except as other-
3 wise provided by this constitu-
4 tion, the compensation of each
5 statewide ⁽²⁾ elected official shall
6 be provided by law. ⁽¹⁾

COMMENT:

- (1) Standardization of language.
- (2) Elements V, 16 -- be clear.

8-

SECTION 5.(A)

1 Section 5. Powers and
2 Duties of Governor
3 Section 5. (A) Executive
4 Authority. The governor shall
5 be the chief executive officer

1 Section 5. Governor;
2 Powers and Duties
3 Section 5. (A) Executive
4 Authority. The governor shall
5 be the chief executive officer

6 of the state and shall faith-
7 fully support the constitution
8 and laws of the state and the
9 United States.

6 of the state. ⁽¹⁾ He shall faith-
7 fully support the constitution
8 and laws of the state and of ⁽²⁾
9 the United States.

COMMENT:

(1) Manual, Rule 10--short sentences; and Rule 14--unrelated ideas in separate sentences.

(2) Elements, II, 15--parallelism.

-6-

SECTION 5.(B)

17 (B) Legislative Reports
18 and Recommendations. The gov-
19 ernor shall, at the beginning
20 of each regular session of the
21 legislature, and may at other
22 times, make reports and recom-
23 mendations and give information
24 to the legislature concerning
25 the affairs of state, including
26 its complete financial condi-
27 tion.

17 (B) Legislative Reports
18 and Recommendations. The gov-
19 ernor shall, at the beginning
20 of each regular session, ⁽¹⁾ and may,
21 at other times, make reports
22 and recommendations and give
23 information to the legislature
24 concerning the affairs of state,
25 including its complete financial
26 condition.
27

COMMENT:

(1) Manual, Rules 5, 13--omit needless words.

SECTION 5.(C)

1 (C) Reports and Informa-
2 tion. Any department head shall
3 provide the governor with re-
4 ports and information, in writing
5 or otherwise, when requested by
6 him on any subject relating to
7 such department, excepting mat-
8 ters relating to investigations
9 of the governor's office.

10 COMMENT;

(1) Phrase placed at beginning of sentence to improve flow of lines 4-6.

(2) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.

(3) Use pronoun to avoid repetition.

(4) Manual, Rule 6--common usage.

(5) Ibid.

(6) Manual, Rule 5--substitute word for phrase; avoid repetition.

11

1 (C) Departmental Reports and In-
2 formation. When requested by the gov-
3 ernor,⁽¹⁾⁽²⁾ a department head shall pro-
4 vide him⁽³⁾ with reports and informa-
5 tion, in writing or otherwise, on
6 any subject relating to the depart-
7 ment, except⁽⁵⁾ matters concerning⁽⁶⁾ in-
8 vestigations of the governor's
9 office.

10

SECTION 5.(D)

17 (D) Operating Budget.
18 The governor shall submit to the
19 legislature, at a time fixed by
20 law, a proposed state budget
21 for the next fiscal year setting
22 forth all proposed state expen-

[232]

17 (D) Operating Budget.
18 The governor shall submit to the
19 legislature, at a time fixed by
20 law, a proposed state budget
21 for the next fiscal year setting
22 forth all proposed state expen-

23 ditures and anticipated state
24 revenues.

23 ditures and anticipated state
24 revenues.

COMMENT:

NO CHANGE

SECTION 5. (E)

4 (E) Capital Budget. The
5 governor shall submit to each
6 regular session of the legis-
7 lature a proposed five-year
8 capital outlay program with a re-
9 quest for implementation of the
10 first year of the five-year pro-
11 gram.

4 (E) Capital Budget. The
5 governor shall submit to the
6 legislature, at each regular
7 session, ⁽¹⁾ a proposed five-year ⁽²⁾
8 capital outlay program and shall
9 request implementation of the
10 first year of the program. ⁽³⁾
11

COMMENT:

(1) Elements, V, 16--be clear; Webster's, Rule 4.1.1 --commas to set off parenthetical expressions.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Elements, II, 15--parallelism.

(3) Ibid.

- 12-

SECTION 5. (F)

7 (F) Pardon, Commutation,
8 Reprieve, and Remission; Board
9 of Pardons. (1) The governor
10 shall have the power to grant
11 reprieves to those convicted of

7 (F) Pardon, Commutation,
8 Reprieve, and Remission; Board
9 of Pardons. (1) The governor
10 may ⁽¹⁾ grant reprieves to persons ⁽²⁾
11 convicted of offenses against

12 offenses against the state and
13 upon the recommendation of the
14 Board of Pardons may grant com-
15 mutation of sentence, may par-
16 don those convicted of offenses
17 against the state and may remit
18 fines and forfeitures imposed
19 for such offenses; provided,
20 however, that each first offen-
21 der who has never previously
22 been convicted of a felony shall
23 be eligible for pardon automat-
24 ically upon completion of his
25 sentence without the aforemen-
26 tioned recommendation.

27 (2) The Board of Pardons
28 shall consist of five electors
29 appointed by the governor, sub-
30 ject to confirmation by the
31 Senate. Members of such board
32 shall serve a term concurrent
33 with that of the governor ap-
34 pointing them.

12 the state and,⁽³⁾ upon recommenda-
13 tion of the Board of Pardons,⁽³⁾
14 may commute sentences,⁽⁴⁾ pardon⁽⁵⁾
15 those convicted of offenses
16 against the state,⁽⁶⁾ and remit⁽⁷⁾
17 fines and forfeitures imposed
18 for such offenses.⁽⁸⁾ However, a⁽⁹⁾
19 first offender never previously⁽¹⁰⁾
20 convicted of a felony shall be
21 eligible automatically for
22 pardon upon completion of his
23 sentence without⁽¹²⁾ recommendation
24 of the board.

25 (2) The Board of Pardons
26 shall consist of five electors
27 appointed by the governor, sub-
28 ject to confirmation by the
29 Senate. Each member of the board⁽¹³⁾
30 shall serve a term concurrent⁽¹⁴⁾
31 with that of the governor
32 appointing him.⁽¹⁵⁾
33
34

SECTION 5: (F)

COMMENT;

(1) Manual, Rules 5, 13 and Elements, II, 13--
Substitute a word for a phrase; Manual, Rule 7--
"may" is discretionary.

(2) Elements, V, 16--be clear; "those" is a
demonstrative pronoun with no antecedent: noun
required for clarity.

(3) Webster's, Rule 4.1.1, and Elements, I, 3--
commas to set off parenthetical phrases.

(4) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; substitute a word for a
phrase.

(5) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; Elements, II, 15--
parallelism.

(6) Manual, Rule 20 and Elements, I, 2--commas
in a series.

(7) Elements, II, 15--parallelism.

(8) Manual, Rule 5--substitute a word for a
phrase; Rule 10--use short sentences.

(9) Manual, Rule 5 and Elements, II, 13--omit
needless words.

(10) Ibid.

(11) Ibid.

(12) Manual, Rule 6--avoid hackneyed reference words.

(13) Manual, Rule 12--singularization.

(14) Ibid.

(15) Ibid.

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SECTION 5.(G)

1 (G) Receipt of Bills from
2 the Legislature. The date and
3 hour when a bill passed by the
4 legislature is delivered to the
5 governor shall be endorsed
6 thereon.

1 G) Receipt of Bills from
2 the Legislature. The date and
3 hour when a bill finally passed
4 by the legislature is delivered
5 to the governor shall be endorsed
6 thereon.

(1) Elements V, 16 -- be clear.

Section 5.(H)

10 (H) Item Veto. (1) The
11 governor may veto any line item
12 in an appropriation bill. The
13 items vetoed shall be void un-
14 less the veto is overridden as
15 prescribed for the passage of
16 any bill over a veto.

17 (2) The governor shall
18 either veto line items, or use
19 other means provided in the
20 bill, in order that total appro-
21 priations for the year shall not
22 exceed anticipated revenues for
23 the year.

24

10 (H) Item Veto. (1) Except
11 as otherwise provided by this
12 constitution, ⁽¹⁾ the governor may
13 veto any line item in an appro-
14 priation bill. Any item ⁽²⁾ vetoed
15 shall be void unless the veto
16 is overridden as prescribed for
17 the passage of a bill over a
18 veto.

19 (2) The governor shall ⁽³⁾ veto
20 line items ⁽⁴⁾ or use ⁽⁵⁾ means provided
21 in the bill ⁽⁶⁾ so that total appro-
22 priations for the year shall not
23 exceed anticipated revenues for
24 that year. ⁽⁷⁾

15

COMMENT:

(1) Elements, V, 16--be clear.

(2) Manual, Rule 12--singularization.

(3) Use of "either..or" implies governor must select one method only; Elements, V, 16--be clear.

(4) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(5) Use of "other" implies line item veto provided in bill; Elements, V, 16--be clear.

(6) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(7) Substitution of "that" for "the" to avoid repetition and to emphasize time period.

SECTION 5(H)

16

SECTION 5. (I)

1 (I) Appointments. (1) The
2 governor shall appoint, subject
3 to confirmation by the Senate,
4 the heads of all departments in
5 the executive branch whose elec-
6 tion or appointment is not pro-
7 vided for by this constitution
8 and all members of boards and
9 commissions in the executive
10 branch whose election or ap-
11 pointment is not otherwise pro-
12 vided for by this constitution
13 or by statute.

14 (2) Should the legislature
15 be in session, the governor
16 shall submit for confirmation
17 by the Senate the names of those
18 appointed within forty-eight
19 hours after the appointment is
20 made. Failure of the Senate to
21 confirm, prior to the end of
22 the session, shall constitute
23 rejection of the appointment.

24 (3) Should the legislature
25 not be in session, the governor
26 may make interim appointments,
27 which shall expire at the end
28 of the next session of the leg-
29 islature, unless submitted to

1 (I) Appointments. (1) The
2 governor shall appoint, subject
3 to confirmation by the Senate,
4 the head of each department in
5 the executive branch whose
6 election or appointment is not
7 provided by this constitution
8 and the members of each board
9 and commission in the executive
10 branch whose election or appoint-
11 ment is not provided by
12 this constitution or by law.
13 (2) Should the legislature
14 be in session, the governor shall
15 submit for confirmation by the
16 Senate the name of an appointee
17 within forty-eight hours after
18 the appointment is made. Failure
19 of the Senate to confirm the appoint-
20 ment, prior to the end of the session, shall
21 constitute rejection.
22 (3) If the legislature
23 is not in session, the
24 governor may make interim
25 appointments, which shall
26 expire at the end of the next
27 session, unless submitted to
28 and confirmed by the Senate
29 during that session.

30 and confirmed by the Senate
31 during such session.
32 (4) A person not confirmed
33 by the Senate shall not be ap-
34 pointed to the same office dur-
35 ing any recess of the legisla-
36 ture.

30 (4) A person not confirm-
31 ed by the Senate shall not be
32 appointed to the same office
33 during any recess of the legis-
34 lature.
35
36 3.6

17

SECTION 5. (I)

COMMENT:

- (1) Manual, Rule 12--singularization.
- (2) Elements, II, 15--parallelism.
- (3) Manual, Rule 12--singularization; Elements, II, 15, parallelism.
- (4) Manual, Rules 5, 13, and Elements, II, 13--omit needless words.
- (5) Standardization of language.
- (6) Manual, Rule 12--singularization.
- (7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (8) Manual, Rule 11--indicative mood.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (10) Manual, Rule 6--avoid hackneyed reference words.

SECTION 5.(J)

19	(J) Removal. The gover-	19	(J) Removal Power. The
20	nor may remove from office	20	governor may remove from office
21	those whom he appoints, except	21	a person ⁽²⁾ he appoints, except a
22	those appointed for a term fixed	22	person ⁽³⁾ appointed for a term fix-
23	by this constitution or as may	23	ed by this constitution or ⁽⁴⁾ by
24	be fixed by statute.	24	law. ⁽⁵⁾

COMMENT:

(1) Title change to reflect subject matter.

(2) Elements, V, 16--be clear--"those" is a demonstrative pronoun with no antecedent: noun required for clarity; Manual, Rule 12--Singularization.

(3) Ibid.

(4) Manual, Rule 11--present tense.

(5) Standardization of language.

19

SECTION 5.(K)

1	(K) Commander-in-Chief.	1	(K) Commander-in-Chief.
2	The governor shall be commander-	2	The governor shall be commander-
3	in-chief of the armed forces of	3	in-chief of the armed forces of
4	the state, except when they are	4	the state, except when they are
5	called into service of the fed-	5	called into service of the
6	eral government. He may call	6	federal government. He may
7	out the armed forces of the	7	call out these ⁽¹⁾ forces to pre-
8	state to preserve law and order,	8	serve law and order, to suppress
9	to suppress insurrection, to	9	insurrection, to repel invasion,

10 repel invasion, or in other
11 times of emergency.

10 or in other times of emergency.
11

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--
substitute a word for a phrase.

SECTION 5.(L)

15 (L) Other Powers and
16 Duties. The governor shall
17 have such other powers and per-
18 form such other duties as may
19 be authorized by this constitu-
20 tion or provided by statute.

15 (L) Other Powers and
16 Duties. The governor shall
17 have ⁽¹⁾ other powers and perform
18 ⁽¹⁾ other duties ⁽²⁾ authorized by this
19 constitution or provided by
20 law.⁽³⁾

COMMENT:

(1) Manual, Rule 6--avoid hackneyed reference words.

(2) Manual, Rule 11--present tense.

(3) Standardization of language.

20

SECTION 6

1 Section 6. Powers and
2 Duties of the Lieuten-
3 ant Governor
4 Section 6. The lieutenant
5 governor shall serve ex officio
6 as a member of each committee,
7 board, and commission on which
8 the governor serves, exercise

1 Section 6. Lieutenant Governor;
2 Powers and Duties
3 Section 6. The lieutenant gov-
4 ernor shall serve ex officio as a
5 member of each committee, board, and
6 commission on which the governor
7 serves.⁽¹⁾ He shall exercise the
8 powers delegated to him by the gov-

9 the powers delegated to him
10 by the governor, and have such
11 other powers and perform such
12 other duties in the executive
13 branch as may be authorized by
14 this constitution or provided
15 by statute.

9 ernor and ⁽²⁾ shall have ⁽³⁾ other powers
10 and perform ⁽³⁾ other duties in the
11 executive branch ⁽⁴⁾ authorized by this
12 constitution or provided by law. ⁽⁵⁾
13
14
15

COMMENT:

- (1) Manual, Rule 10--short sentences.
- (2) Elements, II, 15--parallelism.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Manual, Rule 11--present tense.
- (5) Standardization of language.

21

SECTION 7

1 Section 7. Powers and
2 Duties of the Secretary
3 of State
4 Section 7. There shall be
5 a department of state headed by
6 the secretary of state, who
7 shall be the chief election
8 officer of the state and shall
9 prepare and certify the ballots
10 for all elections and promulgate
11 all election returns; administer
12 the election laws except for

1 Section 7. Secretary of
2 State; Powers and
3 Duties
4 Section 7. There shall be
5 a Department of State. ⁽¹⁾ The
6 secretary of state shall head ⁽²⁾
7 the department and shall be the
8 chief election officer of the
9 state. ⁽³⁾ He shall prepare and
10 certify the ballots for all
11 elections, promulgate all election
12 returns, and administer

13 those relating to voter regis-
14 tration and custody of voting
15 machines; administer the state
16 corporation and trademark laws;
17 serve as keeper of the Great
18 Seal of the State of Louisiana
19 and attest therewith all offic-
20 ial laws, documents, proclama-
21 tions, and commissions; adminis-
22 ter and preserve the official
23 archives of the state; promul-
24 gate, publish, and retain the
25 originals of all laws enacted
26 by the legislature; and counter-
27 sign all commissions and keep
28 an official registry of same.
29 He may administer oaths, and
30 shall have such other powers
31 and perform such other duties as
32 may be authorized by this con-
33 stitution or provided by
34 statute.

13 the election laws,⁽⁴⁾ except those⁽⁵⁾
14 relating to voter registration
15 and custody of voting machines.⁽⁶⁾ He
16 shall administer the state corporation
17 and trademark laws; serve as
18 keeper of the Great Seal of the
19 State of Louisiana and attest
20 therewith all official laws,
21 documents, proclamations, and
22 commissions; administer and
23 preserve the official archives
24 of the state; promulgate and
25 publish all laws enacted by
26 the legislature and retain the
27 originals thereof;⁽⁷⁾ and counter-
28 sign and keep an official
29 registry of all commissions.⁽⁸⁾
30 He may administer oaths, and
31 shall have⁽⁹⁾ other powers and
32 perform⁽⁹⁾ other duties⁽¹⁰⁾ authorized
33 by this constitution or pro-
34 vided by law.⁽¹¹⁾

SECTION 7

COMMENT:

(1) Manual, Rule 23--capitalize name of government department.

(2) Manual, Rule 11 and Elements, II, 10--active voice.

(3) Manual, Rule 10--short sentences.

- (4) Webster's, Rule 4.4.2--comma for emphasis and to set off exception.
- (5) Manual, Rules 5, 13 and Elements, II, 13--substitute a word for a phrase.
- (6) Manual Rule 10--short sentences.
- (7) Elements, V, 16--be clear.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (9) Manual, Rule 6--avoid hackneyed reference words.
- (10) Manual, Rule 11--present tense.
- (11) Standardization of language.

SECTION 8

1 Section 8. Powers and
 2 Duties of the Attorney
 3 General
 4 Section 8. There shall be
 5 a department of justice headed
 6 by the attorney general who
 7 shall be the state's chief legal
 8 officer.

1 Section 8. Attorney General;
 2 Powers and Duties
 3 Section 8. There shall be a
 4 Department of Justice.⁽¹⁾ The attorney
 5 general shall head⁽²⁾ the department
 6 and shall be the chief legal officer
 7 of the state.⁽³⁾
 8

COMMENT:

- (1) Manual, Rule 23--capitalize name of government department.
- (2) Manual, Rule 11 and Elements, II, 10--active voice.
- (3) Formal usage.

SECTION 9

1 Section 9. Powers and
2 Duties of the Treasurer
3 Section 9. There shall be
4 a department of treasury headed
5 by the state treasurer who shall
6 be responsible for the custody,
7 investment, and disbursement of
8 the public funds of the state,
9 except as otherwise provided by
10 this constitution. He shall re-
11 port annually to the governor
12 and the legislature at least
13 one month in advance of the re-
14 gular session on the financial
15 condition of the state, and
16 shall have such other powers and
17 perform such other duties as may
18 be authorized by this constitu-
19 tion or provided by statute.

1 Section 9. Treasurer;
2 Powers and Duties
3 Section 9. There shall be
4 a Department of the Treasury.⁽¹⁾
5 The treasurer shall head⁽²⁾ the
6 department and shall be re-
7 sponsible for the custody, in-
8 vestment, and disbursement of
9 the public funds of the state,
10 except as otherwise provided
11 by this constitution. He shall
12 report annually to the governor
13 and to the legislature at least⁽³⁾
14 one month before each⁽⁴⁾ regular
15 session on the financial con-
16 dition of the state, and shall⁽⁵⁾
17 have other powers and perform⁽⁵⁾
18 other duties authorized by this⁽⁶⁾
19 constitution or provided by law.⁽⁷⁾

COMMENT:

(1) Manual, Rule 23--capitalize name of government department.

(2) Manual, Rule 11 and Elements, II, 10--active voice.

(3) Elements, II, 15--parallelism.

(4) Manual, Rules 5, 13 and Elements, II, 13--substitute a word for a phrase.

(5) Manual, Rule 6--avoid hackneyed reference words.

(6) Manual, Rule 11--present tense.

(7) Standardization of language.

SECTION 10

1 Section 10. Powers and
2 Duties of the Commis-
3 sioner of Agriculture
4 Section 10. There shall be
5 a department of agriculture
6 headed by the commissioner of
7 agriculture, who shall exercise
8 all functions of the state in
9 relation to the promotion, pro-
10 tection, and advancement of ag-
11 riculture except such research
12 and educational functions ex-
13 pressly allocated by this con-
14 stitution or by statute to
15 other state agencies. The
16 department shall exercise such
17 functions and the commissioner
18 shall have such other powers
19 and perform such other duties
20 as may be authorized by this
21 constitution or provided by
22 statute.

1 Section 10. Commissioner of
2 Agriculture; Powers and Duties
3 Section 10. There shall be a
4 Department of Agriculture.⁽¹⁾ The
5 commissioner of agriculture shall
6 head the department and shall exer-
7 cise all functions of the state re-
8 lating to the promotion, protection,
9 and advancement of agriculture, ex-
10 cept research and educational
11 functions expressly allocated by
12 this constitution or by law to
13 other state agencies.⁽²⁾ The department
14 shall exercise such functions and
15 the commissioner shall have other
16 powers and perform other duties author-
17 ized by this constitution or provided
18 by law.⁽³⁾
19
20
21
22

COMMENT:

(1) Manual, Rule 23--capitalize name of government department.

(2) Manual, Rule 11 and Elements, II, 10--active voice.

(3) Manual, Rules 5, 13 and Elements, II, 13-- substitute word for phrase.

(4) Manual, Rule 6--avoid hackneyed reference words.

- (5) Standardization of language.
- (6) Elements, V, 16--be clear.
- (7) Manual, Rule 6--avoid hackneyed reference words.
- (8) Manual, Rule 11--present tense.
- (9) Standardization of language.

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SECTION 11

<p>1 Section 11. Powers and</p> <p>2 Duties of the Commis-</p> <p>3 sioner of Insurance</p> <p>4 Section 11. There shall be</p> <p>5 a department of insurance headed</p> <p>6 by the commissioner of insurance.</p> <p>7 The department shall exercise</p> <p>8 such functions and the commis-</p> <p>9 sioner shall have such powers</p> <p>10 and perform such duties as may</p> <p>11 be authorized by this constitu-</p> <p>12 tion or provided by statute.</p>		<p>1 Section 11. Commissioner</p> <p>2 of Insurance; Powers and</p> <p>3 Duties</p> <p>4 Section 11. There shall be</p> <p>5 a Department of Insurance, headed</p> <p>6 by the commissioner of insurance.</p> <p>7 The department shall exercise such</p> <p>8 functions and the commissioner</p> <p>9 shall have ⁽¹⁾ powers and perform ⁽²⁾</p> <p>10 duties authorized by this ⁽³⁾</p> <p>11 constitution or provided by law.</p> <p>12</p>
--	--	--

COMMENT:

- (1) Manual, Rule 23--capitalize name of government department.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Standardization of language.

SECTION 12

1 Section 12. Department of
2 Elections and Registra-
3 tion
4 Section 12. There shall be
5 a department of elections and re-
6 gistration headed by the state
7 commissioner of elections who
8 shall administer the laws re-
9 lative to custody of voting ma-
10 chines and voter registration.
11 The commissioner shall have such
12 powers and perform such duties
13 as may be authorized by this
14 constitution or provided by
15 statute.

1 Section 12. Commissioner of
2 Elections; Powers and Duties
3 Section 12. There shall be a
4 Department of Elections and Regis-
5 tration.⁽¹⁾ The commissioner of elec-
6 tions⁽²⁾ shall head the department and
7 shall administer the laws relating⁽³⁾
8 to custody of voting machines and
9 voter registration. He shall have⁽⁴⁾
10 other powers and perform⁽⁵⁾ other
11 duties⁽⁶⁾ authorized by this constitu-
12 tion or provided by law.⁽⁷⁾
13
14
15

COMMENT:

(1) Manual, Rule 23--capitalize name of government department.

(2) Manual, Rule 11 and Elements, II, 10--active voice.

(3) Standardization of language.

(4) Manual, Rule 5--substitute a word for a phrase.

(5) Standardization of language.

(6) Manual, Rule 11--present tense.

(7) Standardization of language.

SECTION 13

1 Section 13. First Assis-
2 tants
3 Section 13. Each statewide
4 elected official, except the gov-
5 ernor and lieutenant governor,
6 shall appoint a first assistant,
7 subject to public confirmation
8 by the Senate, and may remove him
9 at his pleasure. The official
10 shall submit such appointment to
11 the Senate in the same manner in
12 which the governor submits ap-
13 pointments, and shall be subject
14 to the same procedures and limi-
15 tations in connection therewith
16 as are imposed upon the gover-
17 nor. The first assistant shall
18 possess the same qualifications
19 as those required for election
20 to that office.

1 Section 13. First Assis-
2 tants; Appointment
3 Section 13. Each statewide
4 elected official⁽¹⁾ except the
5 governor and lieutenant gover-
6 nor⁽¹⁾ shall appoint a first assis-
7 tant, subject to public confir-
8 mation by the Senate, and may
9 remove him at his pleasure.
10 The official shall submit the
11 appointment to the Senate in the
12 manner and subject to the pro-
13 cedures and limitations applica-
14 ble to appointments submitted by
15 the governor.⁽²⁾ The first assis-
16 tant shall possess the⁽³⁾ qualifi-
17 cations⁽⁴⁾ required for election
18 to the office.
19
20

COMMENT:

(1) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(2) Elements, V, 16--be clear.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Ibid.

SECTION 14

1 Section 14. Vacancy in
2 Office of Governor
3 Section 14. The order of
4 succession in the office of gov-
5 ernor in the event of vacancy
6 shall be (1) the elected lieu-
7 tenant governor, (2) the elected
8 secretary of state, (3) the
9 elected attorney general, (4) the
10 elected treasurer, (5) the pre-
11 siding officer of the Senate,
12 (6) the presiding officer of the
13 House of Representatives, and
14 then as may be provided by
15 statute. Successors shall
16 serve the remaining term for
17 which the governor was elected.
18

1 Section 14. Vacancy in
2 Office of Governor
3 Section 14. When a
4 vacancy occurs ⁽¹⁾ in the office of
5 governor, ⁽²⁾ the order of succession
6 shall be (1) the elected
7 lieutenant governor, (2) the
8 elected secretary of state, (3)
9 the elected attorney general,
10 (4) the elected treasurer, (5)
11 the presiding officer of the
12 Senate, (6) the presiding
13 officer of the House of Representa-
14 tives, and then (7) as provided by
15 law. ⁽³⁾ The successor ⁽⁴⁾ shall serve
16 the remainder of the ⁽⁵⁾ term for which
17 the governor was elected.
18

COMMENT:

- (1) Manual, Rule 11--active voice.
- (2) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.
- (3) Standardization of language.
- (4) Manual, Rule 12--singularization.
- (5) Elements, V, 16--be clear.

SECTION 15

1 Section 15. Vacancy in
2 Office of Lieutenant
3 Governor
4 Section 15. Whenever there
5 is a vacancy in the office of
6 the lieutenant governor, the
7 governor shall nominate a lieu-
8 tenant governor, who shall take
9 office upon confirmation by a
10 majority vote of the elected
11 members of each house of the
12 legislature .

1 Section 15. Vacancy in
2 Office of Lieutenant
3 Governor
4 Section 15. Should a
5 vacancy occur ⁽¹⁾ in the office
6 of lieutenant governor, the
7 governor shall nominate a
8 lieutenant governor, who shall
9 take office upon confirmation
10 by a majority vote of the
11 elected members of each house
12 of the legislature.

COMMENT:

(1) Manual, Rule 8--rewrite "there is." ; Manual,
rule 11--active voice.

(2) Elements, V, 16--be clear.

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SECTION 16.:

1 Section 16. Vacancies in
2 Other Statewide Elective
3 Offices
4 Section 16. A vacancy in
5 any statewide elective office,
6 other than that of governor or
7 lieutenant governor, shall be

1 Section 16. Vacancies in
2 Other Statewide Elective
3 Offices
4 ⁽¹⁾ Section 16. A vacancy in
5 a statewide elective office ⁽²⁾
6 other than that of governor or
7 lieutenant governor shall be

8	filled by the first assistant of	8	filled by the first assistant. ⁽³⁾
9	such official; however, if the	9	If the unexpired term exceeds ⁽⁴⁾ ⁽⁵⁾
10	unexpired term remaining is more	10	one year, the office shall be
11	than one year, the office shall	11	filled by election ⁽⁶⁾ at the next
12	be filled by election held at	12	regularly scheduled congress-
13	the next regularly scheduled	13	sional ⁽⁷⁾ or statewide election,
14	congressional election or state-	14	and the first assistant shall
15	wide election, and the first	15	serve only until the person
16	assistant shall serve only until	16	then elected takes office.
17	the person then elected takes	17	
18	office.	18	

COMMENT:

(1) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.

(2) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(5) Manual, Rule 5--substitute a word for a phrase.

(6) Manual, Rules 5, 13 and Elements II, 13--omit needless words.

(7) Ibid.

SECTION 17. (A)

1	Section 17. Other Vacan-	1	Section 17. Other Vacan-
2	cies	2	cies
3	Section 17. (A) Should	3	Section 17. (A) Guber-
4	no other provision therefor be	4	natorial Appointment; Election.

5 made by this constitution, by
6 statute, by local government
7 charter, by home rule charter
8 or plan of government, or by
9 ordinance, the governor shall
10 have the power to fill any va-
11 cancy occurring in any elective
12 office. If, at the time a va-
13 cancy occurs in such office, the
14 unexpired portion of the term
15 of office is more than one year,
16 the vacancy shall be filled at
17 an election, as may be provided
18 by statute. The appointment
19 provided for herein shall be
20 effective only until a succes-
21 sor is duly elected and quali-
22 fied.

5 If no other provision therefor
6 is made by this constitution,
7 by statute, by local government
8 charter, by home rule charter
9 or plan of government, or by
10 ordinance, the governor may
11 fill a vacancy occurring in any
12 elective office. When a vacancy
13 occurs in the office and the un-
14 expired portion of the term exceeds
15 one year, the vacancy shall be
16 filled at an election, as provided
17 by law, and the appointment shall
18 be effective only until a succes-
19 sor takes office.
20
21
22

COMMENT:

- (1) Manual, Rule 11--indicative mood.
- (2) Manual, Rules 5, 13 and Elements, II, 13--
substitute a word for a phrase; Manual, Rule 7--
"may" is discretionary.
- (3) See Webster's definitions--meanings in this
context identical; Manual, Rule 5--use short words.
- (4) Manual, Rule 5--substitute a word for a phrase.
- (5) Manual, Rule 6--avoid hackneyed reference words.
- (6) Manual, Rule 5--substitute a word for a phrase.
- (7) Manual, Rule 11--present tense.
- (8) Standardization of language.
- (9) Elements, V, 16--be clear; lines 14 and 15
set conditions for lines 20-22.

SECTION 17 (A)

(10) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(11) Elements, V, 16--be clear; standardization of
language.

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SECTION 17.(B.)

28 (B) Nothing in this Sec-
29 tion shall be construed as
30 changing the qualifications for
31 the various offices involved,
32 and all appointments must be of
33 persons who otherwise would be
34 eligible to hold offices to
35 which appointed.

28 (B) Qualifications. Noth-
29 ing in this Section shall change⁽¹⁾
30 the qualifications for any
31 office,⁽²⁾ and every appointee⁽³⁾
32 must be otherwise⁽⁴⁾ eligible⁽⁵⁾ to
33 hold the office⁽⁶⁾ to which appoint-
34 ed.
35

COMMENT:

(1) Manual, Rule 5--substitute word for phrase.

(2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; Manual, Rule 12--singularization.

(3) Manual, Rule 12--singularization.

(4) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(5) Ibid.

(6) Manual, Rule 12--singularization.

SECTION 18

1 Section 18. Definition of
2 Vacancy
3 Section 18. A vacancy as
4 used in this constitution shall
5 occur in the event of death,
6 resignation, removal by any
7 means, or the failure to take
8 office for any reason.

1 Section 18. Definition of
2 Vacancy
3 Section 18. A vacancy, as
4 used in this Article, shall
5 occur in the event of death,
6 resignation, removal by any
7 means, or ⁽²⁾ failure to take office
8 for any reason.

COMMENT:

- (1) Elements, V, 16--be clear.
- (2) Elements, II, 15--parallelism.

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SECTION 19

1 Section 19. Declaration
2 of Inability
3 Section 19. Whenever a
4 statewide elective official
5 transmits to the presiding of-
6 ficer of the Senate and the pre-
7 siding officer of the House of
8 Representatives a written de-
9 claration that he is unable to
10 discharge the powers and duties
11 of the office and until he
12 transmits to them a written de-
13 claration to the contrary, the

1 Section 19. Declaration of
2 Inability by Statewide Elected
3 Official
4 Section 19. When ⁽¹⁾ a statewide
5 elected ⁽²⁾ official transmits to the
6 presiding officers of the Senate and
7 House of Representatives ⁽³⁾ a written
8 declaration of his inability to dis-
9 charge the powers and duties of his
10 office, ⁽⁵⁾ and until he transmits to
11 them a written declaration to the
12 contrary, the person who would
13 succeed to the office when a vacancy ⁽⁷⁾

14 person succeeding to the office | 14 occurs⁽⁸⁾ shall assume the powers and
15 in the event of a vacancy shall | 15 duties of the office as acting
16 assume the powers and duties of | 16 official.
17 the office as acting official. | 17

COMMENT:

(1) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.

(2) Elements, II, 15--maintain consistent usage; Elements V, 16--be clear.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Ibid.

(5) Webster's Rule 4.1.1--commas to set off parenthetical expression; Elements, II, 15--parallelism.

(6) Elements, V, 16--be clear.

(7) Manual, Rule 5, substitute word for phrase.

(8) Manual, Rule 11 and Elements, II, 10--active voice.

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SECTION 20.(A)

1	Section 20. Determination	1	Section 20. Determination
2	of Inability	2	of Inability of Statewide
3	Section 20. (A) Whenever	3	Elected Official
4	a majority of the statewide	4	Section 20. (A) Declaration
5	elected officials determine that	5	and Counter-Declaration. When a
6	any other such official is un-	6	majority of the statewide elected
7	able to discharge the powers and	7	officials determine that any
8	duties of his office, they shall	8	other such official is unable to
9	transmit to the presiding of-	9	discharge the powers and duties
10	ficer of each house of the leg-	10	of his office, they shall trans-

<p>11 islature and to such official, 12 and shall file in the office 13 of the secretary of state, their 14 written declaration that such 15 official is unable to exercise 16 the powers and perform the 17 duties of his office. There- 18 after the constitutional suc- 19 cessor shall assume the office 20 as acting official unless, 21 within forty-eight hours after 22 such filing in the office of 23 the secretary of state, such 24 official files in said office 25 and transmits to said presiding 26 officers his written counter- 27 declaration that he is able to 28 exercise such powers and perform 29 such duties.</p>	<p>11 mit a written declaration⁽²⁾ to 12 this effect to the presiding 13 officer of each house⁽³⁾ and to 14 the official,⁽⁴⁾ and shall file a 15 copy of the declaration in the 16 office of the secretary of state.⁽⁵⁾ 17 Thereafter,⁽⁶⁾ the constitutional 18 successor shall assume the 19 office as acting official unless, 20 within forty-eight hours after 21 the declaration is filed in the 22 office of the secretary of state, 23 the elected official⁽⁷⁾ files in 24 that⁽⁸⁾ office and transmits to 25 the⁽⁹⁾ presiding officer of each 26 house⁽¹⁰⁾ his written counter- 27 declaration of his ability to⁽¹¹⁾ 28 exercise the powers and perform⁽¹²⁾ 29 the duties of his office.⁽¹³⁾⁽¹⁴⁾</p>
---	--

SECTION 20A,

COMMENT:

- (1) See Webster's definitions--meanings identical in this context; Manual, Rule 5--use short words.
- (2) Elements, II, 16--keep related words together.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Manual, Rule 6--avoid hackneyed reference words.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Elements, II, 16--keep related words together.

(6) Manual, Rule 20 and Webster's Rule 4.2.1--
comma to set off introductory adverbs.

(7) Manual, Rule 6--avoid hackneyed reference words;
Elements, V, 16--be clear.

(8) Manual, Rule 6--avoid hackneyed reference words.

(9) Ibid.

(10) Elements, V, 16--be clear.

(11) Manual, Rules 5, 13 and Elements, II, 13--omit
needless words.

(12) Manual, Rule 6--avoid hackneyed reference words.

(13) Ibid.

(14) Elements, V, 16--be clear.

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SECTION 20(B)

4 (B) The legislature shall
5 convene at noon on the third cal-
6 endar day after the filing of
7 any counter-declaration, which
8 may be filed by such official at
9 any time. Should two-thirds of
10 the elected members of each
11 house of the legislature fail to
12 adopt a resolution within
13 seventy-two hours declaring
14 that probable justification for
15 the determination that inability
16 exists, such officer shall con-
17 tinue or resume in office.

18
19

4 (B) Determination by
5 the Legislature. The legis-
6 lature shall convene at noon
7 on the third calendar day
8 after the filing of any
9 counter-declaration, which may
10 be filed by the official at
11 any time. Should two-thirds of
12 the elected members of each
13 house fail to adopt a resolu-
14 tion within seventy-two hours
15 declaring probable justifi-
16 cation for the determination
17 that inability exists, the
18 official shall continue in or
19 resume office.

COMMENT:

- (1) Manual, Rule 21--use of hyphens.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Ibid.
- (5) Manual, Rule 6--avoid hackneyed reference words.
- (6) Standardization of language.
- (7) Elements, II, 16--keep related words together.

SECTION 20.(C)

18 (C) Should two-thirds of
 19 the elected members of each
 20 house so adopt a resolution de-
 21 claring that probable justifica-
 22 tion exists for the declaration
 23 of inability, the constitutional
 24 successor shall assume the powers
 25 and duties of the office and
 26 such resolution shall be trans-
 27 mitted forthwith to the Supreme
 28 Court of Louisiana.
 29

18 (C) Assumption of Office
 19 by Constitutional Successor.
 20 If ⁽¹⁾ two-thirds of the elected
 21 members of each house ⁽²⁾ adopt
 22 a resolution declaring that probabl
 23 justification exists for the
 24 declaration of inability, the
 25 constitutional successor shall
 26 assume the powers and duties of
 27 the office and a ⁽³⁾ copy of the resolu-
 28 tion shall be transmitted forthwith
 29 to the supreme court. ⁽⁴⁾

COMMENT:

- (1) Manual, Rule 11--indicative mood.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 20.(D)

9 (D) By preference and pri-
10 ority over all other matters,
11 the supreme court shall deter-
12 mine the issue of inability
13 after due notice and hearing, by
14 a majority vote of members elec-
15 ted to said court, under such
16 rules as it may adopt.
17
18

9 (D) Determination by
10 Supreme Court. By preference
11 and with ⁽¹⁾priority over all
12 other matters, the supreme
13 court shall determine the issue
14 of inability after due notice
15 and hearing, by a majority vote
16 of members elected to the court,
17 under such rules as it may
18 adopt.

COMMENT:

(1) Elements, II, 15--parallelism.

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SECTION 20.(E)

4 (E) A judgment of the
5 supreme court affirming inabil-
6 ity may be reconsidered by the
7 court, after due notice and
8 hearing, either upon its own
9 motion or upon the application
10 of such official. Upon proper
11 showing and by majority vote of
12 its elected members, the court
13 may, upon such reconsideration,

4 (E) Reconsideration by
5 Supreme Court. A judgment of
6 the supreme court affirming
7 inability may be reconsidered
8 by the court, after due notice
9 and hearing, either upon its
10 own motion or upon the applica-
11 tion of the ⁽¹⁾official. Upon
12 proper showing and by majority
13 vote of its elected members,

14	determine that no inability then	14	the court may ⁽²⁾ determine that no
15	exists, whereupon such officer	15	inability then exists, where-
16	shall immediately resume the	16	upon the ⁽³⁾ official ⁽⁴⁾ shall imme-
17	powers and duties of his office.	17	diately resume the powers and
18		18	duties of his office.

COMMENT:

(1) Manual, Rule 6--avoid hackneyed reference words.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Manual, Rule 6--avoid hackneyed reference words.

(4) Standardization of language.

SECTION 21

1	Section 21. Absences	1	Section 21. Temporary
2	Section 21. In the event	2	Absences
3	of a temporary absence of the	3	Section 21. When the gov-
4	governor from the state, the	4	ernor is temporarily absent ⁽¹⁾
5	lieutenant governor shall act	5	from the state, the lieutenant
6	as governor. In the event of a	6	governor shall act as governor.
7	temporary absence of a state-	7	When any other statewide elected
8	wide elected official from the	8	official is temporarily absent ⁽²⁾
9	state, the appointed first assis-	9	from the state, the appointed
10	tant shall act in his absence.	10	first assistant shall act in
11		11	his absence.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 11 and Elements, II, 10--active voice.

(2) Ibid.; Elements II, 15--parallelism.

SECTION 23 becomes

SECTION 22

1 Section 23. Appointment
2 of Officials; Merger,
3 Consolidation of Offices
4 and Departments
5 Section 23. After the first
6 election of state officials fol-
7 lowing adoption of this constitu-
8 tion, the legislature may, by a
9 favorable vote of two-thirds of
10 the elected members of each house,
11 provide for appointment, in lieu
12 of election, of the state super-
13 intendent of education, the com-
14 missioner of insurance, the com-
15 missioner of agriculture, the
16 state commissioner of elections,
17 or any of them. In such event
18 the legislature shall prescribe
19 qualifications and method of ap-
20 pointment and by similar vote,
21 may provide that any such of-
22 fices, their departments and
23 functions be merged or consoli-
24 dated with any other office or
25 department in the executive
26 branch. No action of the legis-
27 lature, pursuant hereto, shall
28 reduce the term or compensation

1 Section 22. Appointment
2 of Officials; Merger,
3 Consolidation of Offices
4 and Departments
5 Section 22. After the
6 first election of state officials
7 following adoption of this consti-
8 tution, the legislature may
9 provide, by law enacted by two-
10 thirds of the elected members of
11 each house, for appointment,
12 in lieu of election, of the com-
13 missioner of agriculture, the
14 commissioner of insurance, the
15 superintendent of education, the
16 commissioner of elections, or
17 any of them. In that event,
18 the legislature shall prescribe
19 qualifications and method of
20 appointment and by similar vote,
21 may provide by law for the
22 merger or consolidation of any
23 such office, its department, and
24 functions with any other office
25 or department in the executive
26 branch. No action of the legis-
27 lature pursuant hereto shall
28 reduce the term or compensation

<p>29 of any elected official. By</p> <p>30 a vote of two-thirds of the</p> <p>31 elected members of each house,</p> <p>32 the legislature may reestablish</p> <p>33 any of such offices as an elec-</p> <p>34 tive office and, in such event,</p> <p>35 shall prescribe qualifications.</p>	<p style="text-align: right;">(7)</p> <p>29 of any incumbent elected official.</p> <p style="text-align: right;">(8)</p> <p>30 By law enacted by two-thirds of</p> <p>31 the elected members of each house,</p> <p>32 the legislature may reestablish</p> <p style="text-align: right;">(9)</p> <p>33 any such office as elective and,</p> <p style="text-align: right;">(10)</p> <p>34 in that event, shall prescribe</p> <p>35 qualifications.</p>
--	--

SECTION 22

COMMENT:

- (1) Elements, II, 16--keep related words together: do not separate the parts of a verb.
- (2) Standardization of language.
- (3) Elements, II, 15--parallelism.
- (4) Manual, Rule 6--avoid hackneyed reference words.
- (5) Manual, Rule 12--singularization; Manual, Rule 11 and Elements, II, 10--active voice; Manual, Rule 11--indicative mood.
- (6) Webster's Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.
- (7) Elements, V, 16--be clear.
- (8) Standardization of language.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (10) Manual, Rule 6--avoid hackneyed reference words.

1/9/74

COMMITTEE PROPOSAL NO. 4 - FIRST ENROLLMENT

Changes recommended by Committee on Executive Department and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTIONS AS ADOPTED:
INCORPORATING CHANGES
RECOMMENDED BY COMMITTEE
ON STYLE AND DRAFTING

FURTHER CHANGES RECOMMENDED
BY BOTH COMMITTEES TO CLARIFY
POSSIBLE AMBIGUITIES

1	Section 2. Qualifications.	1	Section 2. Qualifications.
2	Section 2. To be eligible	2	Section 2. To be eligible for
3	for any statewide elective	3	any statewide elective office, a
4	office, a person, by the date	4	person, by the date of his quali-
5	of his qualification as a candi-	5	fication as a candidate, shall have
6	date, shall have attained the	6	attained the age of twenty-five
7	age of twenty-five years, be an	7	years, be an elector, and have been
8	elector, and have been a	8	a citizen of the United States and of
9	citizen of the United States	9	this state for at least the preceding
10	and of this state for at least	10	five years. In addition, the attorney
11	the preceding five years. In	11	general shall have been admitted to
12	addition, the attorney general	12	the practice of law in the state for
13	shall have been admitted to	13	at least the five years preceding
14	the practice of law in the	14	(1) his qualification as a candidate.
15	state for at least the five	15	During his tenure in office, a
16	years preceding his election.	16	statewide elected official shall hold
17	During his tenure in office,	17	no other public office except by
18	a statewide elected official	18	virtue of his elected office.
19	shall hold no other public	19	

20 office except by virtue of his 20
21 elected office. 21

CAVEAT: As enrolled, the qualifications for statewide elective office include residence in the state for a certain time before the date "of qualification as a candidate." The additional requirement for the attorney general is phrased in terms of being admitted to the practice of law for five years "preceding his election." To be consistent with the time requirements used elsewhere in this Article and in Committee Proposal No. 3, as finally enrolled, the language referring to the attorney general could be revised to read,

"the five years preceding his qualification as a candidate."

SECTION 5 (F)

1 (F) Pardon, Commutation,
2 Reprieve, and Remission; Board of
3 Pardons. (1) The governor may
4 grant reprieves to persons convicted
5 of offenses against the state and,
6 upon recommendation of the Board of
7 Pardons, may commute sentences,
8 pardon those convicted of offenses
9 against the state, and remit fines
10 and forfeitures imposed for such
11 offenses. However, a first offender
12 never previously convicted of a
13 felony shall be eligible automatically
14 for pardon upon completion of his
15 sentence without recommendation of
16 the board.

1 (F) Pardon, Commutation,
2 Reprieve, and Remission; Board
3 of Pardons. (1) The governor
4 may grant reprieves to persons
5 convicted of offenses against
6 the state and, upon recommen-
7 dation of the Board of Pardons,
8 may commute sentences, pardon
9 those convicted of offenses
10 against the state, and remit
11 fines and forfeitures imposed
12 for such offenses. However,
13 a first offender never pre-
14 viously convicted of a felony
15 shall be pardoned automatically
16 upon completion of his sentence,

17 (2) The Board of Pardons shall
18 consist of five electors appointed
19 by the governor, subject to confir-
20 mation by the Senate. Each member
21 of the board shall serve a term
22 concurrent with that of the governor
23 appointing him.

17 without a recommendation of the
18 board and without action by the
19 governor.

20 (2) The Board of Pardons
21 shall consist of five electors
22 appointed by the governor, sub-
23 ject to confirmation by the
24 Senate. Each member of the
25 board shall serve a term cor-
26 current with that of the gover-
27 nor appointing him.

CAVEAT: As enrolled, this paragraph provides that a first offender never previously convicted of a felony shall be "eligible for pardon automatically." As adopted by the committee, the phrase is "eligible automatically for pardon." In either case, a question arises as to whether the pardon itself is automatic, with no action required by the governor or any other person, or whether the eligibility is automatic, with some action required by the governor before the pardon is granted. If the desire is to have the pardon granted automatically with no action by the governor, the language could be amended as suggested above.

- 2 -

SECTION 5 (I) (1)

1 (I) Appointments. (1) The
2 governor shall appoint, subject
3 to confirmation by the Senate,
4 the head of each department in
5 the executive branch whose
6 election or appointment is not
7 provided by this constitution

1 (I) Appointments. (1) The
2 governor shall appoint, subject to
3 public confirmation by the Senate,
4 the head of each department in the
5 executive branch whose election or
6 appointment is not provided by this
7 constitution and the members of each

8 and the members of each board
9 and commission in the executive
10 branch whose election or appoint-
11 ment is not provided by this
12 constitution or by law.

8 board and commission in the
9 executive branch whose election or
10 appointment is not provided by this
11 constitution or by law.

CAVEAT: The convention floor amended Section 13,
dealing with confirmation of first assis-
tants, to require "public confirmation."
If the desire is to make all references to
confirmation in this Article consistent
with Section 13, this section could be
amended to make clear that the confirmation
must be "public".

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SECTION 5 I (2), (3)

12
13 (2) Should the legislature
14 be in session, the governor
15 shall submit for confirmation
16 by the Senate the name of an
17 appointee within forty-eight
18 hours after the appointment is
19 made. Failure of the Senate to
20 confirm the appointment, prior
21 to the end of the session, shall
22 constitute rejection.

23 (3) If the legislature is
24 not in session, the governor
25 may make interim appointments,
26 which shall expire at the end

12 (2) Should the legislature be
13 in regular session⁽¹⁾, the governor
14 shall submit for confirmation by
15 the Senate the name of an appointee
16 within forty-eight hours after the
17 appointment is made. Failure of
18 the Senate to confirm the appoint-
19 ment, prior to the end of the
20 session, shall constitute rejection.

21 (3) If the legislature is not
22 in regular session⁽¹⁾, the governor
23 may make interim appointments,
24 which shall expire at the end of
25 the next regular session⁽¹⁾, unless
26 submitted to and confirmed by the

27	of the next session, unless	27	Senate during that session.
28	submitted to and confirmed by	28	
29	the Senate during that session.	29	

CAVEAT: As enrolled and styled, the section refers to submission and confirmation of appointments during sessions of the legislature. Also, interim appointments are said to expire "at the end of the next session of the legislature" These references seem to include special sessions or emergency sessions as well as regular sessions. Confirmation of appointments normally is not included as part of the call for special or emergency sessions. If the desire is to ensure that the references are to the regular sessions, the subparagraph might be amended as suggested above.

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1	Section 22. Appointment	1	Section 22. Appointment of
2	of Officials; Merger,	2	Officials; Merger, Consolidation
3	Consolidation of Offices	3	of Offices and Departments
4	and Departments	4	Section 22. After the first
5	Section 22. After the	5	election of state officials following
6	first election of state officials	6	(1) the effective date of this consti-
7	following adoption of this	7	tution, the legislature may provide, by
8	constitution, the legislature	8	law enacted by two-thirds of the elected
9	may provide, by law enacted by	9	members of each house, for appoint-
10	two-thirds of the elected mem-	10	ment, in lieu of election, of the
11	bers of each house, for ap-	11	commissioner of agriculture, the
12	pointment, in lieu of election,	12	commissioner of insurance, the
13	of the commissioner of agri-	13	superintendent of education, the
14	culture, the commissioner of	14	commissioner of elections, or any of
15	insurance, the superintendent	15	them. In that event, the legislature
16	of education, the commissioner	16	shall prescribe qualifications and

17 of elections, or any of
18 them. In that event, the
19 legislature shall prescribe
20 qualifications and method of
21 appointment and by similar
22 vote, may provide by law for
23 the merger or consolidation
24 of any such office, its de-
25 partment, and functions with
26 any other office or depart-
27 ment in the executive branch.
28 No action of the legislature
29 pursuant hereto shall reduce
30 the term or compensation of
31 any incumbent elected
32 official. By law enacted by
33 two-thirds of the elected mem-
34 bers of each house, the legis-
35 lature may reestablish any such
36 office as elective and, in that
37 event, shall prescribe quali-
38 fications

17 method of appointment and by similar
18 vote, may provide by law for the merger or
19 consolidation of any such office, its
20 department, and functions with any
21 other office or department in the
22 executive branch. No action of the
23 legislature pursuant hereto shall
24 reduce the term or compensation of any
25 incumbent elected official. By law en-
26 acted by two-thirds of the elected mem-
27 bers of each house, the legislature may
28 reestablish any such office as elect-
29 ive and, in that event, shall prescribe
30 qualifications.

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CAVEAT: As enrolled and styled, the provisions allowing
converting elected offices to appointed ones
provide for the change to be made after the first
election of state officials "following adoption
of this constitution." To be consistent with
the terminology used in other articles, the
language could be changed to refer to the election .
"following the effective date of this constitution."

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SECTION 1(A)

5 Section 1. (A) Composition.
 6 The executive branch shall consist
 7 of the governor, lieutenant gover-
 8 nor, secretary of state, treasurer,
 9 commissioner of agriculture, com-
 10 missioner of insurance, superinten-
 11 dent of education, commissioner
 12 of elections, and all other execu-
 13 tive offices, agencies, and instru-
 14 mentalities of the state.
 15

5 Section 1. (A) Composition.
 6 The executive branch shall consist
 7 of the governor, lieutenant gover-
 8 nor, secretary of state, attorney
 9 general, treasurer, commissioner
 10 of agriculture, commissioner of
 11 insurance, superintendent of
 12 education, commissioner of elec-
 13 tions, and all other executive
 14 offices, agencies, and instru-
 15 mentalities of the state.

Note: Language on above right is
 alternative if Sections 2, 3, 4, and
 8 of CP#4 are not removed
 and placed in other Sections.

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December 20, 1973

TO: Committee on Style and Drafting

FROM: Committee on Executive Department

RE: Document VI, 10/12/73

The Committee on the Executive Department reports the following suggestions for your consideration.

*Section 1(C). Formerly Section 2. On page 3, line 8, change "department" to "responsibilities."

"(C) Reorganization. Reallocation of the functions, powers, and duties of all departments, offices, agencies, and other instrumentalities of the executive branch, except those functions, powers, duties, and responsibilities allocated by this constitution, shall be as provided by law."

Section 2. Alternative suggested to shorten and retain intent of committee.

Section 2. Qualifications

Section 2. To be eligible for any statewide elective office a person, by the date of his qualification as a candi-

date, must have attained the age of twenty-five years, be an elector, and have been a citizen of the United States and of this state for at least the immediately preceding five years. In addition, the attorney general shall have been admitted to the practice of law in the state for at least the five years immediately preceding his election. During his tenure in office, a statewide elected official shall hold no other public office except by virtue of his elected office."

Section 3. Alternative suggested to shorten, to improve sequence of ideas.

"Section 3. Election; Term

Section 3. (1) The governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, and commissioner of elections shall be elected for a term of four years by the electors of the state at the time and place of voting for members of the legislature. The term of each official shall begin at noon on the second Monday in March next following the election.

(2) A person who has served a full term as governor for more than one and one-half terms in two consecutive terms shall not be elected governor for the succeeding term.

*Substantive Change

(3) Except as provided by this constitution, no official shall be elected statewide.

*Section 4. On page 8, lines 5 and 6, restrict provision to compensation of statewide elected officials to be fixed "by law." (Consider moving to "General Provisions")

"Section 4. Compensation
Section 4. Except as otherwise provided by this constitution, the compensation of each statewide elected official shall be provided by law."

Section 5. On page 9, lines 1 and 2, change section title so that style is consistent with other titles

"Section 5. Governor; Powers and Duties"

Section 5(B). On page 10, lines 20 and 21, change position of word "may" for parallel construction to line 18.

"(B) Legislative Reports and Recommendations. The governor shall, at the beginning of each regular session, and may, at other times, make reports and recommendations and give information to the legislature concerning the affairs of state, including its complete financial condition."

Section 5(D). On page 12, lines 19 and 20, change position of phrase "at a time fixed by law"

"(D) Operating Budget. The governor, at a time fixed by law, shall submit to the legislature a proposed state budget for the next fiscal year setting forth all proposed state expenditures and anticipated state revenues."

Section 5(E). On page 12, lines 6 and 7, change position of phrase "at each regular session" to line 5

"(E) Capital Budget. The governor, at each regular session, shall submit to the legislature a proposed five-year capital outlay program and shall request implementation of the first year of the program."

*Section 5(F). On page 13, line 18, retain exception clause as subordinate clause in the primary sentence; on line 21 delete "automatically"; on line 23 delete "the aforementioned"; on line 24 add "of the board"

"(F) Pardon, Commutation, Reprieve, and Remission; Board of Pardons. (1) The governor may grant reprieves to persons convicted of offenses against the state and, upon recommendation of the Board of Pardons, may commute sentences, pardon those convicted of offenses against the

*Substantive Change

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state, and remit fines and forfeitures imposed for such offenses; however, a first offender never previously convicted of a felony shall be eligible for pardon upon completion of his sentence without recommendation of the board.

(2) The Board of Pardons shall consist of five electors appointed by the governor, subject to confirmation by the Senate. Each member of the board shall serve a term concurrent with that of the governor appointing him."

Section 5(G). Use language adopted by the convention, but on page 16, line 3, clarify that a bill must be "finally" passed by the legislature.

"(G) Receipt of Bills from the Legislature. The date and hour when a bill finally passed by the legislature is delivered to the governor shall be endorsed thereon."

*Section 5(H). On page 16, line 10, add "Except as otherwise provided by this constitution" to conform to proviso in civil service article restricting governor's power to veto salary increases; on line 12, change "An" to "any"

"(H) Item Veto. (1) Except as otherwise provided by this constitution, the governor may veto any line item in an appropriation bill. Any item vetoed shall be void unless the veto is overridden as prescribed for the passage of any bill over a veto.

(2) The governor shall veto line items or use means provided in the bill in order that total appropriations for the year shall not exceed anticipated revenues for that year."

*Section 5(I). On page 18, lines 7 and 11, change expression "provided for by", to "provided by"; on lines 15 (left), 23, and 26 clarify that sessions are "regular"; on lines 21 and 23 (left) change placement of words "the appointment."

"(I) Appointments. (1) The governor shall appoint, subject to confirmation by the Senate, the head of each department in the executive branch whose election or appointment is not provided by this constitution and the members of each board and commission in the executive branch whose election or appointment is not provided by this constitution or by law.

(2) Should the legislature be in regular session, the

governor shall submit for confirmation by the Senate the names of those appointed within forty-eight hours after the appointment is made. Failure of the Senate to confirm the appointment, prior to the end of the session, shall constitute rejection.

(3) If the legislature is not in regular session, the governor may make interim appointments, which shall expire at the end of the next regular session of the legislature, unless submitted to and confirmed by the Senate during that session.

*Substantive Change

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(4) A person not confirmed by the Senate shall not be appointed to the same office during any recess of the legislature."

Section 7. On page 23, lines 12, 15, and 16 shorten sentences; on line 19, delete "of Louisiana" after "State"

"Section 7. Secretary of State; Powers and Duties
Section 7. There shall be a Department of State. The secretary of state shall head the department and shall be the chief election officer of the state. He shall prepare and certify the ballots for all elections and promulgate all election returns, and administer the election laws, except those relating to voter registration and custody of voting machines. In addition, he shall administer the state corporation and trademark laws; serve as keeper of the Great Seal of the State and attest therewith all official laws, documents, proclamations, and commissions; administer and preserve the official archives of the state; promulgate and publish all laws enacted by the legislature and retain the originals thereof; and countersign and keep an official registry of all commissions. He may administer oaths, and shall have other powers and perform other duties authorized by this constitution or provided by law."

*Section 8. Page 25. Alternative. (Use styled version when finalized)

"Section 8. Department of Justice; Composition; Attorney General; Election and Assistants

Section 8. (1) There shall be a department of justice consisting of an attorney general, a first assistant attorney general, and other necessary assistants and staff. The attorney general shall be elected for a term of four years at the state general election, and the assistants shall be appointed by the attorney general to serve at his pleasure.

(2) The attorney general shall be the state's chief legal officer. As may be necessary for the assertion or protection of the rights and interests of the state, the attorney general shall have authority to:

(1) institute and prosecute or intervene in any civil actions or proceedings;

(2) advise and assist, upon request of a district attorney, in the prosecution of a criminal case; and

(3) for cause when authorized by the court of original jurisdiction in which any proceeding or affidavit is pending, subject to judicial review, supersede any attorney representing the state in any civil or criminal action.

He shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute."

(V, Secs. 26, 27)

*Substantive Change

-4-

Section 10. On page 27, retain language adopted by Convention in lines 16 and 17 which states that the "department shall exercise such functions"; insert on lines 13 and 14 of styled version.

"Section 10. Commissioner of Agriculture; Powers and Duties

Section 10. There shall be a Department of Agriculture. The commissioner of agriculture shall head the department and shall exercise all functions of the state relating to the promotion, protection, and advancement of agriculture, except research and educational functions expressly allocated by this constitution or by law to other state agencies. The department shall exercise such functions and the commissioner shall have other powers and perform other duties authorized by this constitution or provided by law."

Section 11. On page 29, retain language adopted by Convention with minor stylistic changes, on lines 1, 2, 3, 5, 10, 11, and 12.

"Section 11. Commissioner of Insurance; Powers and Duties

Section 11. There shall be a Department of Insurance headed by the commissioner of insurance. The department shall exercise such functions and the commissioner shall have such powers and perform such duties authorized by this constitution or provided by law."

Section 15. On page 33, lines 4 and 5, change "When a vacancy occurs" to "Should a vacancy occur"

"Section 15. Vacancy in Office of Lieutenant Governor
Section 15. Should a vacancy occur in the office of lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by a majority vote of the elected members of each house of the legislature."

Section 17. On page 35, lines 2, 3, 4, 5, and 6 and on page 37, line 18, shorten section title and renumber paragraphs as (1) and (2). Consider moving to "General Provisions".)

"Section 17. Other Vacancies
Section 17. (1) If no other provision therefor is made by this constitution, by statute, by local government charter, by home rule charter or plan of government, or by ordinance, the governor shall fill a vacancy occurring in any elective office. When a vacancy occurs in the office and the unexpired portion of the term exceeds one year, the vacancy shall be filled at an election, as provided by law, and the appointment shall be effective only until a successor takes office.
(2) Nothing in this Section shall change the qualifications for any office, and every appointee must be otherwise eligible to hold the office to which appointed."

-5-

*Section 18. On page 38, line 4, make definition of "vacancy" applicable only to executive articles. (Consider leaving as adopted by Convention and move to "General Provisions")

"Section 18. Definition of Vacancy
Section 18. A vacancy as used in this Article shall occur in the event of death, resignation, removal by any means, or failure to take office for any reason."

Section 19. On page 39, line 9, change "the office" to "his office"

"Section 19. Declaration of Inability by Statewide Elected Official
Section 19. When a statewide elected official transmits to the presiding officer of the Senate and House of Representatives a written declaration of his inability to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, the person who would succeed to the office when a vacancy occurs shall assume the powers and duties of the office as acting official."

Section 20(A). On page 40, line 5, hyphenate "Counter-declaration"; on line 10, change "the office" to "his office"

"Section 20. Determination of Inability of Statewide Elected Official
Section 20. A) Declaration and Counter-declaration.
When a majority of the statewide elected officials determine that any other such official is unable to discharge the powers and duties of his office, they shall transmit a written declaration to this effect to the presiding officer of each house and to the official, and shall file a copy of the declaration in the office of the secretary of state. Thereafter, the constitutional successor shall assume the office as acting official unless, within forty-eight hours after the declaration is filed in the office of the secretary of state, the elected official files in that office and transmits to the presiding officer of each house his written counter-declaration of his ability to exercise the powers and perform the duties of his office."

Section 20. On page 41, line 4, change "at counter-declaration" to "on line 10 and 17, change "official" into "officials" on line 11. Change "shall" to "should" on line 18, change "filer" to "filers"

"(B) Determination by the Legislature. The legislature shall convene at noon on the third calendar day after the

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filing of any counter-declaration, which may be filed by such official at any time. Should two-thirds of the elected members of each house fail to adopt a resolution within seventy-two hours declaring probable justification for the determination that inability exists, such official shall continue in or resume office."

Section 20(C). On page 43, line 27, provide that "a copy of" the resolution shall be sent to the court.

"(C) Assumption of Office by Constitutional Successor.
If two-thirds of the elected members of each house adopt a resolution declaring that probable justification exists for the declaration of inability, the constitutional successor shall assume the powers and duties of the office, and a copy of the resolution shall be transmitted forthwith to the supreme court."

Section 20(E). On page 45, line 16, change "officer" to "official"

"(E) Reconsideration by Supreme Court. A judgment of the supreme court affirming inability may be reconsidered by the court, after due notice and hearing, either upon its own motion or upon the application of the official. Upon proper motion and by majority vote of its elected members, the court may determine that no inability then exists, whereupon the official shall immediately resume the powers and duties of his office."

*Section 22. On page 47, lines 11, 21, and 33, provide that legislative action shall be "by law"; on lines 9 and 10, change "consent" to "favorable vote"; on line 26, add notwithstanding provisions of Article IV, Section 7."

"Section 22. Appointment of Officials; Merit, Consolidation of Offices and Departments
Section 22. After the first election of state officials following the effective date of this constitution, the legislature, by a favorable vote of two-thirds of the elected members of each house, may provide by law for appointment, in lieu of election, of the commissioner of agriculture, the commissioner of insurance, the superintendent of education, the commissioner of elections, or any of them. In that event, the legislature shall prescribe qualifications and method of appointment, and by similar vote, may provide by law for the merger or consolidation of any such office, its departments, and functions with any other office or department in the executive branch, notwithstanding the provision of Section 7 of this Article. No action of the legislature pursuant hereto shall reduce the term or compensation of any incumbent elected official. By a favorable vote of two-thirds of the elected members of each house, the legislature may reestablish by law any such office as elective and, in that event, shall prescribe qualifications."

*Substantive Change

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12/13/73

DOCUMENT NO. XVII

COMMITTEE PROPOSAL NO. 7: FIRST ENROLLMENT

EDUCATION

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE IX. EDUCATION

1 ARTICLE IX. EDUCATION

2 Preamble

2 Preamble

3 The goal of the public edu-

3 The goal of the public educa-

[271]

4	cational system shall be to pro-	4	tional system is to provide learn-
5	vide, at all stages of human	5	ing environments and experiences, at
6	development, learning environ-	6	all stages of human development,
7	ments and experiences that are	7	that are humane, just, and designed
8	humane, just, and designed to	8	to promote excellence in order
9	promote excellence in order that	9	that every individual may be
10	every individual may be afforded	10	afforded an equal opportunity to
11	an equal opportunity to develop	11	develop to his full potential.
12	to his full potential.	12	

COMMENT:

- (1) Manual, Rule 11--present tense.
- (2) Elements, II, 16--keep related words together.

SECTION 2 becomes SECTION 1

13	Section 2. Public Edu-	13	Section 1. Public Educational
14	cational System	14	System
15	Section 2. The legislature	15	Section 1. The legislature
16	shall provide for the education	16	shall provide for the education
17	of the people of the state and	17	of the people of the state and
18	shall establish and maintain a	18	shall establish and maintain a
19	public educational system.	19	public educational system.

COMMENT:

NO CHANGE

SECTION 3 becomes SECTION 2

1	Section 3. State Superin-	1	Section 2. State Superintendent
2	tendent of Public Elementary	2	of Public Elementary and
3	and Secondary Education	3	Secondary Education

4 Section 3. (A) Term. Subject
5 to the provisions for appointment,
6 in lieu of election, as set forth
7 in Article IV, Section 23, there
8 shall be a state superintendent of
9 public education for elementary
10 and secondary education, who shall
11 be elected for a term of four
12 years. The powers, functions,
13 duties, responsibilities, and
14 qualifications of the superinten-
15 dent shall be fixed by law. In
16 addition, he shall be the adminis-
17 trative head of the Department of
18 Education for the implementation
19 of the policies of the State Board
20 of Elementary and Secondary Edu-
21 cation and the laws affecting the
22 schools under its jurisdiction.
23
24
25
26
27

4 Section 2. There shall be a
5 ⁽¹⁾superintendent of education
6 ⁽²⁾for public elementary and secondary
7 ⁽³⁾education who, subject to provisions
8 for appointment in lieu of election
9 set forth in Article IV, Section
10 ⁽⁴⁾23 of this constitution, shall be
11 elected for a term of four years.
12 ⁽⁵⁾If the office of superintendent ⁽⁶⁾
13 of education is made appointive, the
14 State Board of Elementary and
15 Secondary Education shall make ⁽⁷⁾
16 the appointment. The superintendent ⁽⁸⁾
17 of education shall be the administra-
18 tive head of the Department of
19 ⁽⁹⁾Education and shall implement the
20 policies of the State Board of
21 Elementary and Secondary Education
22 ⁽¹⁰⁾and the laws affecting schools
23 under its jurisdiction. The quali-
24 ⁽¹¹⁾fications and other powers, functions, ⁽¹²⁾
25 duties, and responsibilities of the
26 ⁽¹³⁾superintendent shall be provided
27 by law.

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13---omit needless words.
- (2) Elements, II, 16--keep related words together.
- (3) "Subject to" clause placed to clearly modify the four-year election of superintendent; Elements, V, 16--be clear.

(4) Standardization of language.

(5) Sentence removed from Section 4(A) as enrolled and placed in Section 2 as suggested for continuity of thought; Elements, II, 9--make paragraph unit of composition; Manual, Rule 5--substitute word for phrase.

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SECTION 3 becomes SECTION 2

(6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(7) Manual, Rule 11--active voice.

(8) Elements, V, 16--be clear.

(9) Manual, Rule 5--substitute word for phrase.

(10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(11) Elements, V, 16--be clear.

(12) Ibid.

(13) Standardization of language.

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SECTION 4 (A) becomes SECTION 3 (A)

1 Section 4. State Board of
2 Elementary and Secondary
3 Education
4 Section 4. (A) Creation;
5 Function. There is created a body
6 corporate, known as the State
7 Board of Elementary and Secondary
8 Education. The board shall

1 Section 3. State Board of
2 Elementary and Secondary
3 Education
4 Section 3. (A) Creation;
5 Function. ⁽¹⁾ The State Board of
6 Elementary and Secondary Education
7 is created as a body corporate. ⁽¹⁾
8 The board shall have budgetary

9 supervise, control, and have
10 budgetary responsibility for all
11 funds appropriated or allocated
12 by the state for all public
13 elementary and secondary schools
14 and special schools under its
15 jurisdiction, as provided by law.
16 In the event the office of State
17 Superintendent of Public Elementary
18 and Secondary Education is made
19 appointive, such appointment shall
20 be made by the State Board of
21 Elementary and Secondary Education.
22 The board shall have such other
23 specific powers, duties, and re-
24 sponsibilities as are provided by
25 this constitution or by law, but
26 shall have no control over the
27 business affairs of parish and
28 municipal school boards or the
29 selection or removal of their
30 officers and employees.

9 responsibility for all funds
10 appropriated or allocated by the
11 state for public elementary and
12 secondary schools and special
13 schools under its jurisdiction,
14 and shall supervise and control
15 those schools, all as provided
16 by law. The board shall have⁽³⁾
17 other powers, duties, and
18 responsibilities as provided by
19 this constitution or by law,
20 but shall have no control over the
21 business affairs of a parish or⁽⁵⁾ ⁽⁵⁾
22 city school board or the⁽⁶⁾ ⁽⁵⁾
23 selection or removal of its⁽⁵⁾
24 officers and employees.
25
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COMMENT:

- (1) Manual, Rule 8--rewrite "there is."
- (2) Elements, V, 16--be clear.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Standardization of language.
- (5) Manual, Rule 12--singularization.
- (6) Standardization of language.

SECTION 4 (B) becomes SECTION 3 (B)

1 (B) Membership; Terms.
2 The board shall consist of three
3 members who shall be appointed
4 by the governor, with the
5 consent of the Senate from the
6 state at large, and eight members
7 who shall be elected from single-
8 member districts to be determined
9 by the legislature. All members
10 shall serve overlapping terms of
11 six years, following the initial
12 terms which shall be fixed by law.

1 (B) Membership; Terms; Com-
2 pensation. The board shall con-
3 sist of three members⁽¹⁾ appointed
4 by the governor from the state⁽²⁾
5 at large, with the consent of
6 the Senate, and eight members⁽¹⁾
7 elected from single-member dis-
8 tricts which shall be determined
9 by law.⁽³⁾ Members shall serve⁽⁴⁾
10 overlapping terms of six years
11 each, following the initial terms⁽⁵⁾
12 which shall be fixed by law.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Elements, II, 16--keep related words together.

(3) Standardization of language.

(4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(5) Elements, V, 16--be clear.

-

SECTION 4 (C) becomes SECTION 3 (C)

13 (C) Vacancies. Vacancies oc-
14 ccurring for any cause prior to the
15 expiration of the term shall be
16 filled by appointment by the

13 (C) Vacancy. A vacancy in the
14 office of an elected member, if
15 the remaining portion of the term
16 is more than one year, shall be

17	governor; however, if at the time	17	filled for the remainder of the
18	the vacancy occurs the unexpired	18	term by election, as provided by
19	portion of the term of any elected	19	law. Other vacancies shall be
20	member is more than one year, the	20	filled for the remainder of the (1)
21	vacancy shall be filled by election	21	term by appointment by the governor.
22	as provided by law. Members shall	22	
23	serve without pay except for such	23	
24	per diem and expenses as shall be	24	
25	fixed by the legislature.	25	

COMMENT:

(1) Section rewritten for clarity. Provisions concerning per diem and expenses deleted, combined with Section 7(C) as enrolled, and consolidated and renumbered as Section 8(C).

Section 6 becomes Section 4

1	Section 6. Approval of Private	1	Section 4. Approval of Private
2	Schools; Effect	2	School
3	Section 6. The board shall,	3	Section 4. ⁽¹⁾ Upon application
4	upon application, approve private	4	by a private elementary, secondary,
5	elementary, secondary, and	5	or proprietary school with a sus-
6	proprietary schools whose sustained	6	tained curriculum or specialized
7	curriculum or specialized course	7	course of study of quality at
8	of study is of a quality equal to	8	least equal to that prescribed for
9	or better than that prescribed for	9	similar public schools, the State
10	similar public schools. The cer-	10	Board of Elementary and Secondary
11	tificates issued by private schools	11	Education shall approve the private
12	so approved shall carry the same	12	school. ^{(1) (2)} A certificate issued by
13	privileges as those issued by the	13	^{(2) (3)} an approved private school shall
14	state public schools.	14	carry the same privileges as one ⁽²⁾
15		15	issued by a state public school. ⁽²⁾

COMMENT:

(1) Elements, II, 16--keep related words together. Manual, Rule 12--singularization; Rule 5--substitute word for phrase.

(2) Manual, Rule 12--singularization.

(3) Manual, Rule 6--avoid hackneyed reference words.

SECTION 7 (A)

becomes SECTION 5.

1 Section 7. Board of Regents
 2 Section 7. (A) Board of
 3 Regents; establishment. There
 4 is created a body corporate
 5 known as the Board of Regents.
 6 The board shall plan, coordinate,
 7 and have budgetary responsibility
 8 for all public higher education
 9 and shall have such other powers,
 10 duties, and responsibilities as
 11 are provided in this Section and
 12 by law.

1 Section 5. Board of Regents
 2 Section 5. (A) Board of
 3 Regents; Establishment. ⁽¹⁾The Board
 4 of Regents is created as a body
 5 corporate. ⁽¹⁾ ⁽²⁾It shall plan, coordi-
 6 nate, and have budgetary responsi-
 7 bility for ⁽³⁾public higher education
 8 and shall have ⁽⁴⁾other powers,
 9 duties, and responsibilities ⁽⁵⁾pro-
 10 vided in this Section or by law.
 11
 12

COMMENT:

(1) Manual, Rule 8--rewrite "there is"

(2) Manual, Rule 5--substitute word for phrase.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Manual, Rule 6--avoid hackneyed reference words.

(5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(6) "and" changed to "or"; Elements, V, 16--be clear.

SECTION 7 (B) becomes SECTION 5 (B)

13 (B) Board membership; terms.
14 The board shall consist of fif-
15 teen electors appointed by the
16 governor, with the consent of
17 the Senate, for overlapping terms
18 of six years, following initial
19 terms which shall be fixed by law.
20 There shall be at least one mem-
21 ber, and no more than two members,
22 appointed from each of the several
23 congressional districts.

13 (B) Board Membership; Terms.
14 The board shall consist of fifteen
15 electors appointed by the governor,
16 with consent of the Senate, for
17 overlapping terms of six years each
18 following initial terms which
19 shall be fixed by law. At least
20 one member, but no more than two
21 members, shall be appointed from
22 each congressional district.
23

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Elements, V, 16--be clear.
- (3) Manual, Rule 8--rewrite "there is."
- (4) Manual, Rule 12--singularization.

SECTION 7 (c) deleted here

1 (C) Board members; per diem
2 and expenses. The members of
3 the Board of Regents, Board of
4 Supervisors of Louisiana State
5 University and Agricultural and
6 Mechanical College, Board of
7 Trustees for State Colleges and
8 Universities, and any other board
9 created pursuant to this Article
10 shall serve without pay, but the
11 legislature may fix the per diem
12 and expenses to be paid to them.

- Combined with
similar provision
in SECTION 4 (C)
as enrolled
and renumbered
as SECTION 8 (C) -

SECTION 7(D) becomes SECTION 5(C)

13 (D) Vacancies. A vacancy
14 occurring prior to the expiration
15 of the term shall be filled for
16 the remainder of the unexpired
17 term by appointment by the
18 governor, with the consent of
19 the Senate.

13 (C) Vacancy. A vacancy occur-
14 ring prior to the expiration of a ⁽¹⁾
15 term shall be filled for the
16 remainder of the unexpired term
17 by appointment by the governor,
18 with ⁽²⁾ consent of the Senate.
19

COMMENT:

(1) Indefinite article changed to definite article; Elements, V, 16--be clear.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 7 (E) becomes SECTION 5 (D)

1 (E) Powers of the board. (1)
2 The Board of Regents shall meet
3 with the State Board of Elementary
4 and Secondary Education at least
5 twice a year to coordinate pro-
6 grams of public elementary,
7 secondary, vocational-technical,
8 career, and higher education.
9 The board shall have the follow-
10 ing powers, duties, and re-
11 sponsibilities with respect to
12 all public institutions of higher
13 education and post-secondary
14 vocational-technical training and

1 (D) Powers of the Board. The
2 Board of Regents shall meet with
3 the State Board of Elementary and
4 Secondary Education at least
5 twice a year to coordinate programs
6 of public elementary, secondary,
7 vocational-technical, career, and
8 higher education. The Board of
9 Regents shall have the following
10 powers, duties, and responsibilities
11 relating ⁽¹⁾ to public institutions of
12 higher education and post-secondary
13 vocational-technical training and
14 career education:

15 career education:
16 (a) To revise or eliminate any
17 existing degree program, depart-
18 ment of instruction, division, or
19 similar subdivision.
20 (b) To approve, disapprove,
21 or modify any proposed degree
22 program, department of instruc-
23 tion, division, or similar
24 subdivision.
25 (c) To study the need for and
26 feasibility of any new insti-
27 tution of post-secondary educa-
28 tion, including branches of
29 institutions and conversion of
30 two-year institutions to institu-
31 tions offering longer courses of
32 study. If the creation of a new
33 institution is proposed, or an
34 additional management board for an
35 institution or group of institu-

15 (a) To revise or eliminate an⁽³⁾
16 existing degree program, depart-
17 ment of instruction, division, or
18 similar subdivision.
19 (b) To approve, disapprove,
20 or modify a proposed degree program,⁽³⁾
21 department of instruction, division,
22 or similar subdivision.
23 (c) To study the need for and
24 feasibility of any new institution
25 of post-secondary education, includ-
26 ing a branch of an institution and⁽⁴⁾
27 conversion of a two-year institution⁽⁴⁾
28 to an institution offering longer⁽⁴⁾
29 courses of study. If the creation
30 of a new institution,⁽⁵⁾ the addition
31 of another management board,⁽⁵⁾ or
32 the transfer of an existing institu-⁽⁵⁾
33 tion from one board to another is
34 proposed, the Board of Regents shall⁽⁶⁾
35 report its written findings and⁽⁷⁾

SECTION 7 (E) becomes SECTION 5 (D)

1 tions is proposed, or a proposal
2 is made to transfer an existing
3 institution from one board to
4 another, the board shall report
5 its findings and recommendations

1 recommendations to the legislature⁽⁸⁾
2 within one year. Only after the
3 report has been filed, or, after⁽⁹⁾
4 one year if no report is filed,⁽¹⁰⁾
5 may the legislature enact such a⁽¹¹⁾ ⁽¹²⁾

6 within one year to the legisla-
7 ture. Only after this written
8 report has been filed, or if no
9 report is filed within one year,
10 the legislature may take affirma-
11 tive action on such a proposal
12 by vote of two-thirds of the
13 membership of each house.

14 (d) To formulate and make
15 timely revision of a master plan
16 for higher education and post-
17 secondary vocational-technical
18 training and career education.
19 As a minimum, the plan shall
20 include a formula for the equit-
21 able distribution of funds to
22 the institutions of higher
23 education of the state.

24 (e) To require the Board
25 of Supervisors of Louisiana
26 State University and Agricul-
27 tural and Mechanical College,
28 the Board of Trustees for State
29 Colleges and Universities, and
30 any other higher education
31 board hereafter created pursuant
32 to this Article to submit to it,
33 at times specified by it, their

6 proposal and then, ⁽¹³⁾ only by vote of
7 two-thirds of the elected members ⁽¹⁴⁾
8 of each house.

9 (d) To formulate and timely
10 ⁽¹⁵⁾ revise a master plan for higher
11 education and post-secondary
12 vocational-technical training
13 and career education. As a
14 minimum, the plan shall include
15 a formula for equitable distribu- ⁽¹⁶⁾
16 tion of funds to the institutions
17 of higher education. ⁽¹⁷⁾

18 (e) To require, at a time it ⁽¹⁸⁾
19 specifies, that every higher ⁽¹⁹⁾
20 education board submit to it an ⁽²⁰⁾
21 annual budget proposal for
22 operational needs and for ⁽²¹⁾
23 capital needs of each institution ⁽²¹⁾
24 under the control of each board. ⁽²²⁾

25 The Board of Regents shall submit ⁽²³⁾
26 its budget recommendations for
27 all institutions of higher educa-
28 tion and post-secondary vocational-
29 technical training and career
30 education in the state. It shall
31 set forth priorities for the ⁽²⁴⁾
32 capital construction and improve-
33 ments it recommends. ⁽²⁴⁾

SECTION 7 (E) becomes SECTION 5(C)

1 annual budget proposals for the	1
2 operational and capital needs of	2
3 each institution under the	3
4 control of each. The Board of	4
5 Regents shall submit its recom-	5
6 mendations on budgets for all	6
7 institutions of higher education	7
8 and post-secondary vocational-	8
9 technical training and career	9
10 education in the state. It shall	10
11 recommend priorities for capital	11
12 construction and improvements.	12

COMMENT:

- (1) Elements, V, 16--be clear.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Standardization of language.
- (4) Manual, Rule 12--singularization.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Elements, V, 16--be clear.
- (7) Ibid.
- (8) Elements, II, 16--keep related words together.
- (9) Manual, Rule 5--substitute word for phrase.
- (10) Elements, V, 16--be clear.
- (11) Elements, II, 16--keep related words together.
- (12) Manual, Rule 5--substitute word for phrase.
- (13) Elements, II, 15--parallelism; Elements, V, 16-- be clear.

- (14) Standardization of language.
- (15) Manual, Rule 5--substitute word for phrase.
- (16) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (17) Ibid.
- (18) Elements, II, 16--keep related words together.
- (19) Manual, Rule 5--substitute word for phrase.
- (20) Manual, Rule 12--singularization.

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SECTION 7 (E) becomes SECTION 5(E)

- (21) Elements, II, 15--parallelism.
- (22) Elements, V, 16--be clear.
- (23) Manual, Rule 5--substitute word for phrase.
- (24) Elements, V, 16--be clear.

- 13 -

SECTION 7 (F) becomes SECTION 5(E)

<p>1 (F) Powers not vested. Powers 2 of management over public insti- 3 tutions of higher education and 4 post-secondary vocational-technical 5 training and career education not 6 specifically vested in the Board 7 of Regents by this Section are 8 reserved to the Board of 9 Supervisors of Louisiana State 10 University and Agricultural and 11 Mechanical College and to the</p>	<p>1 (E) Powers Not Vested. 2 Managerial powers ⁽¹⁾ over public 3 institutions of higher education 4 and post-secondary vocational- 5 technical training and career 6 education not specifically vested 7 by this Section ⁽²⁾ in the Board of 8 Regents are reserved to the 9 Board of Supervisors of Louisiana 10 State University and Agricultural 11 and Mechanical College, the Board</p>
---	---

12 Board of Trustees for State
13 Colleges and Universities as to
14 the institutions under the
15 control of each or to any board
16 created pursuant to this Article.
17
18
19

12 of Supervisors of Southern
13 University and Agricultural and
14 Mechanical College, ⁽³⁾ the Board of
15 Trustees for State Colleges and
16 Universities, ⁽⁴⁾ and any other such ⁽⁵⁾
17 board created under this Article,
18 as to the institutions under the
19 control of each.

COMMENT:

- (1) Manual, Rule 5-- substitute word for phrase.
- (2) Elements, II, 16--keep related words together.
- (3) Southern Board added to conform with language of Section 9(A) as enrolled.
- (4) Elements, II, 16--keep related words together.
- (5) Elements, V, 16--be clear.

SECTION 8 (10)

1 Section 8. Board of Trustees
2 for State Colleges and
3 Universities
4 Section 8. (A) Creation;
5 Powers. There is created a body
6 corporate known as the Board of
7 Trustees for State Colleges and
8 Universities which, subject to
9 the powers vested in the Board of
10 Regents by this Article, shall
11 have:

Becomes SECTION 6(1)

1 Section 6. Board of Trustees
2 for State Colleges and
3 Universities
4 Section 6. (A) Creation;
5 Powers. ⁽¹⁾ The Board of Trustees for
6 State Colleges and Universities
7 is created as a body corporate. ⁽¹⁾
8 Subject to powers vested by this
9 Article in the Board of Regents, ⁽²⁾
10 it shall have
11 (1) Supervision and management

12	(1) Supervision and management	12	(3) of state colleges and universities
13	of all state colleges and uni-	13	(4) not managed by a higher education
14	versities except those included	14	(5) board created by or under this
15	under the management of the Board	15	Article.
16	of Supervisors of Louisiana State	16	(6) (2) Unless the legislature
17	University and Agricultural and	17	(7) provides otherwise, supervision
18	Mechanical College, Board of	18	(8) and management of public institu-
19	Supervisors of Southern University,	19	tions of vocational-technical
20	and Agricultural and Mechanical	20	training and career education at
21	College, and any other board	21	post-secondary levels.
22	hereafter created pursuant to this	22	
23	Article.	23	
24	(2) Unless and until the	24	
25	legislature shall provide	25	
26	otherwise, supervision and	26	
27	management of all public	27	
28	institutions of vocational-	28	
29	technical training and career	29	
30	education at post-secondary	30	
31	levels.	31	

COMMENT:

- (1) Manual, Rule 8--rewrite "there is."
- (2) Elements, II, 16--keep related words together.
- (3) Manual, Pules 5, 13, and Elements, II, 13--omit needless words.

SECTION 8 (10) becomes SECTION 6(10)

- (4) Manual, Rule 5--substitute word for phrase.

(5) Ibid.

(6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(7) Manual, Rule 11--present tense.

(8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

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SECTION 8 (B) becomes SECTION 6 (B)

9 (B) Board Membership; Terms.
10 The members of the board shall
11 be appointed by the governor,
12 with the consent of the Senate,
13 for overlapping terms of six
14 years following initial terms
15 which shall be fixed by law.
16 Two of the members shall be
17 residents of each of the con-
18 gressional districts into which
19 the state is divided, and one
20 member shall be from the state
21 at large.

9 (B) Board Membership; Terms.
10 The members of the board shall be
11 appointed by the governor, with⁽¹⁾
12 consent of the Senate, for over-
13 lapping terms of six years each,⁽²⁾
14 following initial terms which shall
15 be fixed by law.⁽³⁾ The board shall
16 be composed of one member from the
17 state at large and two members from
18 each congressional district.⁽³⁾
19
20
21

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Elements, V, 16--be clear.

(3) Sentence rewritten for clarity.

- 17 -

SECTION 8 (C) becomes SECTION 6 (C)

1 (C) Vacancies. A vacancy
2 occurring prior to the expira-
3 tion of the term shall be filled
4 for the remainder of the un-
5 expired term by appointment by the
6 governor, with the consent of the
7 Senate.

1 (C) Vacancy. A vacancy occur-
2 ring prior to the expiration of a⁽¹⁾
3 term shall be filled for the
4 remainder of the unexpired term by
5 appointment by the governor, with⁽²⁾
6 consent of the Senate.

COMMENT:

- (1) Indefinite article substituted for definite article.
- (2) Standardization of language.

SECTION 9 (A) becomes SECTION 7 (A)

8 Section 9. Board of Super-
9 visors of Louisiana State
10 University and Agricul-
11 tural and Mechanical
12 College; Board of Super-
13 visors of Southern
14 University and Agricul-
15 tural and Mechanical
16 College

17 Section 9. (A) Creation;
18 Powers. There is created bodies
19 corporate, known as the Board of
20 Supervisors of Louisiana State

8 Section 7. Board of Super-
9 visors of Louisiana State
10 University and Agricultural
11 and Mechanical College;
12 Board of Supervisors of
13 Southern University and
14 Agricultural and Mechanical
15 College

16 Section 7. (A) Creation;
17 Powers.⁽¹⁾ The Board of Supervisors
18 of Louisiana State University
19 and Agricultural and Mechanical
20 College and the Board of Super-

21 University and Agricultural and	21 visors of Southern University and
22 Mechanical College and the Board	22 Agricultural and Mechanical College
23 of Supervisors of Southern Uni-	23 are created as bodies corporate. ⁽¹⁾
24 versity and Agricultural and	24 Subject to powers vested in the ⁽²⁾
25 Mechanical College, which subject	25 Board of Regents, each shall ⁽³⁾
26 to the powers vested in the Board	26 supervise and manage the institu-
27 of Regents, shall supervise and	27 tions, ⁽⁴⁾ statewide agricultural pro-

.8 -

SECTION 9(A) becomes SECTION 7(A)

1 manage the institutions and	1 grams, ⁽⁴⁾ and other programs adminis-
2 statewide agricultural and other	2 tered through its system. ⁽⁵⁾
3 programs administered through the	3
4 Louisiana State University and	4
5 Agricultural and Mechanical	5
6 College and the Southern University	6
7 Agricultural and Mechanical	7
8 College system.	8

COMMENT:

- (1) Manual, Rule 8--rewrite "there is."
- (2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (3) Elements, V, 16--be clear.
- (4) Manual, Rule 20 and Elements, I, 2--commas in series.
- (5) Manual, Rule 5--substitute word for phrase.

SECTION 9(B) becomes SECTION 7(B)

9 (B) Membership; terms. The	9 (B) Membership; Terms. The
10 members of each board shall be	10 members of each board created in

11 appointed by the governor, with
12 the consent of the Senate, for
13 overlapping terms of six years
14 following initial terms which
15 shall be fixed by law. Each
16 board shall be composed of two
17 members from each of the con-
18 gressional districts into which
19 the state is divided, and one
20 member shall be from the state
21 at large.

11 Paragraph (A) shall be appointed⁽¹⁾
12 by the governor, with consent of⁽²⁾
13 the Senate, for overlapping terms
14 of six years each, following⁽³⁾
15 initial terms which shall be
16 fixed by law. Each board shall
17 be composed of one member from⁽⁴⁾
18 the state at large and two mem-
19 bers from each congressional dis-
20 trict.⁽⁴⁾
21

COMMENT:

(1) Elements, V, 16--be clear.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Elements, V, 16--be clear.

(4) Sentence rewritten for clarity and to conform with suggested language of Section 6(B) as renumbered.

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SECTION 9 (C) becomes SECTION 7 (C)

1 (C) Vacancies. A vacancy oc-
2 ccurring prior to the expiration
3 of the term shall be filled for
4 the remainder of the unexpired
5 term by appointment by the
6 governor, with the consent of
7 the Senate.

1 (C) Vacancy. A vacancy occur-
2 ring prior to the expiration of a⁽¹⁾
3 term shall be filled for the
4 remainder of the unexpired term
5 by appointment by the governor, with
6 consent of the Senate.⁽²⁾
7

COMMENT:

- (1) Indefinite article substituted for definite article.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Section 11 (1) becomes Section 8 (1)

1 Section 11. Boards; Dual Mem-
 2 bership Prohibited; Student
 3 Membership Authorized
 4 Section 11. (A) No person
 5 shall be eligible to simultan-
 6 eously serve on more than one
 7 board created by or pursuant to
 8 this Article.

1 Section 8. Boards; Membership:
 2 Compensation.
 3 Section 8. (A) Dual Member-
 4 ship. No person shall be eligible
 5 to serve ⁽¹⁾simultaneously on more
 6 than one board created by or
 7 ⁽²⁾under this Article.
 8

COMMENT:

- (1) Elements, II, 16--keep related words together; i.e., do not split infinitive.
- (2) Manual, Rule 5--substitute word for phrase.

Section 11 (2) becomes Section 8 (2)

1 (B) The legislature may
 2 provide for the membership of
 3 one student on the Board of
 4 Trustees for State Colleges
 5 and Universities, one student
 6 on the Board of Supervisors

1 (B) Student Membership. The legisla-
 2 ture may provide for the membership of a
 3 student on every higher education board
 4 created by or under this Article,
 5 ^{(1) (2)}except the Board of Regents. The
 6 term of a student member shall not

7 of Louisiana State University
8 and Agricultural and Mechanical
9 College, and one student on the
10 Board of Supervisors of
11 Southern University and Agricul-
12 tural and Mechanical College
13 whose terms shall not exceed
14 one year. No student member
15 shall be eligible to succeed
16 himself. A student member shall
17 enjoy all of the privileges
18 and rights of other board
19 members except the right to
20 vote.

7 exceed one year, and no student
8 member shall be eligible to succeed
9 himself. A student member shall
10 ⁽³⁾ have all of the privileges and
11 rights of other board members
12 except the right to vote.

COMMENT:

(1) Sentence rewritten to avoid listing all higher education boards.

(2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(3) Standardization of language.

SECTION 8(C)

21 SECTION
22 7C →
23
24 Part of SECTION
25 4C →

21 (C) Compensation. A member of a board
22 created by or under this Article shall
23 serve without pay, but per diem
24 and expenses may be provided by
25 law. (1)

COMMENT:

(1) Part of Section 4(C) as enrolled and all of Section 7(C) as enrolled are consolidated and renumbered above as Section 8(C).

SECTION 12 (A) becomes SECTION 9 (A)

1 Section 12. Parish School
2 Boards; Parish Superin-
3 tendents
4 Section 12. (A) Parish School
5 Boards. The legislature shall
6 create parish school boards and
7 shall provide for the election
8 of the members of such boards.

1 Section 9. Parish School
2 Boards; Parish Superintendent-
3 Section 9. (A) Parish School
4 Boards. The legislature shall
5 create parish school boards and⁽¹⁾
6 provide for the election of their⁽²⁾
7 members.
8

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Manual, Rule 5--substitute word for phrase.

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SECTION 12 (B) becomes SECTION 10 (B)

1 (B) Parish Superintendents.
2 Each parish board shall elect
3 a superintendent of parish
4 schools. The State Board of
5 Elementary and Secondary Edu-
6 cation shall fix the qualifi-
7 cations and prescribe the
8 duties of the parish super-
9 intendent, who need not be
10 a resident of the parish in
11 which he serves.

1 (B) Parish Superintendents. Each
2 parish board shall elect a superinten-
3 dent of parish schools. The State
4 Board of Elementary and Secondary
5 Education shall fix the qualifica-
6 tions and prescribe the duties of
7 the parish superintendent.⁽¹⁾ He
8 need not be a resident of the parish
9 in which he serves.
10
11

COMMENT:

(1) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

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Section 13 (A) becomes Section 10 (A)

1 Section 13. Recognition of
2 Existing Boards and
3 Systems; Consolidation
4 Section 13. (A) Recognition
5 of Boards and Systems. Parish
6 and city school board systems,
7 in existence on the effective
8 date of this constitution, by
9 virtue of special or local
10 legislative acts or previous
11 constitutional provisions,
12 are hereby recognized, subject
13 to control by and supervision
14 of the State Board of Elementary
15 and Secondary Education and the
16 power of the legislature to
17 enact laws affecting them.

1 Section 10. Existing Boards
2 and Systems Recognized;
3 Consolidation
4 Section 10. (A) Recognition
5 of Boards and Systems. Parish and
6 city school board systems in exis-
7 tence on the effective date of this
8 constitution are recognized, sub-
9 ject to control and supervision by
10 the State Board of Elementary and
11 Secondary Education and the power
12 of the legislature to enact laws
13 affecting them.

COMMENT:

(1) Webster's, Rule 4.4.1--omit needless commas.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Ibid.

(4) Ibid.

Section 13 (B) becomes Section 10 (B)

1 (B) Ouachita Parish and Mon-
2 roe City School Systems; board

1 (B) Ouachita Parish and Monroe
2 City School Systems; Board Member-

3 membership. Only persons
4 residing within the jurisdic-
5 tion of the Monroe City School
6 Board shall be eligible to
7 vote for or be members of the
8 Monroe City School Board.

9 Only persons residing in that
10 portion of Ouachita Parish
11 outside the jurisdiction of
12 the Monroe City School Board
13 shall be eligible to vote
14 for or be members of the
15 Ouachita Parish School Board.

16 Any member of either board at
17 any time not satisfying the
18 requirements of this Paragraph
19 immediately shall vacate his
20 position. The provisions of
21 this Paragraph shall not
22 become operative until the
23 election of members to the
24 Ouachita Parish School Board
25 taking office in 1977 or upon
26 the first reapportionment
27 affecting the Ouachita Parish
28 School Board, whichever occurs
29 earlier.

30 The provisions of this
31 Paragraph shall be opera-
32 tive notwithstanding any-

3 ship. Only persons residing within
4 the jurisdiction of the Monroe City
5 School Board shall be eligible to
6 vote for or be members of the Monroe
7 City School Board. Only persons
8 residing in that portion of Ouachita
9 Parish outside the jurisdiction
10 of the Monroe City School Board shall
11 be eligible to vote for or be members
12 of the Ouachita Parish School Board.

13 ⁽¹⁾ The position of a member of either
14 board shall be vacated when he no
15 longer satisfies ⁽¹⁾ the requirements of
16 this Paragraph. ⁽²⁾ Notwithstanding any
17 contrary provision of this constitu-
18 ⁽²⁾ tion, ⁽³⁾ this Paragraph shall become
19 ⁽³⁾ operative upon the election of
20 members to the Ouachita Parish School
21 Board taking office in 1977 or
22 upon the first reapportionment
23 affecting the Ouachita Parish
24 School Board, whichever occurs
25 earlier.

33 thing in this constitution | 33
 34 to the contrary. | 34

SECTION 13(B) becomes SECTION 10(B)

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Standardization of language; introductory phrases added to sentence to allow deletion of final sentence in enrolled Section.
- (3) Elements, II, 11--positive form.

SECTION 13(B)² becomes SECTION 10(C)

1 (B) Consolidation. Two
 2 or more school systems may be
 3 consolidated under procedures
 4 enacted by the legislature,
 5 subject to approval of a
 6 majority of the qualified
 7 electors voting in each system
 8 affected in an election called
 9 for that purpose.

1 (C) Consolidation. ⁽¹⁾ Subject to
 2 approval by a majority of the ⁽²⁾ electors ⁽³⁾
 3 voting, in each system affected, in ⁽⁴⁾
 4 an election held for that purpose, two ⁽⁵⁾ ⁽⁵⁾
 5 or more school systems may be
 6 consolidated under procedures enacted
 7 by the legislature.
 8
 9

COMMENT:

- (1) Manual, Rule 18--place exception first.
- (2) Standardization of language.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) See Webster's, Rule 4.4.2--commas inserted for emphasis.
- (5) Standardization of language.

Section 14 becomes Section 11

1 Section 14. Appropriations;
2 Boards
3 Section 14. The legislature
4 shall appropriate funds for the
5 operating and administrative
6 expenses of the boards created
7 pursuant to this Article.

1 Section 11. Appropriations;
2 Boards
3 Section 11. The legislature shall
4 appropriate funds for the operating
5 and administrative expenses of the
6 boards created ⁽¹⁾ under this Article.
7

COMMENT:

(1) Manual, Rule 5--substitute word for phrase.

- 29 -

Section 15 becomes Section 12

1 Section 15. Appropriations;
2 Higher Education
3 Section 15. Appropriations
4 for the institutions of higher
5 education and post-secondary
6 vocational-technical training
7 and career education shall be
8 made to their respective
9 managing boards. The appro-
10 priations shall be administered
11 by the managing boards and used
12 solely as provided by law.

1 Section 12. Appropriations;
2 Higher Education
3 Section 12. Appropriations for
4 the institutions of higher education
5 and post-secondary vocational-
6 technical training and career educa-
7 tion shall be made to their manag-
8 ing boards. The funds ⁽¹⁾ ₍₂₎ appropriated
9 shall be administered by the manag-
10 ing boards and used solely as provide-
11 by law.
12

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Elements, V, 16--be clear.

- 30 -

Section 16 (A) becomes Section 13.

1 Section 16. Funding;
2 Elementary and Second-
3 ary Education; Appor-
4 tionment
5 Section 16. (A) The legis-
6 lature shall appropriate funds
7 to supply free school books and
8 other materials of instruction
9 prescribed by the State Board
10 of Elementary and Secondary
11 Education to the children of
12 this state at the elementary
13 and secondary levels.

1 Section 13. Funding; Appor: on-
2 ment
3 Section 13. (A) Free School
4 Books. The legislature shall
5 appropriate funds to supply
6 free school books and other material
7 of instruction prescribed by the
8 State Board of Elementary and
9 Secondary Education to the children
10 of this state at the elementary
11 and secondary levels.
12
13

COMMENT:

NO CHANGE

Section 16 (B) becomes Section 13 (B)

1 (B) The legislature shall
2 appropriate sufficient funds
3 to insure a minimum founda-
4 tion program of education in
5 all public elementary and
6 secondary schools. Such funds
7 as the legislature appropri-
8 ates shall be equitably
9 allocated to the parish and
10 city school systems accord-

1 (B) Minimum Foundation Program.
2 The legislature shall appropriate
3 funds sufficient to insure a
4 minimum foundation program of
5 education in all public elementary
6 and secondary schools. The funds
7 appropriated shall be equitably
8 allocated to parish and city school
9 systems according to formulas adopt-
10 ed by the State Board of Elementary

11 ing to formulas adopted by
12 the State Board of Elementary
13 and Secondary Education and
14 approved by the legislature
15 prior to the time such appro-
16 priation is made.

11 and Secondary Education and approv-
12 ed by the legislature prior to
13 ⁽⁵⁾ making the appropriation.
14
15
16

COMMENT:

- (1) Elements, II, 16--keep related words together.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Manual, Rule 5--substitute word for phrase.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Manual, Rule 5--substitute word for phrase.

- 32 -

Section 16 (c) Leaves Section 13 (c)

1 (C) The local funds for
2 the support of elementary and
3 secondary schools shall be
4 derived from the following
5 sources:
6 First: Each parish school
7 board, the parish of Orleans
8 excepted, and each municipali-
9 ty or municipal school board
10 actually operating, maintain-
11 ing or supporting a separate
12 system of public schools, shall
13 levy annually an ad valorem

1 (C) Local Funds. ⁽¹⁾ Local funds
2 for the support of elementary and
3 secondary schools shall be derived
4 from the following sources:
5 First: Each parish school board,
6 the parish of Orleans excepted, and
7 each municipality or city school
8 board actually operating, maintain-
9 ing, ⁽²⁾ or supporting a separate system
10 of public schools, shall levy
11 annually an ad valorem maintenance
12 tax not to exceed five mills on the
13 dollar of assessed valuation on pro-
⁽⁴⁾

14 maintenance tax of five mills,
15 or as much thereof as is
16 necessary, on all property
17 subject to such taxation with-
18 in the parish or city, respec-
19 tively.

20 Second: The Orleans Parish
21 School Board shall levy
22 annually a tax not to exceed
23 thirteen mills on the dollar
24 on the assessed valuation of
25 all property within the city
26 of New Orleans assessed for
27 city taxation, and shall
28 certify such fact to the
29 governing authority of the
30 city. The governing authori-
31 ty shall cause said tax to
32 be entered on the tax rolls
33 of the city and collected in
34 the manner and under the condi-
35 tions and with the interest and
36 penalties prescribed by law for
37 city taxes. The money thus

14 perty subject to such taxation. ⁽⁵⁾

15 Second: The Orleans Parish School
16 Board shall levy annually a tax not
17 to exceed thirteen mills on the dollar ⁽⁶⁾
18 of the assessed valuation of property ⁽⁷⁾
19 within the city of New Orleans assess-
20 ed for city taxation, and shall certify ⁽⁸⁾
21 the amount of the tax to the govern-
22 ing authority of the city. The gov- ⁽⁹⁾
23 erning authority shall have the tax ⁽¹⁰⁾
24 entered on city tax rolls. The tax ⁽¹¹⁾
25 shall be collected in the manner, ⁽¹²⁾
26 under the conditions, and with the ⁽¹²⁾
27 interest and penalties prescribed by
28 law for city taxes. The money thus
29 collected shall be paid daily to the
30 Orleans Parish School Board.

31 Third: For giving additional ⁽¹³⁾
32 support to public elementary and
33 secondary schools, any parish, school
34 district, or sub-school district, or ⁽¹⁴⁾
35 any municipality or city school board ⁽¹⁵⁾
36 which supports a separate city system
37 of public schools may levy an ad

Section 16 (c) Orleans Parish School Board Section 16 (c)

1 collected shall be paid
2 daily to the Orleans Parish

⁽¹⁵⁾
1 valorem tax for a specific purpose,
2 when authorized by a majority of the

3 School Board.
4 Third: For giving addi-
5 tional support to the public
6 elementary and secondary
7 schools, any parish, school
8 district, or subschool dis-
9 trict, or any municipality
10 which supports a separate city
11 system of public schools may
12 levy ad valorem taxes for
13 specific purposes, when
14 authorized by a majority of
15 the electors voting in the
16 parish, municipality, dis-
17 trict, or subdistrict, in an
18 election called for the purpose.
19 The amount, duration, and
20 purpose of such taxes shall
21 be in accord with any limita-
22 tions imposed by the legisla-
23 ture.

3 electors voting in the parish,
4 municipality, district, or subdistrict⁽¹⁶⁾
5 in an election held for that purpose.
6 The amount, duration, and purpose
7 of the tax shall be in accord with⁽¹⁷⁾
8 any limitation⁽¹⁸⁾ imposed by the legis-
9 lature.

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Standardization of language.
- (3) Manual, Rule 20 and Elements, I, 2--commas in series.
- (4) Standardization of language.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Standardization of language.
- (7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Section 16 (c) becomes Section 13 (c)

- (8) Elements, V, 16--be clear.
- (9) Manual, Rule 5--substitute word for phrase.
- (10) Ibid.
- (11) Manual, Rule 10--short sentences.
- (12) Manual, Rule 20 and Elements, I, 2--commas in series.
- (13) Manual, Rules 5, 13, and Elements, II, 13--omit needless words.
- (14) Elements, V, 16--be clear.
- (15) Manual, Rule 12--singularization.
- (16) Webster's, Rule 4.4.1--omit needless commas,
- (17) Standardization of language.
- (18) Manual, Rule 6--avoid hackneyed reference words.
- (19) Manual, Rule 12--singularization.

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Section 16 (D) becomes Section 13 (D)

1 (D) For the effects and
2 purposes of the provisions
3 of this entire Section, the
4 municipalities of Monroe in
5 Ouachita Parish, and Bogalusa
6 in Washington Parish, and no
7 other, shall be regarded as,
8 and treated upon the same
9 basis and shall have the
10 same authority as parishes.

1 (D) Municipal School Systems.
2 For the effects and purposes
3 ⁽¹⁾ of this Section, the municipalities
4 of Monroe in Ouachita Parish, and
5 Bogalusa in Washington Parish,
6 ⁽²⁾ and no others, shall be regarded
7 ⁽³⁾ and treated as parishes and shall
8 ⁽⁴⁾ have the authority granted parishes.

COMMENT:

- (1) Standardization of language.
- (2) Elements, v, 16--be clear.
- (3) Manual, Rule 5--substitute word for phrase.
- (4) Ibid.

- 26 -

SECTION 17 becomes SECTION 14

1 Section 17. Tulane University
2 Section 17. The Tulane Univer-
3 sity of Louisiana, located in New
4 Orleans, is hereby recognized as
5 created and to be developed in
6 accordance with provisions of the
7 Legislative Act No. 43 approved
8 July 5, 1884.

1 Section 14. Tulane University
2 Section 14. The Tulane Univer-
3 sity of Louisiana in New Orleans⁽¹⁾⁽²⁾
4 is⁽³⁾ recognized as created and to
5 be developed in accordance with⁽⁴⁾
6 Act No. 43 approved July 5, 1884.
7
8

COMMENT:

- (1) Webster's, Rule 4.4.1--omit needless commas.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Ibid.
- (4) Ibid.

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[303]

DOCUMENT NO. XXIII

COMMITTEE PROPOSAL NO. 7: FIRST ENROLLMENT

EDUCATION

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE IX. EDUCATION
 2 Preamble
 3 The goal of the public edu-
 4 cational system shall be to pro-
 5 vide, at all stages of human
 6 development, learning environ-
 7 ments and experiences that are
 8 humane, just, and designed to
 9 promote excellence in order that
 10 every individual may be afforded
 11 an equal opportunity to develop
 12 to his full potential.

1 ARTICLE IX. EDUCATION
 2 Preamble
 3 The goal of the public educa-
 4 tional system is to provide learn-
 5 ing environments and experiences, at
 6 all stages of human development,
 7 that are humane, just, and designed
 8 to promote excellence in order
 9 that every individual may be
 10 afforded an equal opportunity to
 11 develop to his full potential.
 12

COMMENT:

(1) Manual, Rule 11--present tense.

(2) Elements, II, 16--keep related words together.

SECTION 2 becomes SECTION 1

13 Section 2. Public Edu-
 14 cational System
 15 Section 2. The legislature
 16 shall provide for the education

13 Section 1. Public Educational
 14 System
 15 Section 1. The legislature
 16 shall provide for the education

17 of the people of the state and
18 shall establish and maintain a
19 public educational system.

17 of the people of the state and
18 shall establish and maintain a
19 public educational system.

COMMENT:

NO CHANGE

Section 3 becomes Section 2.

1 Section 3. State Superin-
2 tendent of Public Elementary
3 and Secondary Education

4 Section 3. (A) Term. Subject
5 to the provisions for appointment,
6 in lieu of election, as set forth
7 in Article IV, Section 23, there
8 shall be a state superintendent of
9 public education for elementary
10 and secondary education, who shall
11 be elected for a term of four
12 years. The powers, functions,
13 duties, responsibilities, and
14 qualifications of the superinten-
15 dent shall be fixed by law. In
16 addition, he shall be the adminis-
17 trative head of the Department of
18 Education for the implementation
19 of the policies of the State Board
20 of Elementary and Secondary Edu-
21 cation and the laws affecting the

1 Section 2. State Superintendent
2 of Education

3 Section 2. There shall be a
(1)
4 superintendent of education
(2)
5 for public elementary and secondary
(3)
6 education who, subject to provisions
7 for appointment in lieu of election
8 set forth in Article IV, Section
(4)
9 23 of this constitution, shall be
10 elected for a term of four years.
(5)
11 If the office is made appointive, the
12 State Board of Elementary and
(7)
13 Secondary Education shall make the
(8)
14 appointment. He shall be the adminis-
15 trative head of the Department of
(9)
16 Education and shall implement the
17 policies of the State Board of
18 Elementary and Secondary Education
(10)
19 and the laws affecting schools under
(11)
20 its jurisdiction. The qualifications
(12)
21 and other powers, functions, duties,

22 schools under its jurisdiction.
23
24
25
26
27

22 and responsibilities of the superin-
23 tendent shall be provided by law. (13)
24
25
26
27

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13---omit needless words.
- (2) Elements, II, 16--keep related words together.
- (3) "Subject to" clause placed to clearly modify the four-year election of superintendent; Elements, V, 16--be clear.
- (4) Standardization of language.
- (5) Sentence removed from Section 4(A) as enrolled and placed in Section 2 as suggested for continuity of thought; Elements, II, 9--make paragraph unit of composition; Manual Rule 5--substitute word for phrase.

Section 3 becomes Section 2

- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) Manual, Rule 11--active voice.
- (8) Elements, V, 16--be clear.
- (9) Manual, Rule 5--substitute word for phrase.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (11) Elements, V, 16--be clear.
- (12) Ibid.
- (13) Standardization of language.

Section 4 (A) Louisiana Section 3 (A)

1 Section 4. State Board of
2 Elementary and Secondary
3 Education
4 Section 4. (A) Creation;
5 Function. There is created a body
6 corporate, known as the State
7 Board of Elementary and Secondary
8 Education. The board shall
9 supervise, control, and have
10 budgetary responsibility for all
11 funds appropriated or allocated
12 by the state for all public
13 elementary and secondary schools
14 and special schools under its
15 jurisdiction, as provided by law.
16 In the event the office of State
17 Superintendent of Public Elementary
18 and Secondary Education is made
19 appointive, such appointment shall
20 be made by the State Board of
21 Elementary and Secondary Education
22 The board shall have such other
23 specific powers, duties, and re-
24 sponsibilities as are provided by
25 this constitution or by law, but
26 shall have no control over the
27 business affairs of parish and
28 municipal school boards or the

1 Section 3. State Board of
2 Elementary and Secondary
3 Education
4 Section 3. (A) Creation;
5 Function. ⁽¹⁾The State Board of
6 Elementary and Secondary Education
7 is created as a body corporate. ⁽¹⁾
8 It shall supervise and control the
9 public elementary and secondary school-
10 and special schools under its juris-
11 diction and shall have budgetary
12 responsibility for all funds appro-
13 priated or allocated by the state for
14 those schools, ⁽²⁾ all as provided by
15 law. The board shall have other
16 powers, duties, and responsibilities
17 ⁽⁴⁾ as provided by this constitution or
18 by law, but shall have no control
19 ⁽⁵⁾ over the business affairs of a parish
20 ⁽⁵⁾ or city school board or the selection
21 ⁽⁵⁾ or removal of its officers and
22 employees.
23
24
25
26
27
28

29 selection or removal of their 29
30 officers and employees. 30

COMMENT:

- (1) Manual, Rule 8--rewrite "there is."
- (2) Elements, V, 16--be clear.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Standardization of language.
- (5) Manual, Rule 12--singularization.
- (6) Standardization of language.

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Section 4 (B) becomes SECTION 3 (B)

1 (B) Membership; Terms.
 2 The board shall consist of three
 3 members who shall be appointed
 4 by the governor, with the
 5 consent of the Senate from the
 6 state at large, and eight members
 7 who shall be elected from single-
 8 member districts to be determined
 9 by the legislature. All members
 10 shall serve overlapping terms of
 11 six years, following the initial
 12 terms which shall be fixed by law.

1 (B) Membership; Terms; Cor-
 2 pensation. The board shall con-
 3 sist of eight members elected from
 4 single-member districts which shall
 5 be determined by law and three mem-
 6 bers appointed by the governor from
 7 the state at large, with consent
 8 of the Senate. Members shall serve
 9 overlapping terms of six years,
 10 following the initial terms which
 11 shall be fixed by law.

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Standardization of language.
- (3) Elements, II, 16--keep related words together.

(4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

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SECTION 4 (C) becomes SECTION 3 (C)

13 (C) Vacancies. Vacancies oc-
14 ccurring for any cause prior to the
15 expiration of the term shall be
16 filled by appointment by the
17 governor; however, if at the time
18 the vacancy occurs the unexpired
19 portion of the term of any elected
20 member is more than one year, the
21 vacancy shall be filled by election
22 as provided by law. Members shall
23 serve without pay except for such
24 per diem and expenses as shall be
25 fixed by the legislature.

13 (C) Vacancy. A vacancy in the
14 office of an elected member, if
15 the remaining portion of the term
16 is more than one year, shall be
17 filled for the remainder of the
18 term by election, as provided by
19 law. Other vacancies shall be
20 filled for the remainder of the (1)
21 term by appointment by the governor
22
23
24
25

COMMENT:

(1) Section rewritten for clarity. Provisions concerning per diem and expenses deleted, combined with Section 7(C) as enrolled, and consolidated and renumbered as Section 8(C).

Section 6 becomes Section 4

<p>1 Section 6. Approval of Private 2 Schools; Effect 3 Section 6. The board shall, 4 upon application, approve private 5 elementary, secondary, and 6 proprietary schools whose sustained 7 curriculum or specialized course 8 of study is of a quality equal to 9 or better than that prescribed for 10 similar public schools. The cer- 11 tificates issued by private schools 12 so approved shall carry the same 13 privileges as those issued by the 14 state public schools. 15</p>	<p>1 Section 4. Approval of Private 2 Schools 3 Section 4. ⁽¹⁾ Upon application 4 by a private elementary, secondary, 5 or proprietary school with a sus- 6 tained curriculum or specialized 7 course of study of quality at 8 least equal to that prescribed for 9 similar public schools, the State 10 Board of Elementary and Secondary 11 Education shall approve the private 12 school. ⁽¹⁾ ⁽²⁾ A certificate issued by 13 ⁽²⁾ ⁽³⁾ an approved private school shall 14 carry the same privileges as one ⁽²⁾ 15 ⁽²⁾ issued by a state public school. ⁽²⁾</p>
--	--

COMMENT:

(1) Elements, II, 16--keep related words together. Manual, Rule 12--singularization; Rule 5--substitute word for phrase.

(2) Manual, Rule 12--singularization.

(3) Manual, Rule 6--avoid hackneyed reference words.

Section 7 (A)

Section 5 (A)

1 Section 7. Board of Regents
 2 Section 7. (A) Board of
 3 Regents; establishment. There
 4 is created a body corporate
 5 known as the Board of Regents.
 6 The board shall plan, coordinate,
 7 and have budgetary responsibility
 8 for all public higher education
 9 and shall have such other powers,
 10 duties, and responsibilities as
 11 are provided in this Section and
 12 by law.

1 Section 5. Board of Regents.
 2 Section 5. (A) Establishment.
 3 ⁽¹⁾ The Board of Regents is created as a
 4 body corporate. ^{(1) (2)} It shall plan, coordi-
 5 nate, and have budgetary responsibility
 6 for all public higher education and
 7 shall have ⁽³⁾ other powers, duties, and
 8 responsibilities ⁽⁴⁾ provided in this
 9 Section ⁽⁵⁾ or by law.
 10
 11
 12

COMMENT:

- (1) Manual, Rule 8--rewrite "there is"
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) "and" changed to "or"; Elements, V, 16--be clear.

SECTION 7 (B) becomes SECTION 5 (B)

13 (B) Board membership; terms.
 14 The board shall consist of fif-
 15 teen electors appointed by the
 16 governor, with the consent of
 17 the Senate, for overlapping terms
 18 of six years, following initial

13 (B) Membership; Terms.
 14 The board shall consist of fifteen
 15 electors appointed by the governor,
 16 with ⁽¹⁾ consent of the Senate, for
 17 overlapping terms of six years,
 18 following initial terms which

19	terms which shall be fixed by law.	19	shall be fixed by law. ⁽²⁾ At least
20	There shall be at least one mem-	20	one member, but no more than two
21	ber, and no more than two members,	21	members, shall be appointed from
22	appointed from each of the several	22	each congressional district. ⁽³⁾
23	congressional districts.	23	

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Manual, Rule 8--rewrite "there is."
- (3) Manual, Rule 12--singularization.

Section 7 (c) deleted here

1	(C) Board members; per diem	1
2	and expenses. The members of	2
3	the Board of Regents, Board of	3
4	Supervisors of Louisiana State	4
5	University and Agricultural and	5
6	Mechanical College, Board of	6
7	Trustees for State Colleges and	7
8	Universities, and any other board	8
9	created pursuant to this Article	9
10	shall serve without pay, but the	10
11	legislature may fix the per diem	11
12	and expenses to be paid to them.	12

- Combined with similar provision in Section 4(c) as amended and renumbered as SECTION 8(c) -

SECTION 7(D) became SECTION 5(C)

13	(D) Vacancies. A vacancy	13	(C) Vacancy. A vacancy occur-
14	occurring prior to the expiration	14	ring prior to the expiration of a ⁽¹⁾

15 of the term shall be filled for
16 the remainder of the unexpired
17 term by appointment by the
18 governor, with the consent of
19 the Senate.

15 term shall be filled for the
16 remainder of the unexpired term
17 by appointment by the governor,
18 with consent of the Senate.
19

COMMENT:

(1) Indefinite article changed to definite article; Elements, V, 16--be clear.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

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1 (E) Powers of the Board. (1)
2 The Board of Regents shall meet
3 with the State Board of Elementary
4 and Secondary Education at least
5 twice a year to coordinate pro-
6 grams of public elementary,
7 secondary, vocational-technical,
8 career, and higher education.
9 The board shall have the follow-
10 ing powers, duties, and re-
11 sponsibilities with respect to
12 all public institutions of higher
13 education and post-secondary
14 vocational-technical training and
15 career education:

16 (a) To revise or eliminate any
17 existing degree program, depart-
18 ment of instruction, division, or

1 (D) Powers. The
2 Board of Regents shall meet with
3 the State Board of Elementary and
4 Secondary Education at least
5 twice a year to coordinate programs
6 of public elementary, secondary,
7 vocational-technical, career, and
8 higher education. The Board of
9 Regents shall have the following
10 powers, duties, and responsibilities
11 relating to public institutions of
12 higher education and post-secondary
13 vocational-technical training and
14 career education:

15 (1) To revise or eliminate an
16 existing degree program, depart-
17 ment of instruction, division, or
18 similar subdivision.

19 similar subdivision.

20 (b) To approve, disapprove,
21 or modify any proposed degree
22 program, department of instruc-
23 tion, division, or similar
24 subdivision.

25 (c) To study the need for and
26 feasibility of any new insti-
27 tution of post-secondary educa-
28 tion, including branches of
29 institutions and conversion of
30 two-year institutions to institu-
31 tions offering longer courses of
32 study. If the creation of a new
33 institution is proposed, or an
34 additional management board for an
35 institution or group of institu-

19 (2) To approve, disapprove,
20 or modify a proposed degree program,
21 department of instruction, division,
22 or similar subdivision.

23 (3) To study the need for and
24 feasibility of any new institution
25 of post-secondary education, includ-
26 ing branches of institutions and
27 conversion of two-year institution
28 to institutions offering longer
29 courses of study. If the creation
30 of a new institution, the addition
31 of another management board, or
32 the transfer of an existing institu-
33 tion from one board to another is
34 proposed, the Board of Regents shall
35 report its written findings and

1 tions is proposed, or a proposal
2 is made to transfer an existing
3 institution from one board to
4 another, the board shall report
5 its findings and recommendations
6 within one year to the legisla-
7 ture. Only after this written
8 report has been filed, or if no

1 recommendations (7) to the legislature
2 within one year. Only after the
3 report has been filed, or, after
4 one year (9) if no report is filed,
5 may the legislature take affirmative
6 action on such a proposal and then
7 only by law enacted by two-thirds of
8 the members of each house.

9 report is filed within one year,
10 the legislature may take affirmative
11 action on such a proposal
12 by vote of two-thirds of the
13 membership of each house.

14 (d) To formulate and make
15 timely revision of a master plan
16 for higher education and post-
17 secondary vocational-technical
18 training and career education.
19 As a minimum, the plan shall
20 include a formula for the equitable
21 distribution of funds to
22 the institutions of higher
23 education of the state.

24 (e) To require the Board
25 of Supervisors of Louisiana
26 State University and Agricultural
27 and Mechanical College,
28 the Board of Trustees for State
29 Colleges and Universities, and
30 any other higher education
31 board hereafter created pursuant
32 to this Article to submit to it,
33 at times specified by it, their

9 (4) To formulate and make timely
10 revision of a master plan for higher
11 education and post-secondary vocational
12 technical training and career education.
13 As a minimum, the plan shall include a
14 formula for equitable distribution of
15 funds to the institutions of higher
16 education.

17 (5) To require that every higher
18 education board submit to it, at a
19 time it specifies, an annual budget
20 proposal for operational needs and for
21 capital needs of each institution
22 under the control of each board.

23 The Board of Regents shall submit its
24 budget recommendations for all
25 institutions of higher education and
26 post-secondary vocational-technical
27 training and career education in the
28 state. It shall recommend priorities
29 for capital construction and improve-
30 ments.

Summary of (C) Language Recommendations

1 annual budget proposals for the 1
2 operational and capital needs of 2
3 each institution under the 3
4 control of each. The Board of 4
5 Regents shall submit its recom- 5
6 mendations on budgets for all 6
7 institutions of higher education 7
8 and post-secondary vocational- 8
9 technical training and career 9
10 education in the state. It shall 10
11 recommend priorities for capital 11
12 construction and improvements. 12

COMMENT:

- (1) Elements, V, 16--be clear.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Standardization of language.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Elements, V, 16--be clear.
- (6) Ibid.
- (7) Elements, II, 16--keep related words together.
- (8) Manual, Rule 5--substitute word for phrase.
- (9) Elements, V, 16--be clear.
- (10) Elements, II, 16--keep related words together.
- (11) Elements, II, 15--parallelism; Elements, V, 16--be clear.
- (12) Standardization of language.

(13) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(14) Ibid.

(15) Manual, Rule 5--substitute word for phrase.

(16) Manual, Rule 12--singularization

-12-

Elements, II, 15 (1) Parallelism

(17) Elements, II, 15--parallelism.

(18) Elements, V, 16--be clear.

(19) Manual, Rule 5--substitute word for phrase.

-13-

Manual, Rule 5 (F) Powers Not Vested

1 (F) Powers not vested. Powers
2 of management over public insti-
3 tutions of higher education and
4 post-secondary vocational-technical
5 training and career education not
6 specifically vested in the Board
7 of Regents by this Section are
8 reserved to the Board of
9 Supervisors of Louisiana State
10 University and Agricultural and
11 Mechanical College and to the
12 Board of Trustees for State
13 Colleges and Universities as to
14 the institutions under the
15 control of each or to any board

1 (E) Powers Not Vested.
2 Powers of management over public
3 institutions of higher education
4 and post-secondary vocational-
5 technical training and career
6 education not specifically vested
7 by this Section⁽¹⁾ in the Board of
8 Regents are reserved to the
9 Board of Supervisors of Louisiana
10 State University and Agricultural
11 and Mechanical College, the Board
12 of Supervisors of Southern
13 University and Agricultural and
14 Mechanical College⁽²⁾, the Board of
15 Trustees for State Colleges and

16 created pursuant to this Article. 16 Universities, ⁽²⁾ and any other such ⁽¹⁾
 17 board created pursuant to this
 18 Article, as to the institutions under
 19 the control of each.

COMMENT:

- (1) Elements, II, 16--keep related words together.
- (2) Southern Board added to conform with language of Section 9(A) as enrolled.
- (3) Elements, II, 16--keep related words together.
- (4) Elements, V, 16--be clear.

-14-

1 Section 8. Board of Trustees
 2 for State Colleges and
 3 Universities
 4 Section 8. (A) Creation;
 5 Powers. There is created a body
 6 corporate known as the Board of
 7 Trustees for State Colleges and
 8 Universities which, subject to
 9 the powers vested in the Board of
 10 Regents by this Article, shall
 11 have:
 12 (1) Supervision and management
 13 of all state colleges and uni-
 14 versities except those included
 15 under the management of the Board
 16 of Supervisors of Louisiana State
 17 University and Agricultural and

1 Section 6. Board of Trustees
 2 for State Colleges and
 3 Universities
 4 Section 6. (A) Creation;
 5 Powers. ⁽¹⁾ The Board of Trustees for
 6 State Colleges and Universities
 7 is created as a body corporate. ⁽¹⁾
 8 Subject to powers vested by this
 9 Article ⁽²⁾ in the Board of Regents,
 10 it shall have supervision and manage-
 11 ment of:
 12 (1) state colleges and universi-
 13 ties ⁽³⁾ not managed by a higher education
 14 board created by or under this Article ⁽⁴⁾
 15 and
 16 (2) unless the legislature pro-
 17 vides otherwise, public institutions ⁽⁵⁾ ⁽⁷⁾

18	Mechanical College, Board of	18	of vocational-technical training and
19	Supervisors of Southern University	19	career education at post-secondary
20	and Agricultural and Mechanical	20	levels.
21	College, and any other board	21	
22	hereafter created pursuant to this	22	
23	Article.	23	
24	(2) Unless and until the	24	
25	legislature shall provide	25	
26	otherwise, supervision and	26	
27	management of all public	27	
28	institutions of vocational-	28	
29	technical training and career	29	
30	education at post-secondary	30	
31	levels.	31	

COMMENT:

- (1) Manual, Rule 8--rewrite "there is."
- (2) Elements, II, 16--keep related words together.

Section 8 (1) becomes Section 10

- (3) Manual, Rule 5--substitute word for phrase.
- (4) Ibid.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Manual, Rule 11--present tense.
- (7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Section 8 (B) becomes Section 6 (B)

9 (B) Board Membership; Terms.
10 The members of the board shall
11 be appointed by the governor,
12 with the consent of the Senate,
13 for overlapping terms of six
14 years following initial terms
15 which shall be fixed by law.
16 Two of the members shall be
17 residents of each of the con-
18 gressional districts into which
19 the state is divided, and one
20 member shall be from the state
21 at large.

9 (B) Membership; Terms.
10 The board shall be composed of
11 two members from each congressional
12 district and one member from the
13 state at large, appointed by the
14 governor with consent of the Senate.
15 The members shall serve overlapping
16 terms of six years, following
17 initial terms fixed by law.⁽¹⁾
18
19
20
21

COMMENT:

(1) Paragraph rewritten to state composition of board before stating terms members serve.

Section 9 (C) becomes Section 7 (C)

1 (C) Vacancies. A vacancy
2 occurring prior to the expira-
3 tion of the term shall be filled
4 for the remainder of the un-
5 expired term by appointment by the
6 governor, with the consent of the
7 Senate.

1 (C) Vacancy. A vacancy occur-
2 ring prior to the expiration of a⁽¹⁾
3 term shall be filled for the
4 remainder of the unexpired term by
5 appointment by the governor, with⁽²⁾
6 consent of the Senate.
7

COMMENT:

(1) Indefinite article substituted for definite article.

(2) Standardization of language.

Section 9 (A) becomes Section 7 (A)

8 Section 9. Board of Super-
9 visors of Louisiana State
10 University and Agricul-
11 tural and Mechanical
12 College; Board of Super-
13 visors of Southern
14 University and Agricul-
15 tural and Mechanical
16 College
17 Section 9. (A) Creation;
18 Powers. There is created bodies
19 corporate, known as the Board of
20 Supervisors of Louisiana State
21 University and Agricultural and
22 Mechanical College and the Board
23 of Supervisors of Southern Uni-
24 versity and Agricultural and
25 Mechanical College, which subject
26 to the powers vested in the Board
27 of Regents, shall supervise and

8 Section 7. Board of Super-
9 visors of Louisiana State
10 University and Agricultural
11 and Mechanical College;
12 Board of Supervisors of
13 Southern University and
14 Agricultural and Mechanical
15 College
16 Section 7. (A) Creation;
17 Powers. ⁽¹⁾ The Board of Supervisors
18 of Louisiana State University
19 and Agricultural and Mechanical
20 College and the Board of Super-
21 visors of Southern University and
22 Agricultural and Mechanical College
23 are created as bodies corporate. ⁽¹⁾
24 ⁽²⁾ Subject to powers vested in the
25 Board of Regents, ⁽³⁾ each shall
26 supervise and manage the institu-
27 tions, ⁽⁴⁾ statewide agricultural pro-

Section 7 (B) becomes Section 9 (B)

1 manage the institutions and
2 statewide agricultural and other
3 programs administered through the
4 Louisiana State University and
5 Agricultural and Mechanical
6 College and the Southern University

1 ⁽⁴⁾ grams, and other programs admini-
2 ⁽⁵⁾ tered through its system.

7	Agricultural and Mechanical	7
8	College system.	8

COMMENT:

- (1) Manual, Rule 8--rewrite "there is."
- (2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (3) Elements, V, 16--be clear.
- (4) Manual, Rule 20 and Elements, I, 2--commas in series.
- (5) Manual. Rule 5--substitute word for phrase.

SECTION 9 (B) becomes SECTION 7 (B)

9 (B) Membership; terms. The
 10 members of each board shall be
 11 appointed by the governor, with
 12 the consent of the Senate, for
 13 overlapping terms of six years
 14 following initial terms which
 15 shall be fixed by law. Each
 16 board shall be composed of two
 17 members from each of the con-
 18 gressional districts into which
 19 the state is divided, and one
 20 member shall be from the state
 21 at large.

9 (B) Membership; Terms.
 10 Each board shall be composed of two
 11 members from each congressional dis-
 12 trict and one member from the state
 13 at large, appointed by the governor
 14 with consent of the Senate. The
 15 members shall serve overlapping
 16 terms of six years, following ini-
 17 tial terms fixed by law. (1)
 18
 19
 20
 21

COMMENT:

- (1) Paragraph rewritten to state composition of board before stating terms members serve and to achieve construction parallel to Section 6(B).

Section 11 (C) Vacancies; Board; Senate

1 (C) Vacancies. A vacancy oc-
2 ccurring prior to the expiration
3 of the term shall be filled for
4 the remainder of the unexpired
5 term by appointment by the
6 governor, with the consent of
7 the Senate.

1 (C) Vacancy. A vacancy occ-
2 ring prior to the expiration of
3 term shall be filled for the
4 remainder of the unexpired term
5 by appointment by the governor, with
6 consent of the Senate.
7

COMMENT:

(1) Indefinite article substituted for definite article.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Section 11. Boards; Dual Mem-
bership Prohibited; Student
Membership Authorized

1 Section 11. Boards; Dual Mem-
2 bership Prohibited; Student
3 Membership Authorized
4 Section 11. (A) No person
5 shall be eligible to simultan-
6 eously serve on more than one
7 board created by or pursuant to
8 this Article.

Section 8. Boards; Member
Compensation

1 Section 8. Boards; Member
2 Compensation.
3 Section 8. (A) Dual Member-
4 ship. No person shall be eligibl
5 to serve simultaneously on more
6 than one board created by or
7 pursuant to this Article.
8

COMMENT:

(1) Elements, II, 16--keep related words together; i.e., do not split infinitive.

Section 11 (2) Board Section 11 (1)

1 (B) The legislature may
2 provide for the membership of
3 one student on the Board of
4 Trustees for State Colleges
5 and Universities, one student
6 on the Board of Supervisors
7 of Louisiana State University
8 and Agricultural and Mechanical
9 College, and one student on the
10 Board of Supervisors of
11 Southern University and Agricul-
12 tural and Mechanical College
13 whose terms shall not exceed
14 one year. No student member
15 shall be eligible to succeed
16 himself. A student member shall
17 enjoy all of the privileges
18 and rights of other board
19 members except the right to
20 vote.

1 (B) Student Membership. The legisla-
2 ture may provide for the membership of
3 student on the boards created by
4 Sections 6 and 7 of this Article,
5 except the Board of Regents. ⁽¹⁾ ⁽²⁾ The
6 term of a student member shall not
7 exceed one year, and no student
8 member shall be eligible to succeed
9 himself. A student member shall
10 ⁽³⁾ have all of the privileges and
11 rights of other board members
12 except the right to vote.
13
14
15
16
17
18
19
20

COMMENT:

(1) Sentence rewritten to avoid listing all higher education boards.

(2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas. in separate sentences.

(3) Standardization of language.

SECTION 8(C)

21
22
23
24
25

SECTION
7C →
Part of SECTION
4C →

21
22
23
24
25

(C) Compensation. A member of a board created by or pursuant to this Article shall serve without pay, but per diem and expenses may be provided by law. (1)

COMMENT:

(1) Part of Section 4(C) as enrolled and all of Section 7(C) as enrolled are consolidated and renumbered above as Section 8(C).

SECTION 12(C) becomes SECTION 9(C)

1
2
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8

Section 12. Parish School Boards; Parish Superintendents
Section 12. (A) Parish School Boards. The legislature shall create parish school boards and shall provide for the election of the members of such boards.

1
2
3
4
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7
8

Section 9. Parish School Boards; Parish Superintendents
Section 9. (A) Boards. The legislature shall create parish school boards and provide for the election of their members.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Manual, Rule 5--substitute word for phrase.

Section 13. (A) Existing Boards and Systems; Consolidation

1 (B) Parish Superintendents.
2 Each parish board shall elect
3 a superintendent of parish
4 schools. The State Board of
5 Elementary and Secondary Edu-
6 cation shall fix the qualifi-
7 cations and prescribe the
8 duties of the parish super-
9 intendent, who need not be
10 a resident of the parish in
11 which he serves.

1 (B) Superintendents. Each
2 parish board shall elect a superinten-
3 dent of parish schools. The State
4 Board of Elementary and Secondary
5 Education shall fix the qualifica-
6 tions and prescribe the duties of
7 the parish superintendent. ⁽¹⁾ He
8 need not be a resident of the parish
9 in which he serves.
10
11

COMMENT:

(1) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

Section 10. Existing Boards and Systems Recognized;

1 Section 13. Recognition of
2 Existing Boards and
3 Systems; Consolidation
4 Section 13. (A) Recognition
5 of Boards and Systems. Parish
6 and city school board systems,
7 in existence on the effective
8 date of this constitution, by
9 virtue of special or local
10 legislative acts or previous
11 constitutional provisions,

1 Section 10. Existing Boards
2 and Systems Recognized;
3 Consolidation
4 Section 10. (A) Recognition. ⁽¹⁾
5 Parish and city school board systems
6 in existence on the effective date of
7 this constitution ^{(2) (3)} are recognized, sub-
8 ject to control ⁽⁴⁾ and supervision by
9 the State Board of Elementary and
10 Secondary Education and the power
11 of the legislature to enact laws

12	are hereby recognized, subject	12	affecting them.
13	to control by and supervision	13	
14	of the State Board of Elementary	14	
15	and Secondary Education and the	15	
16	power of the legislature to	16	
17	enact laws affecting them.	17	

COMMENT:

- (1) Webster's, Rule 4.4.1--omit needless commas.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Ibid.
- (4) Ibid.

Section 1300 becomes Section 1301

1	(B) Ouachita Parish and Mon-	1	(B) Ouachita Parish and Monroe
2	roe City School Systems; board	2	City School Systems; Board Member-
3	membership. Only persons	3	ship. Only persons residing within
4	residing within the jurisdic-	4	the jurisdiction of the Monroe City
5	tion of the Monroe City School	5	School Board shall be eligible to
6	Board shall be eligible to	6	vote for or be members of the Monroe
7	vote for or be members of the	7	City School Board. Only persons
8	Monroe City School Board.	8	residing in that portion of Ouachita
9	Only persons residing in that	9	Parish outside the jurisdiction
10	portion of Ouachita Parish	10	of the Monroe City School Board shall
11	outside the jurisdiction of	11	be eligible to vote for or be members
12	the Monroe City School Board	12	of the Ouachita Parish School Board.
13	shall be eligible to vote	13	⁽¹⁾ The position of a member of either

14 for or be members of the
15 Ouachita Parish School Board.
16 Any member of either board at
17 any time not satisfying the
18 requirements of this Paragraph
19 immediately shall vacate his
20 position. The provisions of
21 this Paragraph shall not
22 become operative until the
23 election of members to the
24 Ouachita Parish School Board
25 taking office in 1977 or upon
26 the first reapportionment
27 affecting the Ouachita Parish
28 School Board, whichever occurs
29 earlier.
30 The provisions of this
31 Paragraph shall be opera-
32 tive notwithstanding any-
33 thing in this constitution
34 to the contrary.

14 board shall be vacated when he no
15 longer satisfies ⁽¹⁾ the requirements of
16 this Paragraph. ⁽²⁾ This Paragraph shall
17 ⁽³⁾ become operative upon ⁽³⁾ the election of
18 members to the Ouachita Parish School
19 Board taking office in 1977 or upon
20 the first reapportionment affecting
21 the Ouachita Parish School Board,
22 whichever occurs earlier.

23 The provisions of this Paragraph
24 shall be operative notwithstanding
25 anything in this constitution to the
26 contrary.

- 26 -

Section 13(3) becomes Section 16(3)

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Ibid.
- (3) Elements, II, 11--positive form.

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Section 11(C) - Consolidation of School Systems

1 (B) Consolidation. Two
2 or more school systems may be
3 consolidated under procedures
4 enacted by the legislature,
5 subject to approval of a
6 majority of the qualified
7 electors voting in each system
8 affected in an election called
9 for that purpose.

1 (C) Consolidation. Subject to
2 approval by a majority of the electors
3 voting, in each system affected, in
4 an election held for that purpose,
5 two or more school systems may be
6 consolidated as provided by law.

COMMENT:

- (1) Manual, Rule 18--place exception first.
- (2) Standardization of language.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) See Webster's, Rule 4.4.2--commas inserted for emphasis.
- (5) Standardization of language.
- (6) Elements, V, 16--be clear.
- (7) Standardization of language.

- 10

Section 14 - Appropriations; Boards

1 Section 14. Appropriations;
2 Boards
3 Section 14. The legislature
4 shall appropriate funds for the
5 operating and administrative

1 Section 11. Appropriations;
2 State Boards
3 Section 11. The legislature shall
4 appropriate funds for the operating
5 and administrative expenses of the

6	expenses of the boards created	6	state boards created by or pursuant to
7	pursuant to this Article.	7	this Article.

COMMENT:

- (1) Elements, V, 16--be clear.
- (2) Ibid.

Section 15 becomes Section 12

1	Section 15. Appropriations;	1	Section 12. Appropriations;
2	Higher Education	2	Higher Education
3	Section 15. Appropriations	3	Section 12. Appropriations for
4	for the institutions of higher	4	the institutions of higher education
5	education and post-secondary	5	and post-secondary vocational-
6	vocational-technical training	6	technical training and career educa-
7	and career education shall be	7	tion shall be made to their manag-
8	made to their respective	8	ing boards. The funds appropriated
9	managing boards. The appro-	9	shall be administered by the manag-
10	priations shall be administered	10	ing boards and used solely as provide
11	by the managing boards and used	11	by law.
12	solely as provided by law.	12	

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Elements, V, 16--be clear.

Section 16. Funding;
Elementary and Second-
ary Education; Appor-
tionment

Section 16. (A) The legis-
lature shall appropriate funds
to supply free school books and
other materials of instruction
prescribed by the State Board
of Elementary and Secondary
Education to the children of
this state at the elementary
and secondary levels.

COMMENT:

NO CHANGE

(B) The legislature shall
appropriate sufficient funds
to insure a minimum founda-
tion program of education in
all public elementary and
secondary schools. Such funds
as the legislature appropri-
ates shall be equitably
allocated to the parish and
city school systems accord-

Section 13. Funding; Appor-
tionment

Section 13. (A) Free School
Books. The legislature shall
appropriate funds to supply
free school books and other materia-
of instruction prescribed by the
State Board of Elementary and
Secondary Education to the children
of this state at the elementary
and secondary levels.

(B) Minimum Foundation Program.
The legislature shall appropriate
funds sufficient to insure a
minimum foundation program of
education in all public elementary
and secondary schools. The funds
appropriated shall be equitably
allocated to parish and city school
systems according to formulas adopt-
ed by the State Board of Elementary

11 ing to formulas adopted by
12 the State Board of Elementary
13 and Secondary Education and
14 approved by the legislature
15 prior to the time such appro-
16 priation is made.

11 and Secondary Education and approv-
12 ed by the legislature prior to
13 making the appropriation.
14
15
16

COMMENT:

- (1) Elements, II, 16--keep related words together.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Manual, Rule 5--substitute word for phrase.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Manual, Rule 5--substitute word for phrase.

Secondary (C) Local Funds

1 (C) The local funds for
2 the support of elementary and
3 secondary schools shall be
4 derived from the following
5 sources:
6 First: Each parish school
7 board, the parish of Orleans
8 excepted, and each municipali-
9 ty or municipal school board
10 actually operating, maintain-
11 ing or supporting a separate
12 system of public schools, shall
13 levy annually an ad valorem

1 (C) Local Funds. ⁽¹⁾ Local funds
2 for the support of elementary and
3 secondary schools shall be derived
4 from the following sources:
5 First: Each parish school board,
6 Orleans Parish excepted, and each
7 municipality or city school board
8 actually operating, maintaining, or ⁽²⁾
9 supporting a separate system of public
10 schools, shall levy annually an ad
11 valorem maintenance tax not to exceed
12 five mills on the dollar of assessed
13 valuation on property ⁽⁴⁾ subject to such

14 maintenance tax of five mills,
15 or as much thereof as is
16 necessary, on all property
17 subject to such taxation with-
18 in the parish or city, respec-
19 tively.

20 Second: The Orleans Parish
21 School Board shall levy
22 annually a tax not to exceed
23 thirteen mills on the dollar
24 on the assessed valuation of
25 all property within the city
26 of New Orleans assessed for
27 city taxation, and shall
28 certify such fact to the
29 governing authority of the
30 city. The governing authori-
31 ty shall cause said tax to
32 be entered on the tax rolls
33 of the city and collected in
34 the manner and under the condi-
35 tions and with the interest and
36 penalties prescribed by law for
37 city taxes. The money thus

14 taxation within the parish or city,
15 respectively.

16 Second: The Orleans Parish School
17 Board shall levy annually a tax not to
18 exceed thirteen mills on ⁽⁵⁾the dollar of
19 the assessed valuation of ⁽⁶⁾property
20 within the city of New Orleans assessed
21 for city taxation, and shall certify
22 the amount of the tax to the governing
23 authority of the city. The governing
24 authority shall have the tax entered
25 on city tax rolls. ⁽⁷⁾The tax shall be
26 collected in the manner, ⁽⁸⁾under the
27 conditions, ⁽⁹⁾and with the interest and
28 penalties prescribed by law for city
29 taxes. The money thus collected shall
30 be paid daily to the Orleans Parish
31 School Board.

32 Third: For giving additional
33 support to public elementary and
34 secondary schools, any parish, school
35 district, or sub-school district, or
36 any municipality or city school board
37 which supports a separate city system

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1 collected shall be paid
2 daily to the Orleans Parish

1 of public schools may levy an ad
2 valorem ⁽¹¹⁾tax for a specific purpose,

3 School Board.
4 Third: For giving addi-
5 tional support to the public
6 elementary and secondary
7 schools, any parish, school
8 district, or subschool dis-
9 trict, or any municipality
10 which supports a separate city
11 system of public schools may
12 levy ad valorem taxes for
13 specific purposes, when
14 authorized by a majority of
15 the electors voting in the
16 parish, municipality, dis-
17 trict, or subdistrict, in an
18 election called for the purpose.
19 The amount, duration, and
20 purpose of such taxes shall
21 be in accord with any limita-
22 tions imposed by the legisla-
23 ture.

3 when authorized by a majority of the
4 electors voting in the parish,
5 municipality, district, or subdistrict ⁽¹⁵⁾
6 in an election ⁽¹⁶⁾ held for ⁽¹⁶⁾ that purpose.
7 The amount, duration, and purpose
8 of the tax shall be in accord with ⁽¹⁷⁾
9 any limitation imposed by the legis- ⁽¹⁸⁾
10 lature.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Standardization of language.

(3) Manual, Rule 20 and Elements, I, 2--commas in series.

(4) Standardization of language.

(5) Standardization of language.

(6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Section 16 (c) Louisiana Statehood Act

- (7) Elements, V, 16--be clear.
- (8) Manual, Rule 5--substitute word for phrase.
- (9) Ibid.
- (10) Manual; Rule 10--short sentences.
- (11) Manual, Rule 20 and Elements, I, 2--commas in series.
- (12) Manual, Rules 5, 13, and Elements, II, 13--omit needless words.
- (13) Elements, V, 16--be clear.
- (14) Manual, Rule 12--singularization.
- (15) Webster's, Rule 4.4.1--omit needless commas.
- (16) Standardization of language.
- (17) Manual, Rule 6--avoid hackneyed reference words.
- (18) Manual, Rule 12--singularization.

Section 16 (c) Louisiana Statehood Act

1 (D) For the effects and
 2 purposes of the provisions
 3 of this entire Section, the
 4 municipalities of Monroe in
 5 Ouachita Parish, and Bogalusa
 6 in Washington Parish, and no
 7 other, shall be regarded as,
 8 and treated upon the same
 9 basis and shall have the
 10 same authority as parishes.

1 (D) Municipal Schools,
 2 For the effects and purposes
 3 (1) of this Section, the municipalitie
 4 of Monroe in Ouachita Parish, and
 5 Bogalusa in Washington Parish,
 6 (2) and no others, shall be regarded
 7 (3) and treated as parishes and shall
 8 (4) have the authority granted parishes.
 9
 10

COMMENT:

(1) Standardization of language.

(2) Elements, V, 16--be clear.

(3) Manual, Rule 5--substitute word for phrase.

(4) Ibid.

Section 17 Tulane University

1 Section 17. Tulane University
2 Section 17. The Tulane Univer-
3 sity of Louisiana, located in New
4 Orleans, is hereby recognized as
5 created and to be developed in
6 accordance with provisions of the
7 Legislative Act No. 43 approved
8 July 5, 1884.

1 Section 14. Tulane University
2 Section 14. The Tulane Univer-
3 sity of Louisiana in New Orleans⁽¹⁾⁽²⁾
4 is⁽³⁾ recognized as created and to
5 be developed in accordance with⁽⁴⁾
6 Act No. 43 approved July 5, 1884.
7
8

COMMENT:

(1) Webster's, Rule 4.4.1--omit needless commas.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Ibid.

(4) Ibid.

Continuation of type and drafting

If that last sentence applies to all three items mentioned above, there arises a question as to whether consolidation of the school boards under Section 10(C) would be prohibited. But Section 10(C) seems to indicate that any school system may be consolidated by the Legislature.

Another construction of the language is that the last notwithstanding" clause of Paragraph (B) applies only to Item 3 (the effective date of the provisions) and was intended to supersede the effective date of the constitution which will be provided elsewhere. Thinking that this is the case, the drafters included (B) to take it over so that the "notwithstanding" clause applies to Item 3, and effective date. The second sentence of Item 3 is that the school boards shall be consolidated by the Legislature. The "notwithstanding" clause does not seem to be applicable. The "notwithstanding" clause is intended to supersede the effective date of the constitution which will be provided elsewhere.

JANUARY 6, 1974

THE EDITING NOTATIONS IN PENCIL ON THE ATTACHED SHEET INDICATE THE CHANGES IN THE STYLING OF THE ARTICLE ON EDUCATION RECOMMENDED BY THE COMMITTEE ON EDUCATION.

SECTION 4 (B) becomes SECTION 3 (B)

1 (B) Membership; Terms.
2 The board shall consist of three
3 members who shall be appointed
4 by the governor, with the
5 consent of the Senate from the
6 state at large, and eight members
7 who shall be elected from single-
8 member districts to be determined
9 by the legislature. All members
10 shall serve overlapping terms of

1 (B) Membership; Terms [Cor-]
2 [pensation.] The board shall con-
3 sist of eight members elected from
4 single-member districts which shall
5 be determined by law and three mem-
6 bers appointed by the governor from
7 the state at large, with consent
8 of the Senate. Members shall serve
9 overlapping terms of six years,
10 following the initial terms which

11 six years, following the initial 11 shall be fixed by law.
12 terms which shall be fixed by law: 12

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Standardization of language.
- (3) Elements, II, 16--keep related words together.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

5

SECTION 6 becomes SECTION 4

1	Section 6. Approval of Private	1	Section 4. Approval of Privat
2	Schools; Effect	2	Schools
3	Section 6. The board shall,	3	Section 4. ⁽¹⁾ Upon application
4	upon application, approve private	4	by a private elementary, secondary,
5	elementary, secondary, and	5	or proprietary school with a sus-
6	proprietary schools whose sustained	6	tained curriculum or specialized
7	curriculum or specialized course	7	course of study of quality at
8	of study is of a quality equal to	8	least equal to that prescribed for
9	or better than that prescribed for	9	similar public schools, the State
10	similar public schools. The cer-	10	Board of Elementary and Secondary
11	tificates issued by private schools	11	Education shall approve the privat
12	so approved shall carry the same	12	school. ^{(1) (2)} A certificate issued by
13	privileges as those issued by the	13	^{(2) (2)} an approved private school shall
14	state public schools.	14	carry the same privileges as one ⁽²⁾
15		15	⁽²⁾ issued by a state public school. ⁽²⁾

COMMENT:

(1) Elements, II, 16--keep related words together. Manual, Rule 12--singularization; Rule 5--substitute word for phrase.

(2) Manual, Rule 12--singularization.

(3) Manual, Rule 6--avoid hackneyed reference words.

Question:

Can Style and Drafting
"Carve" to floor language
which would make application, line
3, mandatory?

-7-

SECTION 7(A)

1 Section 7. Board of Regents
2 Section 7. (A) Board of
3 Regents; establishment. There
4 is created a body corporate
5 known as the Board of Regents.
6 The board shall plan, coordinate,
7 and have budgetary responsibility
8 for all public higher education

becomes SECTION 5(A)

1 Section 5. Board of
2 Section 5. (A) ^{Creation; language.} []
3 ⁽¹⁾ The Board of Regents is created
4 ^{(1) (2)} body corporate. It shall plan, coordinate,
5 ⁽³⁾ and have budgetary responsibility
6 for all public higher education and
7 shall have ⁽¹⁾ other powers, duties, and
8 responsibilities provided in this

9	and shall have such other powers,	9	Section ⁽⁵⁾ or by law.
10	duties, and responsibilities as	10	
11	are provided in this Section and	11	
12	by law.	12	

COMMENT:

- (1) Manual, Rule 8--rewrite "there is"
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) "and" changed to "or"; Elements, V, 16--be clear.

SECTION 7 (B) becomes SECTION 5 (B)

13	(B) Board membership; terms.	13	(B) Membership; Terms.
14	The board shall consist of fif-	14	The board shall consist of fifteen
15	teen electors appointed by the	15	electors appointed by the governor,
16	governor, with the consent of	16	with consent ⁽¹⁾ of the Senate, for
17	the Senate, for overlapping terms	17	overlapping terms of six years,
18	of six years, following initial	18	following initial terms which
19	terms which shall be fixed by law.	19	shall be fixed by law. ⁽²⁾ At least
20	There shall be at least one mem-	20	one member, but no more than two
21	ber, and no more than two members,	21	members, shall be appointed from
22	appointed from each of the several	22	each congressional district. ⁽³⁾
23	congressional districts.	23	

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, I., 13--omit needless words.
- (2) Manual, Rule 8--rewrite "there is."
- (3) Manual Rule 12--singularization.

SECTION 7 (E) becomes SECTION 5(D)

1 (E) Powers of the Board. (1)
2 The Board of Regents shall meet
3 with the State Board of Elementary
4 and Secondary Education at least
5 twice a year to coordinate pro-
6 grams of public elementary,
7 secondary, vocational-technical,
8 career, and higher education.
9 The board shall have the follow-
10 ing powers, duties, and re-
11 sponsibilities with respect to
12 all public institutions of higher
13 education and post-secondary
14 vocational-technical training and
15 career education:
16 (a) To revise or eliminate any
17 existing degree program, depart-
18 ment of instruction, division, or
19 similar subdivision.
20 (b) To approve, disapprove,
21 or modify any proposed degree
22 program, department of instruc-
23 tion, division, or similar
24 subdivision.
25 (c) To study the need for and
26 feasibility of any new insti-
27 tution of post-secondary educa-

1 (D) Powers. The
2 Board of Regents shall meet with
3 the State Board of Elementary and
4 Secondary Education at least
5 twice a year to coordinate programs
6 of public elementary, secondary,
7 vocational-technical, career, and
8 higher education. The Board of
9 Regents shall have the following
10 powers, duties, and responsibilitie
11 relating ⁽¹⁾ to public institutions of
12 higher education, ⁽²⁾ [and] post-secondary
13 vocational-technical training, and
14 ² ¹⁰ career education:
15 (1) To revise or eliminate an ⁽³⁾
16 existing degree program, depart-
17 ment of instruction, division, or
18 similar subdivision.
19 (2) To approve, disapprove,
20 or modify a proposed degree program, ⁽³⁾
21 department of instruction, division,
22 or similar subdivision.
23 (3) To study the need for and
24 feasibility of any new institution
25 of post-secondary education, includ-
26 ing branches of institutions and
27 conversion of two-year institution.

28 tion, including branches of
29 institutions and conversion of
30 two-year institutions to institu-
31 tions offering longer courses of
32 study. If the creation of a new
33 institution is proposed, or an
34 additional management board for a
35 institution or group of institu-

28 to institutions offering longer
29 courses of study. If the creation
30 of a new institution, ⁽⁴⁾ the addition
31 of another management board, ⁽⁴⁾ or
32 ⁽⁴⁾ the transfer of an existing institu-
33 tion from one board to another is
34 proposed, the Board of Regents shall ⁽⁵⁾
35 report its written findings, and ⁽⁶⁾

- 10 -

SECTION 8 (A)

becomes SECTION 6(A)

1 Section 8. Board of Trustees
2 for State Colleges and
3 Universities

1 Section 6. Board of Trustees
2 for State Colleges and
3 Universities

4 Section 8. (A) Creation;
5 Powers. There is created a body
6 corporate known as the Board of
7 Trustees for State Colleges and
8 Universities which, subject to
9 the powers vested in the Board of
10 Regents by this Article, shall
11 have:

4 Section 6. (A) Creation; ^{Functions}
5 ⁽¹⁾ [Powers.] The Board of Trustees for
6 State Colleges and Universities
7 is created as a body corporate. ⁽¹⁾
8 Subject to powers vested ^[by this]
9 ⁽⁴⁾ [Article] in the Board of Regents,
10 it shall have supervision and manage-
11 ment of:

12 (1) Supervision and management
13 of all state colleges and uni-
14 versities except those included
15 under the management of the Board
16 of Supervisors of Louisiana State
17 University and Agricultural and
18 Mechanical College, Board of
19 Supervisors of Southern University

12 (1) state colleges and universi-
13 ⁽³⁾ ties not managed by a higher education
14 board created by or under this Article ⁽⁴⁾
15 and ⁽⁵⁾
16 (2) unless the legislature pre-
17 ⁽⁶⁾ vides otherwise, ⁽⁷⁾ public institutions
18 of vocational-technical training and
19 ⁸⁸ career education at post-secondary

20	and Agricultural and Mechanical	20	levels.
21	College, and any other board	21	
22	hereafter created pursuant to this	22	
23	Article.	23	
24	(2) Unless and until the	24	
25	legislature shall provide	25	
26	otherwise, supervision and	26	
27	management of all public	27	
28	institutions of vocational-	28	
29	technical training and career	29	
30	education at post-secondary	30	
31	levels.	31	

COMMENT:

- (1) Manual, Rule 8--rewrite "there is."
- (2) Elements, II, 16--keep related words together.

15

SECTION 11 (B) becomes SECTION 8 (B)

1 (B) The legislature may
 2 provide for the membership of
 3 one student on the Board of
 4 Trustees for State Colleges
 5 and Universities, one student
 6 on the Board of Supervisors
 7 of Louisiana State University
 8 and Agricultural and Mechanical
 9 College, and one student on the
 10 Board of Supervisors of

1 (B) Student Membership. The legisla-
 2 ture may provide for the membership of a
 3 student on the boards created by
 4 Sections 6 and 7 of this Article.
 5 [Except the Board of Regents.]⁽¹⁾ The
 6 term of a student member shall not
 7 exceed one year, and no student
 8 member shall be eligible to succeed
 9 himself. A student member shall
 10 ⁽³⁾ have all of the privileges and

11 Southern University and Agricul-
12 tural and Mechanical College
13 whose terms shall not exceed
14 one year. No student member
15 shall be eligible to succeed
16 himself. A student member shall
17 enjoy all of the privileges
18 and rights of other board
19 members except the right to
20 vote.

11 rights of other board members
12 except the right to vote.
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COMMENT:

- (1) Sentence rewritten to avoid listing all higher education boards.
- (2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (3) Standardization of language.

SECTION 8(C)

21 SECTION
22 7C →
23
24 Part of SECTION
25 4C →

21 (C) Compensation. A member of a board
22 created by or pursuant to this
23 Article shall serve without pay,
24 but per diem and expenses may be
25 provided by law.⁽¹⁾

COMMENT:

- (1) Part of Section 4(C) as enrolled and all of Section 7(C) as enrolled are consolidated and renumbered above as Section 8(C).

22

*Action by Committee
on Education
1/5/74
All caveats adopted*

Section 10(B), 10(C)

CAVEAT: Some ambiguity results from the last paragraph of Section 10(B) as enrolled which provides, "The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary."

Paragraph (B) (1) provides for voting for and membership on the Monroe City and Ouachita Parish School Boards, (2) provides that any board member not meeting those requirements must vacate his position, then (3) provides that the Paragraph shall not be operative until 1977 or until reapportionment occurs. After this, the provision is inserted that "The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary."

If that last sentence applies to all three items mentioned above, there arises a question as to whether consolidation of the two school boards under Section 10(C) would be prohibited. But Section 10(C) seems to indicate that any school system may be consolidated under procedures enacted by the legislature.

Another construction of the language is that the last "notwithstanding" clause of Paragraph (B) applies only to Item 3 (the effective date of the provisions) and was intended to supersede the effective date of the constitution which will be provided elsewhere. Thinking that this is the case, the staff restyled

10(B) to make it clear that the "notwithstanding" clause applies only to Item 3, the effective date. This construction is reinforced by the fact that Item 3 uses the phrase "shall not be operative" and the "notwithstanding" clause uses the expression "shall be operative." This somewhat unusual use of the word "operative" in this context, (it is not so used elsewhere in the constitution) supports the construction that the two sentences are related to each other.

To make it clear that the consolidation provision of Section 10(C) applies to all school systems, the committee added the word "any" so that the reference is to "any two or more school systems."

The Committee on Style and Drafting requests the views of the Committee on Education and Welfare as to whether either change might make a substantive change. [See attached sheet containing original staff draft of Section 10(B).]

Section 11

The mandate to appropriate funds refers to "expenses of the boards created pursuant to this Article." Construed literally, that language may include parish and city school boards since they are referred to in the article. In styling the section, the Committee on Style and Drafting used the expression "state boards" to indicate that the mandate does not apply to parish and city school boards. The committee requests the views of the Committee on Education and Welfare as to whether this makes a substantive change.

Section 10(B) becomes Section 10(C)

1 (B) Ouachita Parish and Monroe
2 roe City School Systems; board
3 membership. Only persons
4 residing within the jurisdic-
5 tion of the Monroe City School
6 Board shall be eligible to
7 vote for or be members of the
8 Monroe City School Board.
9 Only persons residing in that
10 portion of Ouachita Parish
11 outside the jurisdiction of
12 the Monroe City School Board

1 (B) Ouachita Parish and Monroe
2 City School Systems; Board Member-
3 ship. Only persons residing within
4 the jurisdiction of the Monroe City
5 School Board shall be eligible to
6 vote for or be members of the Monroe
7 City School Board. Only persons
8 residing in that portion of Ouachita
9 Parish outside the jurisdiction
10 of the Monroe City School Board shall
11 be eligible to vote for or be members
12 of the Ouachita Parish School Board.

13 shall be eligible to vote
14 for or be members of the
15 Ouachita Parish School Board.
16 Any member of either board at
17 any time not satisfying the
18 requirements of this Paragraph
19 immediately shall vacate his
20 position. The provisions of
21 this Paragraph shall not
22 become operative until the
23 election of members to the
24 Ouachita Parish School Board
25 taking office in 1977 or upon
26 the first reapportionment
27 affecting the Ouachita Parish
28 School Board, whichever occurs
29 earlier.

30 The provisions of this
31 Paragraph shall be opera-
32 tive notwithstanding any-
33 thing in this constitution
34 to the contrary.

(1)
13 The position of a member of either
14 board shall be vacated when he no
15 longer satisfies the requirements of
16 this Paragraph. (1) Notwithstanding any
17 contrary provision of this constitu-
18 tion, (2) this Paragraph shall become (3)
19 operative upon the election of
20 members to the Ouachita Parish School
21 Board taking office in 1977 or
22 upon the first reapportionment
23 affecting the Ouachita Parish
24 School Board, whichever occurs
25 earlier.

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34
[Staff Draft
of 12/13/73]

COMMITTEE PROPOSAL NO. 7: FIRST ENROLLMENT

EDUCATION

Styling Suggestions from Committee on Style and Drafting:

Comparative Presentation

SECTIONS ADOPTED BY CONVENTION

CHANGES RECOMMENDED BY COMMITTEE

1 ARTICLE IX. EDUCATION
 2 Preamble
 3 The goal of the public edu-
 4 cational system shall be to pro-
 5 vide, at all stages of human
 6 development, learning environ-
 7 ments and experiences that are
 8 humane, just, and designed to
 9 promote excellence in order that
 10 every individual may be afforded
 11 : : equal opportunity to develop
 12 to his full potential.

1 ARTICLE IX. EDUCATION
 2 Preamble
 3 The goal of the public educa-
 4 tional system is to provide learn-
 5 ing environments and experiences, at
 6 all stages of human development,
 7 that are humane, just, and designed
 8 to promote excellence in order
 9 that every individual may be
 10 afforded an equal opportunity to
 11 develop to his full potential.
 12

COMMENT:

(1) Manual, Rule 11--present tense.

(2) Elements, II, 16--keep related words together.

SECTION 2 becomes SECTION 1

13 Section 2. Public Edu-
 14 cational System
 15 Section 2. The legislature
 16 shall provide for the education

13 Section 1. Public Educational
 14 System
 15 Section 1. The legislature
 16 shall provide for the education

17 of the people of the state and
18 shall establish and maintain a
19 public educational system.

17 of the people of the state and
18 shall establish and maintain a
19 public educational system.

COMMENT:

NO CHANGE

- 1 -

SECTION 3 becomes SECTION 2

1 Section 3. State Superin-
2 tendent of Public Elementary
3 and Secondary Education

4 Section 3. (A) Term. Subject
5 to the provisions for appointment,
6 in lieu of election, as set forth
7 in Article IV, Section 23, there
8 shall be a state superintendent of
9 public education for elementary
10 and secondary education, who shall
11 be elected for a term of four
12 years. The powers, functions,
13 duties, responsibilities, and
14 qualifications of the superinten-
15 dent shall be fixed by law. In
16 addition, he shall be the adminis-
17 trative head of the Department of
18 Education for the implementation
19 of the policies of the State Board
20 of Elementary and Secondary Edu-

1 Section 2. State Superintendent
2 of Education

3 Section 2. There shall be a
4 (1) superintendent of education
5 (2) for public elementary and secondary
6 (3) education who, subject to provisions
7 for appointment in lieu of election

8 set forth in Article IV, Section
9 ~~23~~ (4) of this constitution, shall be
10 elected for a term of four years.
11 (5)

12 If the office is made appointive, the
13 State Board of Elementary and
14 Secondary Education shall make the
15 (6) appointment. He shall be the adminis-
16 trative head of the Department of
17 Education and shall implement the
18 policies of the State Board of
19 Elementary and Secondary Education
20 and the laws affecting schools under
its jurisdiction. The qualifications

21 cation and the laws affecting the
22 schools under its jurisdiction.
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21 and other powers, functions, duties,
22 and responsibilities of the superin-
23 tendent shall be provided by law.
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COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13---omit needless words.
- (2) Elements, II, 16--keep related words together.
- (3) "Subject to" clause placed to clearly modify the four-year election of superintendent; Elements, V, 16--be clear.
- (4) Standardization of language.
- (5) Sentence removed from Section 4(A) as enrolled and placed in Section 2 as suggested for continuity of thought; Elements, II, 9--make paragraph unit of composition; Manual, Rule 5--substitute word for phrase.

- 2 -

SECTION 3 becomes SECTION 2

- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) Manual, Rule 11--active voice.
- (8) Elements, V, 16--be clear.
- (9) Manual, Rule 5--substitute word for phrase.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (11) Elements, V, 16--be clear.
- (12) Ibid.
- (13) Standardization of language.

- 3 -

Section 4 (A) becomes Section 3 (A)

1 Section 4. State Board of
2 Elementary and Secondary
3 Education
4 Section 4. (A) Creation;
5 Function. There is created a body
6 corporate, known as the State
7 Board of Elementary and Secondary
8 Education. The board shall
9 supervise, control, and have
10 budgetary responsibility for all
11 funds appropriated or allocated
12 by the state for all public
13 elementary and secondary schools
14 and special schools under its
15 jurisdiction, as provided by law.
16 In the event the office of State
17 Superintendent of Public Elementary
18 and Secondary Education is made
19 appointive, such appointment shall
20 be made by the State Board of
21 Elementary and Secondary Education.
22 The board shall have such other
23 specific powers, duties, and re-
24 sponsibilities as are provided by
25 this constitution or by law, but
26 shall have no control over the
27 business affairs of parish and
28 municipal school boards or the

1 Section 3. State Board of
2 Elementary and Secondary
3 Education
4 Section 3. (A) Creation;
5 Functions. ⁽¹⁾The State Board of
6 Elementary and Secondary Education
7 is created as a body corporate. ⁽¹⁾
8 ⁽²⁾It shall supervise and control the
9 public elementary and secondary schools
10 and special schools under its juris-
11 diction and shall have budgetary
12 responsibility for all funds appro-
13 priated or ⁽²⁾allocated by the state for
14 those schools, all as provided by ⁽³⁾
15 law. The board shall have other
16 powers, duties, and responsibilities
17 ⁽⁴⁾as provided by this constitution or
18 by law, but shall have no control
19 over the business affairs of a parish ⁽⁵⁾
20 or city school board or the selection ⁽⁵⁾
21 or removal of its officers and ⁽⁵⁾
22 employees.
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29 selection or removal of their 29
30 officers and employees. 30

COMMENT:

- (1) Manual, Rule 8--rewrite "there is."
- (2) Elements, V, 16--be clear.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Standardization of language.
- (5) Manual, Rule 12--singularization.
- (6) Standardization of language.

- 4 -

SECTION 4 (B) becomes SECTION 3 (B)

1	(B) Membership; Terms.	1	(B) Membership; Terms .
2	The board shall consist of three	2	The board shall consist of
3	members who shall be appointed	3	eight members elected from ⁽¹⁾
4	by the governor, with the	4	single-member districts which shall
5	consent of the Senate from the	5	be determined by law and three mem- ⁽²⁾
6	state at large, and eight members	6	bers appointed by the governor from ⁽³⁾
7	who shall be elected from single-	7	the state at large, with consent
8	member districts to be determined	8	of the Senate. Members shall serve ⁽⁴⁾
9	by the legislature. All members	9	overlapping terms of six years,
10	shall serve overlapping terms of	10	following the initial terms which
11	six years, following the initial	11	shall be fixed by law.
12	terms which shall be fixed by law.	12	

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Standardization of language.

(3) Elements, II, 16--keep related words together.

(4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

- 5 -

SECTION 4(C) becomes SECTION 3(C)

13 (C) Vacancies. Vacancies oc-
14 ccurring for any cause prior to the
15 expiration of the term shall be
16 filled by appointment by the
17 governor; however, if at the time
18 the vacancy occurs the unexpired
19 portion of the term of any elected
20 member is more than one year, the
21 vacancy shall be filled by election
22 as provided by law. Members shall
23 serve without pay except for such
24 per diem and expenses as shall be
25 fixed by the legislature.

13 (C) Vacancy. A vacancy in the
14 office of an elected member, if
15 the remaining portion of the term
16 is more than one year, shall be
17 filled for the remainder of the
18 term by election, as provided by
19 law. Other vacancies shall be
20 filled for the remainder of the (1)
21 term by appointment by the governor.

COMMENT:

(1) Section rewritten for clarity. Provisions concerning per diem and expenses deleted, combined with Section 7(C) as enrolled, and consolidated and renumbered as Section 8(C).

- 6 -

SECTION 6 becomes SECTION 4

1 Section 6. Approval of Private
2 Schools; Effect
3 Section 6. The board shall,
4 upon application, approve private
5 elementary, secondary, and
6 proprietary schools whose sustained
7 curriculum or specialized course
8 of study is of a quality equal to
9 or better than that prescribed for
10 similar public schools. The cer-
11 tificates issued by private schools
12 so approved shall carry the same
13 privileges as those issued by the
14 state public schools.
15

1 Section 4. Approval of Private
2 Schools
3 Section 4. ⁽¹⁾ Upon application
4 by a private elementary, secondary,
5 or proprietary school with a sus-
6 tained curriculum or specialized
7 course of study of quality at
8 least equal to that prescribed for
9 similar public schools, the State
10 Board of Elementary and Secondary
11 Education shall approve the private
12 school. ⁽¹⁾ ⁽²⁾ A certificate issued by
13 ⁽²⁾ ⁽³⁾ an approved private school shall
14 carry the same privileges as one ⁽²⁾
15 ⁽²⁾ issued by a state public school. ⁽²⁾

COMMENT:

(1) Elements, II, 16--keep related words together.
Manual, Rule 12--singularization; Rule 5--substitute
word for phrase.

(2) Manual, Rule 12--singularization.

(3) Manual, Rule 6--avoid hackneyed reference words.

SECTION 7 (A)

becomes SECTION 5 (A)

1 Section 7. Board of Regents
2 Section 7. (A) Board of

1 Section 5. Board of Regents
2 Section 5. (A) Creation; Functions.

3	Regents; establishment. There	3	The Board of Regents is created as a
4	is created a body corporate	4	body corporate. ^{(1) (2)} It shall plan, coordi-
5	known as the Board of Regents.	5	nate, and have budgetary responsibility
6	The board shall plan, coordinate,	6	for all public higher education and
7	and have budgetary responsibility	7	shall have ⁽³⁾ other powers, duties, and
8	for all public higher education	8	responsibilities ⁽⁴⁾ provided in this
9	and shall have such other powers,	9	Section or ⁽⁵⁾ by law.
10	duties, and responsibilities as	10	
11	are provided in this Section and	11	
12	by law.	12	

COMMENT:

- (1) Manual, Rule 8--rewrite "there is"
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) "and" changed to "or"; Elements, V, 16--be clear.

SECTION 7 (B) becomes SECTION 5 (B)

13	(B) Board membership; terms.	13	(B) Membership; Terms.
14	The board shall consist of fif-	14	The board shall consist of fifteen
15	teen electors appointed by the	15	electors appointed by the governor,
16	governor, with the consent of	16	with ⁽¹⁾ consent of the Senate, for
17	the Senate, for overlapping terms	17	overlapping terms of six years,
18	of six years, following initial	18	following initial terms which
19	terms which shall be fixed by law.	19	shall be fixed by law. ⁽²⁾ At least

20 There shall be at least one mem-
21 ber, and no more than two members,
22 appointed from each of the several
23 congressional districts.

20 one member, but no more than two
21 members, shall be appointed from
22 each congressional district.⁽³⁾
23

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, 11, 13--omit needless words.
- (2) Manual, Rule 8--rewrite "there is."
- (3) Manual, Rule 12--singularization.

SECTION 7 (C) deleted here

1 (C) Board members; per diem
2 and expenses. The members of
3 the Board of Regents, Board of
4 Supervisors of Louisiana State
5 University and Agricultural and
6 Mechanical College, Board of
7 Trustees for State Colleges and
8 Universities, and any other board
9 created pursuant to this Article
10 shall serve without pay, but the
11 legislature may fix the per diem
12 and expenses to be paid to them.

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*- Combined with
similar provision
in SECTION 4 (C)
as enrolled
and renumbered
as SECTION 8 (C) -*

SECTION 7 (D) becomes SECTION 5 (C)

13 (D) Vacancies. A vacancy
14 occurring prior to the expiration

13 (C) Vacancy. A vacancy occur-
14 ring prior to the expiration of a⁽¹⁾

15 of the term shall be filled for
16 the remainder of the unexpired
17 term by appointment by the
18 governor, with the consent of
19 the Senate.

15 term shall be filled for the
16 remainder of the unexpired term
17 by appointment by the governor,
18 with consent of the Senate.
19

COMMENT:

(1) Indefinite article changed to definite article; Elements, V, 16--be clear.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

- 9 -

Section 7 (E) becomes SECTION 5 (D)

1 (E) Powers of the board. (1)
2 The Board of Regents shall meet
3 with the State Board of Elementary
4 and Secondary Education at least
5 twice a year to coordinate pro-
6 grams of public elementary,
7 secondary, vocational-technical,
8 career, and higher education.
9 The board shall have the follow-
10 ing powers, duties, and re-
11 sponsibilities with respect to
12 all public institutions of higher
13 education and post-secondary
14 vocational-technical training and

1 (D) Powers. The
2 Board of Regents shall meet with
3 the State Board of Elementary and
4 Secondary Education at least
5 twice a year to coordinate programs
6 of public elementary, secondary,
7 vocational-technical, career, and
8 higher education. The Board of
9 Regents shall have the following
10 powers, duties, and responsibilities
11 relating to public institutions of
12 higher education, of post-secondary
13 vocational-technical training, and
14 of career education:

15 career education:
16 (a) To revise or eliminate any
17 existing degree program, depart-
18 ment of instruction, division, or
19 similar subdivision.
20 (b) To approve, disapprove,
21 or modify any proposed degree
22 program, department of instruc-
23 tion, division, or similar
24 subdivision.
25 (c) To study the need for and
26 feasibility of any new insti-
27 tution of post-secondary educa-
28 tion, including branches of
29 institutions and conversion of
30 two-year institutions to institu-
31 tions offering longer courses of
32 study. If the creation of a new
33 institution is proposed, or an
34 additional management board for an
35 institution or group of institu-

15 (1) To revise or eliminate an ⁽³⁾
16 existing degree program, depart-
17 ment of instruction, division, or
18 similar subdivision.
19 (2) To approve, disapprove,
20 or modify a proposed degree program, ⁽³⁾
21 department of instruction, division,
22 or similar subdivision.
23 (3) To study the need for and
24 feasibility of any new institution
25 of post-secondary education, includ-
26 ing branches of institutions and
27 conversion of two-year institutions
28 to institutions offering longer
29 courses of study. If the creation
30 of a new institution, the addition ⁽⁴⁾
31 of another management board, or ⁽⁴⁾
32 the transfer of an existing institu- ⁽⁴⁾
33 tion from one board to another is
34 proposed, the Board of Regents shall ⁽⁵⁾
35 report its written findings and ⁽⁶⁾

SECTION 7 (E) becomes SECTION 5 (E)

1 tions is proposed, or a proposal
2 is made to transfer an existing
3 institution from one board to
4 another, the board shall report
5 its findings and recommendations
6 within one year to the legisla-

1 recommendations to the legislature ⁽⁷⁾
2 within one year. Only after the
3 report has been filed, or, after ⁽⁸⁾
4 one year if no report is filed, ⁽⁹⁾
5 may the legislature take affirmative ⁽¹⁰⁾
6 action on such a proposal and then ⁽¹¹⁾

7 ture. Only after this written
8 report has been filed, or if no
9 report is filed within one year,
10 the legislature may take affirma-
11 tive action on such a proposal
12 by vote of two-thirds of the
13 membership of each house.

14 (d) To formulate and make
15 timely revision of a master plan
16 for higher education and post-
17 secondary vocational-technical
18 training and career education.
19 As a minimum, the plan shall
20 include a formula for the equit-
21 able distribution of funds to
22 the institutions of higher
23 education of the state.

24 (e) To require the Board
25 of Supervisors of Louisiana
26 State University and Agricul-
27 tural and Mechanical College,
28 the Board of Trustees for State
29 Colleges and Universities, and
30 any other higher education
31 board hereafter created pursuant
32 to this Article to submit to it,
33 at times specified by it, their

7 only by law ⁽¹²⁾ enacted by two-thirds of
8 ^{created (12)} the members of each house.

9 (4) To formulate and make timely
10 revision of a master plan for higher
11 education and post-secondary vocational-
12 technical training and career education
13 As a minimum, the plan shall include a
14 formula for equitable distribution of
15 funds to the institutions of higher
16 education. ⁽¹³⁾ ⁽¹⁴⁾

17 (5) To require that every higher
18 education board submit to it, at a
19 time it specifies, an annual budget
20 proposal for operational needs and for
21 capital needs of each institution
22 under the control of each board. ⁽¹⁵⁾ ⁽¹⁶⁾ ⁽¹⁷⁾ ⁽¹⁸⁾

23 The Board of Regents shall submit its
24 budget recommendations for all
25 institutions of higher education and
26 post-secondary vocational-technical
27 training and career education in the
28 state. It shall recommend priorities
29 for capital construction and improve-
30 ments. ⁽¹⁹⁾

SECTION 7 (E) becomes SECTION 5(D)

1 annual budget proposals for the	1
2 operational and capital needs of	2
3 each institution under the	3
4 control of each. The Board of	4
5 Regents shall submit its recom-	5
6 mendations on budgets for all	6
7 institutions of higher education	7
8 and post-secondary vocational-	8
9 technical training and career	9
10 education in the state. It shall	10
11 recommend priorities for capital	11
12 construction and improvements.	12

COMMENT:

- (1) Elements, V, 16--be clear.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Standardization of language.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Elements, V, 16--be clear.
- (6) Ibid.
- (7) Elements, II, 16--keep related words together.
- (8) Manual, Rule 5--substitute word for phrase.
- (9) Elements, V, 16--be clear.
- (10) Elements, II, 16--keep related words together.
- (11) Elements, II, 15--parallelism; Elements, V, 16--be clear.

- (12) Standardization of language.
- (13) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (14) Ibid.
- (15) Manual, Rule 5--substitute word for phrase.
- (16) Manual, Rule 12--singularization.

SECTION 7 (E) becomes SECTION 5(D)

- (17) Elements, II, 15--parallelism.
- (18) Elements, V, 16--be clear.
- (19) Manual, Rule 5--substitute word for phrase.

SECTION 7 (F) becomes SECTION 5(E)

1 (F) Powers not vested. Powers
 2 of management over public insti-
 3 tutions of higher education and
 4 post-secondary vocational-technical
 5 training and career education not
 6 specifically vested in the Board
 7 of Regents by this Section are
 8 reserved to the Board of
 9 Supervisors of Louisiana State
 10 University and Agricultural and
 11 Mechanical College and to the

1 (E) Powers Not Vested.
 2 Powers of management over public
 3 institutions of higher education
 4 and post-secondary vocational-
 5 technical training and career
 6 education not specifically vested
 7 by this Section ⁽¹⁾ in the Board of
 8 Regents are reserved to the
 9 Board of Supervisors of Louisiana
 10 State University and Agricultural
 11 and Mechanical College, the Board

12 Board of Trustees for State
13 Colleges and Universities as to
14 the institutions under the
15 control of each or to any board
16 created pursuant to this Article.
17
18
19

12 of Supervisors of Southern
13 University and Agricultural and
14 Mechanical College, ⁽²⁾ the Board of
15 Trustees for State Colleges and
16 Universities, ⁽³⁾ and any other such ⁽¹⁾
17 board created pursuant to this
18 Article, as to the institutions under
19 the control of each.

COMMENT:

- (1) Elements, II, 16--keep related words together.
- (2) Southern Board added to conform with language of Section 9(A) as enrolled.
- (3) Elements, II, 16--keep related words together.
- (4) Elements, V, 16--be clear.

SECTION 8 (13)

becomes SECTION 6 (17)

1 Section 8. Board of Trustees
2 for State Colleges and
3 Universities
4 Section 8. (A) Creation;
5 Powers. There is created a body
6 corporate known as the Board of
7 Trustees for State Colleges and
8 Universities which, subject to
9 the powers vested in the Board of
10 Regents by this Article, shall
11 have:
12 (1) Supervision and management

1 Section 6. Board of Trustees
2 for State Colleges and
3 Universities
4 Section 6. (A) Creation;
5 Functions. ⁽¹⁾ The Board of Trustees for
6 State Colleges and Universities
7 is created as a body corporate. ⁽¹⁾
8 Subject to powers vested by this
9 Article ⁽²⁾ in the Board of Regents,
10 it shall have supervision and manage-
11 ment of:
12 (1) state colleges and universi-

13 of all state colleges and uni-
14 versities except those included
15 under the management of the Board
16 of Supervisors of Louisiana State
17 University and Agricultural and
18 Mechanical College, Board of
19 Supervisors of Southern University
20 and Agricultural and Mechanical
21 College, and any other board
22 hereafter created pursuant to this
23 Article.

24 (2) Unless and until the
25 legislature shall provide
26 otherwise, supervision and
27 management of all public
28 institutions of vocational-
29 technical training and career
30 education at post-secondary
31 levels.

13 ⁽³⁾ ties not managed by a higher education
14 board created by or under this Article;
15 and
16 ⁽⁵⁾ ⁽²⁾ unless the legislature pro-
17 ⁽⁶⁾ vides otherwise, ⁽⁷⁾ public institutions
18 of vocational-technical training and
19 of career education at post-secondary
20 levels.

COMMENT:

- (1) Manual, Rule 8--rewrite "there is."
- (2) Elements, II, 16--keep related words together.

- 15 -

SECTION 8 (A) becomes SECTION 6(A)

- (3) Manual, Rule 5--substitute word for phrase.
- (4) Ibid.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(6) Manual, Rule 11--present tense.

(7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

-16-

SECTION 8 (B) becomes SECTION 6 (B)

9 (B) Board Membership; Terms.
10 The members of the board shall
11 be appointed by the governor,
12 with the consent of the Senate,
13 for overlapping terms of six
14 years following initial terms
15 which shall be fixed by law.
16 Two of the members shall be
17 residents of each of the con-
18 gressional districts into which
19 the state is divided, and one
20 member shall be from the state
21 at large.

9 (B) Membership; Terms.
10 The board shall be composed of
11 two members from each congressional
12 district and one member from the
13 state at large, appointed by the
14 governor with consent of the Senate.
15 The members shall serve overlapping
16 terms of six years, following
17 initial terms fixed by law.⁽¹⁾
18
19
20
21

COMMENT:

(1) Paragraph rewritten to state composition of board before stating terms members serve.

-17-

SECTION 8 (C) becomes SECTION 6 (C)

1 (C) Vacancies. A vacancy
2 occurring prior to the expira-
3 tion of the term shall be filled

1 (C) Vacancy. A vacancy occur-
2 ring prior to the expiration of a⁽¹⁾
3 term shall be filled for the

4 for the remainder of the un-
5 expired term by appointment by the
6 governor, with the consent of the
7 Senate.

4 remainder of the unexpired term by
5 appointment by the governor, with ⁽²⁾
6 consent of the Senate.

COMMENT:

(1) Indefinite article substituted for definite article.

(2) Standardization of language.

SECTION 9 (A) becomes SECTION 7 (A)

8 Section 9. Board of Super-
9 visors of Louisiana State
10 University and Agricul-
11 tural and Mechanical
12 College; Board of Super-
13 visors of Southern
14 University and Agricul-
15 tural and Mechanical
16 College

17 Section 9. (A) Creation;
18 Powers. There is created bodies
19 corporate, known as the Board of
20 Supervisors of Louisiana State
21 University and Agricultural and
22 Mechanical College and the Board
23 of Supervisors of Southern Uni-
24 versity and Agricultural and

8 Section 7. Board of Super-
9 visors of Louisiana State
10 University and Agricultural
11 and Mechanical College;
12 Board of Supervisors of
13 Southern University and
14 Agricultural and Mechanical
15 College

16 Section 7. (A) Creation;
17 Powers. ⁽¹⁾ The Board of Supervisors
18 of Louisiana State University
19 and Agricultural and Mechanical
20 College and the Board of Super-
21 visors of Southern University and
22 Agricultural and Mechanical College
23 are created as bodies corporate. ⁽¹⁾
24 Subject to powers vested in the ⁽²⁾

25	Mechanical College, which subject	25	Board of Regents, ⁽³⁾ each shall
26	to the powers vested in the Board	26	supervise and manage the institu-
27	of Regents, shall supervise and	27	tions, ⁽⁴⁾ statewide agricultural pro-

SECTION 9(A) becomes SECTION 7(A)

1	manage the institutions and	1	grams, ⁽⁴⁾ and other programs adminis-
2	statewide agricultural and other	2	tered through its system. ⁽⁵⁾
3	programs administered through the	3	
4	Louisiana State University and	4	
5	Agricultural and Mechanical	5	
6	College and the Southern University	6	
7	Agricultural and Mechanical	7	
8	College system.	8	

COMMENT:

- (1) Manual, Rule 8--rewrite "there is."
- (2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (3) Elements, V, 16--be clear.
- (4) Manual, Rule 20 and Elements, I, 2--commas in series.
- (5) Manual, Rule 5--substitute word for phrase.

SECTION 9(B) becomes SECTION 7(B)

9	(B) Membership; terms. The	9	(B) Membership; Terms.
10	members of each board shall be	10	Each board shall be composed of two
11	appointed by the governor, with	11	members from each congressional dis-
12	the consent of the Senate, for	12	trict and one member from the state
13	overlapping terms of six years	13	at large, appointed by the governor
14	following initial terms which	14	with consent of the Senate. The
15	shall be fixed by law. Each	15	members shall serve overlapping

16 board shall be composed of two
17 members from each of the con-
18 gressional districts into which
19 the state is divided, and one
20 member shall be from the state
21 at large.

16 terms of six years, following ini-
17 tial terms fixed by law. (1)
18
19
20
21

COMMENT:

(1) Paragraph rewritten to state composition of board before stating terms members serve and to achieve construction parallel to Section 6(B).

- 19 -

SECTION 9 (C) becomes SECTION 7 (C)

1 (C) Vacancies. A vacancy oc-
2 ccurring prior to the expiration
3 of the term shall be filled for
4 the remainder of the unexpired
5 term by appointment by the
6 governor, with the consent of
7 the Senate.

1 (C) Vacancy. A vacancy occur-
2 ring prior to the expiration of a⁽¹⁾
3 term shall be filled for the
4 remainder of the unexpired term
5 by appointment by the governor, with
6 consent of the Senate.⁽²⁾
7

COMMENT:

(1) Indefinite article substituted for definite article.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

-20-

SECTION 11 (A) becomes SECTION 8 (A)

1 Section 11. Boards; Dual Mem-
2 bership Prohibited; Student
3 Membership Authorized
4 Section 11. (A) No person
5 shall be eligible to simultan-
6 eously serve on more than one
7 board created by or pursuant to
8 this Article.

1 Section 8. Boards; Membership;
2 Compensation.
3 Section 8. (A) Dual Member-
4 ship. No person shall be eligible
5 to serve ⁽¹⁾ simultaneously on more
6 than one board created by or
7 pursuant to this Article.
8

COMMENT:

(1) Elements, II, 16--keep related words together; i.e., do not split infinitive.

- 21 -

SECTION 11 (B) becomes SECTION 8 (B)

1 (B) The legislature may
2 provide for the membership of
3 one student on the Board of
4 Trustees for State Colleges
5 and Universities, one student
6 on the Board of Supervisors
7 of Louisiana State University
8 and Agricultural and Mechanical
9 College, and one student on the
10 Board of Supervisors of
11 Southern University and Agricul-
12 tural and Mechanical College
13 whose terms shall not exceed

1 (B) Student Membership. The legisla-
2 ture may provide for the membership of one
3 student on the boards created by
4 Sections 6 and 7 of this Article .
5 ⁽²⁾ The term of a student member
6 shall not exceed one year, and
7 no student member shall be
8 eligible to succeed himself.
9 A student member shall have all
10 of the privileges and rights of
11 other board members except the
12 right to vote.
13

14	one year. No student member	14
15	shall be eligible to succeed	15
16	himself. A student member shall	16
17	enjoy all of the privileges	17
18	and rights of other board	18
19	members except the right to	19
20	vote.	20

COMMENT:

(1) Sentence rewritten to avoid listing all higher education boards.

(2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(3) Standardization of language.

SECTION 8(C)

21	SECTION	21
22	7C →	22
23	Part of SECTION	23
24	4C →	24
25		25

21	(C) Compensation. A member of a board
22	created by or pursuant to this
23	Article shall serve without pay,
24	but per diem and expenses may be
25	provided by law. ⁽¹⁾

COMMENT:

(1) Part of Section 4(C) as enrolled and all of Section 7(C) as enrolled are consolidated and renumbered above as Section 8(C).

SECTION 12(A) becomes SECTION 9(A)

1	Section 12. Parish School
2	Boards; Parish Superin-
3	tendents
4	Section 12. (A) Parish School

1	Section 9. Parish School
2	Boards; Parish Superinten-
3	dents
4	Section 9. (A) Boards. The

5 Boards. The legislature shall
6 create parish school boards and
7 shall provide for the election
8 of the members of such boards.

5 legislature shall create parish
6 school boards and ⁽¹⁾ provide for the
7 election of their ⁽²⁾ members.
8

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Manual, Rule 5--substitute word for phrase.

- 23 -

SECTION 12 (B) becomes SECTION 9(B)

1 (B) Parish Superintendents.
2 Each parish board shall elect
3 a superintendent of parish
4 schools. The State Board of
5 Elementary and Secondary Edu-
6 cation shall fix the qualifi-
7 cations and prescribe the
8 duties of the parish super-
9 intendent, who need not be
10 a resident of the parish in
11 which he serves.

1 (B) Superintendents. Each
2 parish board shall elect a superinten-
3 dent of parish schools. The State
4 Board of Elementary and Secondary
5 Education shall fix the qualifica-
6 tions and prescribe the duties of
7 the parish superintendent. ⁽¹⁾ He
8 need not be a resident of the parish
9 in which he serves.
10
11

COMMENT:

(1) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

Section 13 (13) becomes Section 10 (13)

1 Section 13. Recognition of
2 Existing Boards and
3 Systems; Consolidation
4 Section 13. (A) Recognition
5 of Boards and Systems. Parish
6 and city school board systems,
7 in existence on the effective
8 date of this constitution, by
9 virtue of special or local
10 legislative acts or previous
11 constitutional provisions,
12 are hereby recognized, subject
13 to control by and supervision
14 of the State Board of Elementary
15 and Secondary Education and the
16 power of the legislature to
17 enact laws affecting them.

1 Section 10. Existing Boards
2 and Systems Recognized;
3 Consolidation
4 Section 10. (A) Recognition.
5 Parish and city school board systems
6 in existence on the effective date of
7 this constitution ^{(2) (3)} are recognized, sub
8 ject to control ⁽⁴⁾ and supervision by
9 the State Board of Elementary and
10 Secondary Education and the power
11 of the legislature to enact laws
12 affecting them.
13
14
15
16
17

COMMENT:

- (1) Webster's, Rule 4.4.1--omit needless commas.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Ibid.
- (4) Ibid.

SECTION 13 (B) becomes SECTION 10 (B)

1 (B) Ouachita Parish and Mon-
2 roe City School Systems; board
3 membership. Only persons
4 residing within the jurisdic-
5 tion of the Monroe City School
6 Board shall be eligible to
7 vote for or be members of the
8 Monroe City School Board.
9 Only persons residing in that
10 portion of Ouachita Parish
11 outside the jurisdiction of
12 the Monroe City School Board
13 shall be eligible to vote
14 for or be members of the
15 Ouachita Parish School Board.
16 Any member of either board at
17 any time not satisfying the
18 requirements of this Paragraph
19 immediately shall vacate his
20 position. The provisions of
21 this Paragraph shall not
22 become operative until the
23 election of members to the
24 Ouachita Parish School Board
25 taking office in 1977 or upon
26 the first reapportionment
27 affecting the Ouachita Parish
28 School Board, whichever occurs

1 (B) Ouachita Parish and Monroe
2 City School Systems; Board Member-
3 ship. Only persons residing within
4 the jurisdiction of the Monroe City
5 School Board shall be eligible to
6 vote for or be members of the Monroe
7 City School Board. Only persons
8 residing in that portion of Ouachita
9 Parish outside the jurisdiction
10 of the Monroe City School Board shall
11 be eligible to vote for or be members
12 of the Ouachita Parish School Board.
13 ⁽¹⁾ The position of a member of either
14 board shall be vacated when he no
15 longer satisfies ⁽¹⁾ the requirements of
16 this Paragraph. ⁽²⁾ This Paragraph shall
17 ⁽³⁾ become operative upon ⁽³⁾ the election of
18 members to the Ouachita Parish School
19 Board taking office in 1977 or upon
20 the first reapportionment affecting
21 the Ouachita Parish School Board,
22 whichever occurs earlier.
23 The provisions of this Paragraph
24 shall be operative notwithstanding
25 anything in this constitution to the
26 contrary.

29	earlier.		29
30	The provisions of this		30
31	Paragraph shall be opera-		31
32	tive notwithstanding any-		32
33	thing in this constitution		33
34	to the contrary.		34

SECTION 13(B) becomes SECTION 10(B)

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Ibid.
- (3) Elements, II, 11--positive form.

SECTION 13(B)² becomes SECTION 10(C)

1 (B) Consolidation. Two
 2 or more school systems may be
 3 consolidated under procedures
 4 enacted by the legislature,
 5 subject to approval of a
 6 majority of the qualified
 7 electors voting in each system
 8 affected in an election called
 9 for that purpose.

1 (C) Consolidation. ⁽¹⁾ Subject to
 2 approval by a majority of the ⁽²⁾ ⁽³⁾ electors
 3 voting, in each system affected, in ⁽⁴⁾
 4 an election held for that purpose, ⁽⁵⁾ ⁽⁵⁾ any ⁽⁶⁾
 5 two or more school systems may be
 6 consolidated as provided by law. ⁽⁷⁾ ⁽⁷⁾
 7
 8
 9

COMMENT:

- (1) Manual, Rule 18--place exception first.

- (2) Standardization of language.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) See Webster's, Rule 4.4.2--commas inserted for emphasis.
- (5) Standardization of language.
- (6) Elements, V, 16--be clear.
- (7) Standardization of language.

SECTION 14 becomes SECTION 11

1	Section 14. Appropriations;	1	Section 11. Appropriations;
2	Boards	2	State Boards
3	Section 14. The legislature	3	Section 11. The legislature shall
4	shall appropriate funds for the	4	appropriate funds for the operating
5	operating and administrative	5	and administrative expenses of the
6	expenses of the boards created	6	state boards created by or pursuant to
7	pursuant to this Article.	7	this Article.

COMMENT:

- (1) Elements, V, 16--be clear.
- (2) Ibid.

SECTION 15 becomes SECTION 12

1	Section 15. Appropriations;	1	Section 12. Appropriations;
2	Higher Education	2	Higher Education
3	Section 15. Appropriations	3	Section 12. Appropriations for
4	for the institutions of higher	4	the institutions of higher education

5 education and post-secondary
6 vocational-technical training
7 and career education shall be
8 made to their respective
9 managing boards. The appro-
10 priations shall be administered
11 by the managing boards and used
12 solely as provided by law.

5 and post-secondary vocational-
6 technical training and career educa-
7 tion shall be made to their manag-
8 ing boards. The funds appropriated
9 shall be administered by the manag-
10 ing boards and used solely as provided
11 by law.
12

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Elements, V, 16--be clear.

- 30 -

SECTION 16 (A) becomes SECTION 13 (A)

1 Section 16. Funding;
2 Elementary and Second-
3 ary Education; Appor-
4 tionment
5 Section 16. (A) The legis-
6 lature shall appropriate funds
7 to supply free school books and
8 other materials of instruction
9 prescribed by the State Board
10 of Elementary and Secondary
11 Education to the children of
12 this state at the elementary
13 and secondary levels.

1 Section 13. Funding; Apportion-
2 ment
3 Section 13. (A) Free School
4 Books. The legislature shall
5 appropriate funds to supply
6 free school books and other materials
7 of instruction prescribed by the
8 State Board of Elementary and
9 Secondary Education to the children
10 of this state at the elementary
11 and secondary levels.
12
13

COMMENT:

NO CHANGE

- 31 -

SECTION 16 (B) becomes SECTION 13(B)

1 (B) The legislature shall
2 appropriate sufficient funds
3 to insure a minimum founda-
4 tion program of education in
5 all public elementary and
6 secondary schools. Such funds
7 as the legislature appropri-
8 ates shall be equitably
9 allocated to the parish and
10 city school systems accord-
11 ing to formulas adopted by
12 the State Board of Elementary
13 and Secondary Education and
14 approved by the legislature
15 prior to the time such appro-
16 priation is made.

1 (B) Minimum Foundation Program.
2 The legislature shall appropriate
3 funds sufficient to insure a
4 minimum foundation program of
5 education in all public elementary
6 and secondary schools. The funds
7 appropriated shall be equitably
8 allocated to parish and city school
9 systems according to formulas adopt-
10 ed by the State Board of Elementary
11 and Secondary Education and approv-
12 ed by the legislature prior to
13 making the appropriation.
14
15
16

COMMENT:

- (1) Elements, II, 16--keep related words together.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Manual, Rule 5--substitute word for phrase.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Manual, Rule 5--substitute word for phrase.

- 32 -

SECTION 16 (C) becomes SECTION 13 (C)

1 (C) The local funds for
2 the support of elementary and

1 (C) Local Funds. ⁽¹⁾ local funds
2 for the support of elementary and

3 secondary schools shall be
4 derived from the following
5 sources:

6 First: Each parish school
7 board, the parish of Orleans
8 excepted, and each municipali-
9 ty or municipal school board
10 actually operating, maintain-
11 ing or supporting a separate
12 system of public schools, shall
13 levy annually an ad valorem
14 maintenance tax of five mills,
15 or as much thereof as is
16 necessary, on all property
17 subject to such taxation with-
18 in the parish or city, respec-
19 tively.

20 Second: The Orleans Parish
21 School Board shall levy
22 annually a tax not to exceed
23 thirteen mills on the dollar
24 on the assessed valuation of
25 all property within the city
26 of New Orleans assessed for
27 city taxation, and shall
28 certify such fact to the
29 governing authority of the
30 city. The governing authori-
31 ty shall cause said tax to
32 be entered on the tax rolls

3 secondary schools shall be derived
4 from the following sources:

5 First: Each parish school board,
6 Orleans Parish excepted, and each
7 municipality or city school board
8 actually operating, maintaining, or
9 supporting a separate system of public
10 schools, shall levy annually an ad
11 valorem maintenance tax not to exceed
12 five mills on the dollar of assessed
13 valuation on property subject to such
14 taxation within the parish or city,
15 respectively.

16 Second: The Orleans Parish School
17 Board shall levy annually a tax not to
18 exceed thirteen mills on the dollar of
19 the assessed valuation of property
20 within the city of New Orleans assessed
21 for city taxation, and shall certify
22 the amount of the tax to the governing
23 authority of the city. The governing
24 authority shall have the tax entered
25 on city tax rolls. The tax shall be
26 collected in the manner, under the
27 conditions, and with the interest and
28 penalties prescribed by law for city
29 taxes. The money thus collected shall
30 be paid daily to the Orleans Parish
31 School Board.

32 Third: For giving additional

33	of the city and collected in	33	support to ⁽¹²⁾ public elementary and
34	the manner and under the condi-	34	secondary schools, any parish, school
35	tions and with the interest and	35	district, or sub-school district, or
36	penalties prescribed by law for	36	any municipality or city school board
37	city taxes. The money thus	37	which supports a separate city system

Section 16 (c) becomes Section 13(c)

1 collected shall be paid
 2 daily to the Orleans Parish
 3 School Board.
 4 Third: For giving addi-
 5 tional support to the public
 6 elementary and secondary
 7 schools, any parish, school
 8 district, or subschool dis-
 9 trict, or any municipality
 10 which supports a separate city
 11 system of public schools may
 12 levy ad valorem taxes for
 13 specific purposes, when
 14 authorized by a majority of
 15 the electors voting in the
 16 parish, municipality, dis-
 17 trict, or subdistrict, in an
 18 election called for the purpose.
 19 The amount, duration, and
 20 purpose of such taxes shall
 21 be in accord with any limita-

1 of public schools may levy an ad
 2 valorem ⁽¹⁴⁾ tax for a specific purpose,
 3 when authorized by a majority of the
 4 electors voting in the parish,
 5 municipality, ⁽¹⁵⁾ district, or subdistrict
 6 in an election held for that purpose.
 7 The amount, duration, and purpose
 8 of the tax shall be in accord with
 9 any limitation imposed by the legis-
 10 lature.
 11
 12
 13
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 21

22 tions imposed by the legisla- | 22
23 ture. | 23

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Standardization of language.
- (3) Manual, Rule 20 and Elements, I, 2--commas in series.
- (4) Standardization of language.
- (5) Standardization of language.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

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SECTION 16 (C) becomes SECTION 13 (C)

- (7) Elements, V, 16--be clear.
- (8) Manual, Rule 5--substitute word for phrase.
- (9) Ibid.
- (10) Manual, Rule 10--short sentences.
- (11) Manual, Rule 20 and Elements, I, 2--commas in series.
- (12) Manual, Rules 5, 13, and Elements, II, 13--omit needless words.
- (13) Elements, V, 16--be clear.
- (14) Manual, Rule 12--singularization.
- (15) Webster's, Rule 4.4.1--omit needless commas,
- (16) Standardization of language.
- (17) Manual, Rule 6--avoid hackneyed reference words.
- (18) Manual, Rule 12--singularization.

- 35 -

Section 16 (D) becomes Section 13 (D)

1 (D) For the effects and
2 purposes of the provisions
3 of this entire Section, the
4 municipalities of Monroe in
5 Ouachita Parish, and Bogalusa
6 in Washington Parish, and no
7 other, shall be regarded as,
8 and treated upon the same
9 basis and shall have the
10 same authority as parishes.

1 (D) Municipal School Systems.
2 For the effects and purposes
3 ⁽¹⁾ of this Section, the municipalities
4 of Monroe in Ouachita Parish, and
5 Bogalusa in Washington Parish,
6 ⁽²⁾ and no others, shall be regarded
7 ⁽³⁾ and treated as parishes and shall
8 ⁽⁴⁾ have the authority granted parishes.
9
10

COMMENT:

- (1) Standardization of language.
- (2) Elements, v, 16--be clear.
- (3) Manual, Rule 5--substitute word for phrase.
- (4) Ibid.

Section 17 becomes Section 14

1 Section 17. Tulane University
2 Section 17. The Tulane Univer-
3 sity of Louisiana, located in New
4 Orleans, is hereby recognized as
5 created and to be developed in
6 accordance with provisions of the

1 Section 14. Tulane University
2 Section 14. The Tulane Univer-
3 sity of Louisiana in New Orleans ⁽¹⁾⁽²⁾
4 ⁽³⁾ is recognized as created and to
5 be developed in accordance with
6 ⁽⁴⁾ Act No. 43 approved July 5, 1884.

7 Legislative Act No. 43 approved

7

8 July 5, 1884.

8

COMMENT:

- (1) Webster's, Rule 4.4.1--omit needless commas.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Ibid.
- (4) Ibid.

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1/10/74

COMMITTEE PROPOSAL NO. 7: FIRST ENROLLMENT

Changes recommended by Committee on Education and Welfare and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTIONS AS ADOPTED:
INCORPORATING CHANGES
RECOMMENDED BY COMMITTEE
ON STYLE AND DRAFTING

FURTHER CHANGES RECOMMENDED
BY BOTH COMMITTEES TO CLARIFY
POSSIBLE AMBIGUITIES

1 Section 7. (A) Creation;
2 Powers. The Board of Supervisors
3 of Louisiana State University
4 and Agricultural and Mechanical
5 College and the Board of Super-
6 visors of Southern University and
7 Agricultural and Mechanical College
8 are created as bodies corporate.
9 Subject to powers vested in the
10 Board of Regents, each shall
11 supervise and manage the institu-

1 Section 7. (A) Creation;
2 Powers. The Board of Supervisors
3 of Louisiana State University
4 and Agricultural and Mechanical
5 College and the Board of Super-
6 visors of Southern University and
7 Agricultural and Mechanical College
8 are created as bodies corporate.
9 Subject to powers vested by this
10 Article in the Board of Regents,
11 each shall supervise and manage

12 tions, statewide agricultural pro-
13 grams, and other programs adminis-
14 tered through its system.

12 the institutions, statewide
13 agricultural programs, and other
14 programs administered through its
15 system.

CAVEAT: Section 6(A) as renumbered allows the Board of Trustees for State Colleges and Universities powers of supervision and management subject "to powers vested by this Article in the Board of Regents." The LSU Board and the Southern Board are granted powers subject "to powers vested in the Board of Regents" in Section 7(A) as renumbered. For consistency, it might be advisable to insert "by this Article" in the text of Section 7(A) as suggested above.

SECTION 13(B) becomes SECTION 10(B)

1 (B) Ouachita Parish and Monroe
2 City School Systems; Board Member-
3 ship. Only persons residing within
4 the jurisdiction of the Monroe City
5 School Board shall be eligible to
6 vote for or be members of the Monroe
7 City School Board. Only persons
8 residing in that portion of Ouachita
9 Parish outside the jurisdiction
10 of the Monroe City School Board shall
11 be eligible to vote for or be members
12 of the Ouachita Parish School Board
13 The position of a member of either
14 board shall be vacated when he no
15 longer satisfies the requirements of
16 this Paragraph. This Paragraph shall

1 (B) Ouachita Parish and
2 Monroe City School Systems; Board
3 Membership. Only persons resid-
4 ing within the jurisdiction of
5 the Monroe City School Board
6 shall be eligible to vote for
7 or be members of the Monroe City
8 School Board. Only persons
9 residing in that portion of
10 Ouachita Parish outside the
11 jurisdiction of the Monroe City
12 School Board shall be eligible
13 to vote for or be members of
14 the Ouachita Parish School Board.
15 The position of a member of
16 either board shall be vacated

17	become operative upon the election of	17	when he no longer satisfies the
18	members to the Ouachita Parish School	18	requirements of this Paragraph.
19	Board taking office in 1977 or upon	19	(1) Notwithstanding any contrary
20	the first reapportionment affecting	20	provision of this constitution, (1)
21	the Ouachita Parish School Board,	21	this Paragraph shall become
22	whichever occurs earlier.	22	operative upon the election of
23	The provisions of this Paragraph	23	members to the Ouachita Parish
24	shall be operative notwithstanding	24	School Board taking office in
25	anything in this constitution to the	25	1977 or upon the first reappor-
26	contrary.	26	tionment affecting the Ouachita
27		27	Parish School Board, whichever
28		28	occurs earlier.

CAVEAT:

Some ambiguity results from the last paragraph of Section 10(B) as enrolled which provides, "The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary."

Paragraph (B) (1) provides for voting for and membership on the Monroe City and Ouachita Parish School Boards, (2) provides that any board member not meeting those requirements must vacate his position, then (3) provides that the Paragraph shall not be operative until 1977 or until reapportionment occurs. After this, the provision is inserted that "The provisions of this Paragraph shall be operative notwithstanding anything in this constitution

to the contrary."

If that last sentence applies to all three items mentioned above, there arises a question as to whether consolidation of the two school boards under Section 10(C) would be prohibited. But Section 10(C) indicates that any school system may be consolidated under procedures enacted by the legislature.

One interpretation of the language, which would give effect to both the language and Section 10(C), is that the last "notwithstanding" clause of Paragraph (B) applies only to Item 3 (the effective date of the provisions) and was intended to supersede the effective date of the constitution which will be provided elsewhere. That interpretation is reinforced by the fact that Item 3 uses

the phrase "shall not become operative" and the "notwithstanding" clause uses the expression "shall be operative." This somewhat unusual use of the word "operative" in this context, (it is not so used elsewhere in the constitution) supports the construction that the two sentences are related to each other. If that interpretation is correct, the Section can be restyled and shortened, as suggested above, to make it clear that the "notwithstanding" clause applies only to the effective date.

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*style & wording
are indicated in ink in
right-hand column, sorry,
no time to retype!* 1/11/74

COMMITTEE PROPOSAL NO. 9: FIRST ENROLLMENT

HUMAN RESOURCES

Staff Styling Suggestions: Comparative Presentation

<u>PROPOSAL AS ENROLLED</u>	<u>SUGGESTED CHANGES</u>
1 ARTICLE VII. HUMAN RESOURCES	1 ARTICLE VII. HUMAN RESOURCES
2 Section 1. State and City	2 Section 1. State and City
3 Civil Service	3 Civil Service
4 Section 1. (A) Civil Service	4 Section 1. (A) Civil Ser-
5 System; State; Cities.	5 vice System.
6 (1) State Civil Service.	6 (1) State Civil Service.
7 The state civil service includes	7 The state civil service is estab-
8 all offices and positions of trust	8 lished ⁽¹⁾ ₍₂₎ includes all persons
9 or employment in the employ of the	9 holding offices and positions
10 state, or any instrumentality	10 of trust or employment in the
11 thereof, and any joint state and	11 employ of the state, or any
12 federal agency, joint state and	12 instrumentality thereof, and any
13 parochial agency or joint state	13 joint state and federal agency,

14 and municipal agency, irrespective
15 of what funds are used to pay for
16 such employment. It shall not in-
17 clude municipal boards of health
18 or local governmental subdivi-
19 sions.

20 (2) City Civil Service. The
21 city civil service includes all
22 offices and positions of trust

23
24

14 joint state and procrial agency,
15 or joint state and municipal
16 agency, regardless of the source
17 of the funds used to pay for
18 such employment. It shall
19 not include persons holding
20 offices ⁽²⁾ and positions of any
21 municipal board of health or local
22 governmental subdivision.

23 (2) City Civil Service.
24 The city civil service is estab-
⁽¹⁾

SECTION 1 (14) (2)

1 or employment in the employ of
2 each city in the state with over
3 four hundred thousand population,
4 and every instrumentality thereof.
5 However, paid firemen and muni-
6 cipal policemen may be excluded
7 if a majority of the electors in
8 the city affected voting at an
9 election held for the purpose
10 consent thereto, provided said
11 election shall be called by the
12 governing authority of the city
13 affected within one year after
14 the effective date of this
15 constitution.

1 ^{AND} lished ⁽²⁾ [to] includes all persons
2 ⁽²⁾ holding offices and positions of
3 trust or employment in the employ
4 of each city ⁽⁴⁾ having over four
5 hundred thousand population and
6 ⁽⁵⁾ in every instrumentality thereof.
7 However, paid firemen and municipal
8 policemen may be excluded if a
9 majority of the electors in the
10 ⁽⁶⁾ affected city voting at an election
11 ⁽⁷⁾ held for that purpose ⁽⁸⁾ approve their
12 ⁽⁹⁾ exclusion. The election shall be
13 ⁽¹⁰⁾ called by the municipal governing
14 authority within one year after the
15 effective date of this constitution.

SECTION 1 (B)

(B) Classified and Un-
classified Service. The state
and city civil service is divi-
ded into the unclassified and
classified service.

All persons not included
in the unclassified service are
in the classified service.

The unclassified service
shall include the following
officers and employees in the
state and city civil service:

- (1) elected officers and persons appointed to fill vacancies in elective offices;
- (2) heads of principal executive departments appointed by the governor, the mayor, or the governing authority of a city;
- (3) city attorneys;
- (4) registrars of voters;
- (5) members of state and city boards, authorities, and commissions;
- (6) one private secretary to the president of each college or university, and one person holding a confidential position and one principal assistant or deputy to any officer, board, commis-

(B) Classified and Unclassified
Service.

(1) The state and city civil
service is divided into the unclassified
and the classified service. Persons
not included in the unclassified
service are in the classified service.

(2) The unclassified service
shall include the following officers
and employees in the state and city
civil service:

- (a) ⁽²⁾ [each] ⁽²⁾ elected officials and ⁽²⁾ persons appointed to fill a ⁽²⁾ vacancy in an ⁽²⁾ elective office;
- (b) ⁽²⁾ the ⁽²⁾ heads of each ⁽²⁾ principal executive department ⁽²⁾ appointed by the governor, the mayor, or the governing authority of a city;
- (c) ⁽²⁾ [each] city attorneys;
- (d) ⁽²⁾ [each] registrars of voters;
- (e) members of state and city boards, authorities, and commissions;
- (f) one private secretary to the president of each college or university;
- (g) one person holding a confidential position and one principal assistant or deputy to any officer,

30 sion, or authority mentioned in
31 (1), (2), (4), or (5) above,
32 except civil service depart-
33 ments; (7) members of the mili-
34 tary or naval forces; (8)
35 teaching and professional staffs,

30 board, commission, or authority men-
31 tioned in (a), (b), (d), or (e) above
32 except civil service departments;
33 (h) members of the military or
34 naval forces;
35 (i) teaching and professional

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UCCY 107 (15)

1 and administrative officers of
2 schools, colleges and universi-
3 ties of the state and bona fide
4 students of such institutions
5 employed by any state, parochial,
6 or municipal agency; (9) em-
7 ployees, deputies, and officers
8 of the legislature, of the
9 offices of the governor, lieuten-
10 ant governor, attorney general,
11 each mayor and city attorney of
12 the several cities, of police
13 juries, of school boards, of
14 assessors, of all offices pro-
15 vided for in Article V of this
16 Constitution except the offices
17 of clerk of the municipal and
18 traffic courts in New Orleans,
19 of coroners; (10) commissioners
20 of elections, and watchers; cus-

1 staffs, and administrative officers
2 of schools, colleges, and universi-
3 ties of the state, ⁽³⁾ and bona fide
4 students of those institutions ⁽⁴⁾
5 employed by any state, parochial,
6 or municipal agency;
7 (j) employees, deputies, and
8 officers of the legislature and of
9 the offices of the governor,
10 lieutenant governor, attorney
11 general, each mayor and city attor-
12 ney, ⁽⁵⁾ of police juries, ⁽⁶⁾ school
13 boards, assessors, ⁽⁶⁾ ⁽⁴⁾ ⁽⁷⁾ ^{and} ⁽⁹⁾ ^{of}
14 all offices provided for in
15 Article V of this constitution
16 except the offices of clerk of
17 the municipal and traffic courts
18 in New Orleans;
19 (k) commissioners of elections,
20 ⁽⁸⁾ ⁽⁹⁾ watchers, and custodians and deputy

21 todians and deputy custodians
22 of voting machines; railroad
23 employees whose working condi-
24 tions and retirement benefits
25 are regulated by federal agen-
26 cies in accordance with federal
27 statutory law.

28 Additional positions may
29 be added and revoked by rules
30 adopted by a commission.
31

21 custodians of voting machines;
22 and
23 (1) railroad employees whose
24 working conditions and retirement
25 benefits are regulated by federal
26 agencies in accordance with federal
27 law.

28 (3) Additional positions may
29 be added to the unclassified ser-
30 vice and those positions may be
31 revoked by rules adopted by a
commission.

SECTION 144

1 (C) State Civil Service
2 Commission; Appointment; Nomina-
3 tion. There shall be a State
4 Civil Service Commission, domi-
5 ciled in Baton Rouge, composed
6 of seven members who are elec-
7 tors of this state, four of whom
8 constitute a quorum. No more
9 than one appointed member shall
10 be from each congressional dis-
11 trict.

12 (1) Appointment. The mem-
13 bers shall be appointed by the
14 governor, as hereinafter pro-
15 vided, for overlapping terms of
16 six years.

1 (C) State Civil Service
2 Commission.
3 (1) The State Civil Service
4 Commission is established and shall
5 be domiciled in the state capital
6 It shall be composed of seven
7 members who are electors of this
8 state, four of whom shall constitute
9 a quorum. No more than one appointed
10 member shall be from each congres-
11 sional district.

12 (2) Appointment. The members
13 shall be appointed by the governor
14 as hereinafter provided, for over-
15 lapping terms of six years.

16 (3) Nominations. The presi-

17 (2) Nominations. The presi-17
18 dents of Centenary College at 18
19 Shreveport, Louisiana; Dillard 19
20 University at New Orleans, 20
21 Louisiana; Louisiana College at 21
22 Pineville, Louisiana; Loyola 22
23 University of the South at New 23
24 Orleans, Louisiana; Tulane 24
25 University at New Orleans, 25
26 Louisiana; and Xavier University 26
27 at New Orleans, after giving due 27
28 consideration to representation 28
29 of all groups, each shall nomi- 29
30 nate three persons. One member 30
31 of the commission shall be ap- 31
32 pointed by the governor from the 32
33 three persons nominated by each 33
34 president. One member of the 34
35 commission shall be elected by 35

dents of Centenary College at
Shreveport,⁽⁶⁾ Dillard University at
New Orleans,⁽⁶⁾ Louisiana College at
Pineville,⁽⁶⁾ Loyola University at
New Orleans,⁽⁶⁾ Tulane University at
New Orleans,⁽⁶⁾ and Xavier University
at New Orleans,⁽⁷⁾ after giving con-
sideration to representation of all
groups, each shall nominate three
persons.⁽⁸⁾ The governor shall appoint⁽⁹⁾
one member of the commission from
the three persons nominated by
each president. One member of
the commission shall be elected by
the classified employees of the
state from their number as provided
by law. A vacancy for any
cause shall be filled by appointment
or election in accordance with the

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SECTION 1(C)

1 classified employees of the state 1
2 from their number as provided by 2
3 law. A vacancy for any cause 3
4 shall be filled by appointment 4
5 or election in accordance with 5
6 the procedure or law governing 6
7 the original appointment or elec- 7
8 tion, and from the same source. 8

procedure or law governing the
original appointment or election,
and from the same source. Within
thirty days after a vacancy
occurs, the president concerned
shall submit the required nomina-
tions. Within thirty days there-
after, the governor shall make

9 Within thirty days after a va-
10 cancy occurs, the president
11 concerned shall submit the re-
12 quired nominations. Within
13 thirty days thereafter, the
14 governor shall make his appoint-
15 ment. Should the governor fail
16 to appoint within thirty days,
17 the nominee whose name is first
18 on the list of nominees shall
19 automatically become a member
20 of the commission. Should one
21 of the nominating authorities
22 fail to submit nominees in the
23 time required, or should one of
24 the named institutions cease to
25 exist, the governor shall make
26 the appointment to the commission

9 his appointment. ⁽¹⁰⁾ If the governor
⁽¹⁰⁾ fails to appoint within thirty days,
10 the nominee whose name is first on
⁽¹¹⁾ the list of nominees automatically
11 shall become a member of the com-
12 mission. ⁽¹⁰⁾ If any nominating
⁽¹⁰⁾ authority fails to submit nominees
13 in the time required, or if one of
⁽¹⁰⁾ the named institutions ceases to
14 exist, the governor shall make
15 the appointment to the commission.
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SECTION 1(D)

1 (D) City Civil Service Commis-
2 sion; Appointment; Nomination;
3 Vacancies. There shall be a
4 city civil service commission in
5 each city having a population
6 exceeding four hundred thousand.
7 Each commission shall be com-
8 posed of five members, who are
9 qualified electors of the city,

1 (D) City Civil Service Commis-
2 sion.
3 (1) Creation; Membership;
4 Domicile. A city civil service
5 commission shall exist in each city
6 having a population exceeding four
7 hundred thousand. ⁽¹⁾ The domicile
8 of each commission shall be in
9 the city it serves. Each commis-

10 three of whom constitute a
11 quorum. The members shall serve
12 overlapping terms of six years
13 as hereinafter provided. The
14 domicile of each commission
15 shall be in the city which it
16 serves.

17 (1) New Orleans; Nomination
18 and Appointment. In the city
19 of New Orleans, the presidents
20 of Dillard University, Loyola
21 University of the South, St.
22 Mary's Dominican College, Xavier
23 University of Louisiana, and
24 Tulane University of Louisiana,
25 after giving due consideration
26 to representation of all groups,
27 each shall nominate three per-
28 sons, and from the three persons
29 so nominated by each, the gover-
30 ning authority of the city shall
31 appoint one to serve as a mem-
32 ber of the commission.

33 (2) Other Cities; Nomina-
34 tion and Appointment. In other
35 cities subject to the provisions

10 sion shall be composed of five
11 members, who are ⁽³⁾ electors of the
12 city, three of whom shall constitute
13 a quorum. The members shall ser-
14 ve overlapping terms of six years
15 as hereinafter provided.

16 (2) New Orleans; Nomination
17 and Appointment. In New Orleans,
18 the presidents of Dillard University,
19 Loyola University, ⁽²⁾ St. Mary's
20 Dominican College, ⁽¹⁾ Xavier Univer-
21 sity, ⁽²⁾ [and] ⁽⁴⁾ Tulane University, ⁽⁴⁾ and
22 after giving ⁽⁵⁾ consideration to
23 representation of all groups, each
24 shall nominate three persons. ⁽⁶⁾ The
25 municipal governing authority
26 shall appoint one member of the
27 commission from the three persons
28 nominated by each. ⁽⁶⁾

29 (3) Other Cities; Nomination
30 and Appointment. In each other
31 city ⁽⁷⁾ subject to this Section, the
32 presidents of any five institu-
33 tions of higher education in the
34 state, ⁽⁸⁾ selected by the governing
35 authority of the respective city,

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SECTION 1(D)

1 of this Section, the presidents
2 of any five institutions of higher

1 each shall nominate three persons,
2 after giving consideration to

3 education in the state, which
4 five institutions shall be selec-
5 ted by the governing authority of
6 the respective city, each shall
7 nominate three persons, after
8 giving due consideration to re-
9 presentation of all groups, and
10 from the three persons so nomi-
11 nated by each, the governing
12 authority of the city shall ap-
13 point one to serve as a member
14 of the commission.

15 (3) Vacancies. Vacancies
16 for any cause shall be filled
17 by appointment in accordance
18 with the procedure for the ori-
19 ginal appointment and from the
20 same source. Within thirty days
21 after a vacancy occurs, the uni-
22 versity president concerned
23 shall submit the required nomi-
24 nations. Within thirty days
25 thereafter, the governing autho-
26 rity of the city shall make the
27 appointment. Should the govern-
28 ing authority of the city fail
29 to appoint within the thirty days,
30 the nominee whose name is first on
31 the list of nominees shall auto-
32 matically become a member of the

3 representation of all groups. ⁽¹⁰⁾ The
4 municipal governing authority shall
5 appoint one member of the commission
6 from the three persons nominated
7 by each. ⁽¹⁰⁾

8 ~~(4)~~ ⁽¹¹⁾ Vacancies. A vacancy
9 shall be filled by appointment in
10 accordance with the procedure for
11 the original appointment and from the
12 same source. Within thirty days
13 after a vacancy occurs, the univer-
14 sity president concerned shall sub-
15 mit the required nominations. Within
16 thirty days thereafter, ⁽¹²⁾ the municipal
17 governing authority shall make the
18 appointment. ⁽¹³⁾ If the municipal govern-
19 ing authority ⁽¹³⁾ fails to appoint within
20 the thirty days, the nominee whose
21 name is first on the list of nominees
22 ⁽¹⁴⁾ automatically shall become a member
23 of the commission. ⁽¹³⁾ If one of the
24 nominating authorities ⁽¹³⁾ fails to sub-
25 mit nominees in the time required, or
26 ⁽¹³⁾ if one of the named institutions
27 ⁽¹³⁾ ceases to exist, ⁽¹²⁾ the municipal
28 governing authority shall make the
29 appointment.

33 commission. Should one of the 33
34 nominating authorities fail to 34
35 submit nominees in the time re- 35

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1 quired, or should one of the 1
2 named institutions cease to exist, 2
3 the governing authority of the 3
4 city shall make the appointment 4
5 to the commission. 5

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SECTION 1 (E)

1 (E) Removal. A member of
2 the state or of a city civil
3 service commission may be re-
4 moved by the governor or the
5 governing authority for cause
6 after being served with written
7 specifications of the charges
8 against him, and an opportunity
9 for a public hearing thereon is
10 afforded by his appointing
11 authority.

1 (E) Removal. A member of the
2 state or of a city civil service
3 commission may be removed by the
4 governor or the governing authority,
5 ⁽¹⁾ as the case may be, for cause, ⁽²⁾ after
6 being served with written
7 specifications of the charges
8 against him and being afforded an
9 opportunity for a public hearing
10 thereon by the appointing authority.
11

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SECTION 1 (F)

1 (F) Department of Civil
2 Service; Directors.

3 (1) State Department.
4 There shall be a Department of
5 State Civil Service in the exe-
6 cutive branch of the state
7 government.

8 (2) City Departments. There
9 shall be a department of city
10 civil service in each city hav-
11 ing a population exceeding four
12 hundred thousand.

13 (3) Directors. Each commis-
14 sion shall appoint a director,
15 after competitive examination,
16 who shall be the administrative
17 head of his department, and who
18 shall be in the classified ser-
19 vice. Each director shall ap-
20 point personnel and exercise
21 powers and duties to the extent
22 prescribed by the commission
23 appointing him.

1 (F) Department of Civil
2 Service; Directors.

3 (1) State Department. ⁽¹⁾A
4 Department of State Civil Service
5 ⁽²⁾ is established in the executive
6 branch of the state government.

7 (2) City Departments. ⁽¹⁾A
8 department of city civil service
9 shall ⁽²⁾ exist in each city having a
10 population exceeding four hundred
11 thousand.

12 (3) Directors. Each commis-
13 sion shall appoint a director, after
14 competitive examination, who shall
15 ⁽³⁾ be in the classified service. ⁽⁴⁾ He
16 shall be the administrative head of
17 his department. Each director
18 shall appoint personnel and exercise
19 powers and duties to the extent
20 prescribed by the commission appoint-
21 ing him.

SECTION 1

1 (G) Appointments; Promotions. 1
2 Permanent appointments and promo- 2
3 tions in the classified state and 3
4 city service shall be made only 4
5 after certification by the appro- 5
6 priate department of civil service 6
7 under a general system based upon 7
8 merit, efficiency, fitness, and 8
9 length of service, as ascertained 9
10 by examination which, so far as 10
11 practical, shall be competitive. 11
12 The number to be certified shall 12
13 not be less than three; however, 13
14 if more than one vacancy is to be 14
15 filled, the name of one addi- 15
16 tional eligible for each vacancy 16
17 may be certified. Each commis- 17
18 sion shall adopt rules for the 18
19 method of certification of per- 19
20 sons eligible for appointment, 20
21 promotion, reemployment, and re- 21
22 instatement and shall provide for 22
23 appointments defined as emergency 23
24 and temporary appointments where 24
25 certification is not required. 25

(G) Appointments; Promotions.
Permanent appointments and promotions
in the classified state and city ser-
vice shall be made only after certi-
fication by the appropriate depart-
ment of civil service under a general
system based upon merit, efficiency,
fitness, and length of service,
as ascertained by examination which,
so far as practical, shall be competi-
tive. The number to be certified
shall not be less than three; however,
if more than one vacancy is to be
filled, the name of one additional
eligible for each vacancy may be
certified. Each commission shall
adopt rules for the method of
certifying persons eligible for
appointment, promotion, reemploy-
ment, and reinstatement and shall
provide for appointments defined
as emergency and temporary appoint-
ments if certification is not
required.

SECTION 1 (H)

1 (H) Appeals. (1) Discipli-
2 nary Actions. No person who has
3 gained permanent status in the
4 classified state or city service
5 shall be subjected to discipli-
6 nary action except for cause ex-
7 pressed in writing. Any classi-
8 fied employee subjected to such
9 disciplinary action shall have
10 the right of appeal to the appro-
11 priate commission. The burden
12 of proof on appeal, as to the
13 facts, shall be on the appoint-
14 ing authority.

15 (2) Discrimination. No
16 classified employee shall be
17 discriminated against by reason
18 of his political or religious
19 beliefs, sex, or race. Any
20 classified employee so discrimi-
21 nated against shall have the
22 right of appeal to the appro-
23 priate commission. The burden
24 of proof on appeal, as to the
25 facts, shall be on the employee.

1 (H) Appeals.
2 (1) Disciplinary Actions. No
3 person who has gained permanent status
4 in the classified state or city service
5 shall be subjected to disciplinary
6 action except for cause expressed in
7 writing. A classified employee
8 subjected to such disciplinary action
9 shall have the right of appeal to the
10 appropriate commission. The burden
11 of proof on appeal, as to the facts,
12 shall be on the appointing authority.

13 (2) Discrimination. No clas-
14 sified employee shall be discriminated
15 against because of his political or
16 religious beliefs, sex, or race. ⁽³⁾A
17 classified employee so discriminated
18 against shall have the right of appeal
19 to the appropriate commission. The
20 burden of proof on appeal, as to the
21 facts, shall be on the employee.

SECTION 1 (I)

1 (I) Prohibitions Against
2 Political Activities. (1) No
3 member of any civil service com-
4 mission and no officer or em-
5 ployee in the classified service
6 shall participate or engage in
7 political activity; or be a can-
8 didate for nomination or elec-
9 tion to public office except to
10 seek election as the classified
11 state employee serving on the
12 State Civil Service Commission;
13 or be a member of any national,
14 state, or local committee of a
15 political party or faction; or
16 make or solicit contributions
17 for any political party, fac-
18 tion, or candidate; or take
19 active part in the management of
20 the affairs of a political
21 party, faction, or candidate or
22 any political campaign, except
23 to exercise his right as a citi-
24 zen to express his opinion pri-
25 vately, to serve as a commis-
26 sioner or official watcher at
27 the polls and to cast his vote
28 as he desires.

1 (I) Prohibitions Against Poli-
2 tical Activities.
3 (1) No member of a civil ser-⁽¹⁾
4 vice commission and no officer or
5 employee in the classified service
6 shall participate or engage in poli-
7 tical activity; ⁽²⁾ be a candidate for
8 nomination or election to public
9 office except to seek election as the
10 classified state employee serving on
11 the State Civil Service Commission;
12 or be a member of any national, stat
13 or local committee of a political
14 party or faction; ⁽²⁾ make or solicit
15 contributions for any political
16 party, faction, or candidate; or
17 take active part in the management of
18 the affairs of a political party,
19 faction, or candidate or any political
20 campaign, except to exercise his
21 right as a citizen to express his
22 opinion privately, to serve as a
23 commissioner or official watcher at
24 the polls, ⁽³⁾ and to cast his vote as he
25 desires.
26 (2) No person shall solicit
27 contributions for political
28 purposes from any classified employee

29 (2) No person shall
30 solicit contributions for poli-
31 tical purposes from any classi-
32 fied employee or official or use
33 or attempt to use his position
34 in the state or city service to
35 punish or coerce the political

29 or official or use or attempt to
30 use his position in the state or
31 city service to punish or coerce the
32 political action of a classified
33 employee.
34
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1 action of such classified em-
2 ployee.
3 (3) Political activity is
4 defined as an effort made to sup-
5 port or oppose the election of a
6 candidate for political office or
7 the support of a particular poli-
8 tical party in an election. There
9 shall be no prohibition against
10 support of issues involving
11 bonded indebtedness, tax re-
12 ferenda, or constitutional
13 amendments.
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(1)
(3) As used in this Section,
(2) "political activity" means an
(4) effort to support or oppose the
election of a candidate for
political office or to support a
(5) (6)
particular political party in
(7)
an election. The support of issues
involving bonded indebtedness, tax
referenda, or constitutional
amendments ~~is~~ ^{shall be} not prohibited. (7)

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SECTION 1 (JJ)

1 (J) Rules; Investigations;
2 Wages and Hours. (1) Rules.
3 Each commission is vested with
4 broad and general rule-making
5 and subpoena powers for the ad-
6 ministration and regulation of
7 the classified service, includ-
8 ing but not limited to the
9 adoption of rules for the re-
10 gulation of employment, promo-
11 tion, demotion, suspension, re-
12 duction in pay, removal, certi-
13 fication, qualifications,
14 political activities, and all
15 other personnel matters and
16 transactions the adoption of a
17 uniform pay and classification
18 plan, employment conditions,
19 employee training and safety,
20 compensation and disbursements
21 to employees, and generally to
22 carry out and effectuate the
23 objectives and purposes of the
24 merit system of civil service
25 as herein established. Nothing
26 contained herein shall be con-
27 strued to prevent the legis-
28 lature from supplementing these
29 uniform pay plans for sworn,

1 (J) Rules, Investigations; Wages
2 and Hours.
3 (1) Rules.
4 (a) ⁽¹⁾ Powers Each commission is
5 vested with broad and general rule-
6 making and subpoena powers for the
7 administration and regulation of the
8 classified service, including the ⁽²⁾
9 power to adopt rules for regulat- ⁽⁴⁾
10 ing employment, promotion, demotion,
11 suspension, reduction in pay,
12 removal, certification, qualifications
13 political activities, ⁽⁵⁾ employment
14 conditions, employee training and safe-
15 ty, ⁽⁵⁾ compensation and disburse-
16 ments to employees, and other
17 personnel matters and transactions; ⁽⁶⁾ to
18 adopt a uniform pay and classification
19 plan; and generally to ^{accomplish} carry out
20 and effectuate the objectives and
21 purposes of the merit system of
22 civil service as herein established.
23 ⁽⁷⁾ Nothing herein shall prevent the ⁽⁸⁾
24 legislature from ^{enacting laws} supplementing these
25 uniform pay plans for sworn,
26 commissioned law enforcement officers
27 of the Division of State Police,
28 Department of Public Safety ^{and}
29 regularly commissioned officers

30 commissioned law enforcement
31 officers of the Division of
32 State Police, Department of
33 Public Safety.
34 Veterans. The Department
35 of State Civil Service and a

30 of the Enforcement Division of
31 the Department of Wildlife and
32 Fisheries.
33 (b) ⁽¹¹⁾ Veterans. The [Department of]
34 State [Civil Service] and [each department
35 of] city civil service ⁽¹⁹⁾ ~~departments~~ shall accord a
five-point preference in original
appointment to each person honorably
discharged, or discharged under
honorable conditions from the armed

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1 department of city civil service
2 shall accord a five-point pre-
3 ference in original appointment
4 to each person honorably dis-
5 charged, or discharged under
6 honorable conditions from the
7 armed forces of the United States,
8 after having served between the
9 wartime dates of April 6, 1917
10 and November 11, 1918, both dates
11 inclusive; or between September
12 16, 1940 and July 25, 1947, both
13 dates inclusive; or between June
14 27, 1950 and January 31, 1955,
15 both dates inclusive; or who
16 served in the Viet Nam Theater
17 between July 1, 1958 and the

1 forces of the United States who ⁽¹⁰⁾
2 served between the wartime dates
3 of April 6, 1917 through November 11,
4 1918; or between September 16, 1940
5 through July 25, 1947; between
6 June 27, 1950 through January 31,
7 1955; or in the Viet Nam Theater
8 between July 1, 1958 through the
9 date the United States government
10 declares to be the date of termin-
11 ation of service for members of
12 the armed forces to receive credit
13 for the award of the Viet Nam Ser-
14 vice Medal; in a peacetime cam-
15 paign or expedition for which
16 campaign badges are authorized.
17 The [Department of] State [Civil Ser-

18 date the government of the United States declares to be the date of termination of service for members of the armed forces to receive credit for the award of the Viet Nam Service Medal, both dates inclusive; or who served in the peacetime campaigns or expeditions for which campaign badges are authorized. The Department of State Civil Service and a department of city civil service shall accord a ten-point preference in original appointment to each honorably discharged veteran who served either in peace or in war and who has one or more disabilities

18 vice] and ⁽¹⁵⁾ [each department of] city ^{Departments} civil service shall accord a ten-point preference in original appointment to each honorably discharged veteran who served either in peace or in war and who has one ⁽¹⁶⁾ or more disabilities recognized as service-connected by the Veterans Administration; ⁽¹⁷⁾ to the spouse of ⁽¹⁸⁾ each veteran whose physical condition ⁽¹⁹⁾ precludes his or her appointment to a civil service job in his or her ⁽²⁰⁾ usual line of work; to the unmarried widow of each deceased veteran ⁽²¹⁾ who served in a war period, as ⁽²¹⁾ defined above, or in a peacetime campaign or expedition; or to the ⁽²²⁾ unmarried widowed parent of any

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SECTION 1 (J)

1 recognized by the Veterans Administration as service-connected; or to the spouse of each veteran who is in such poor physical condition as to preclude his or her appointment to a civil service job in his or her usual line of work or to the unre-

1 person who died in active wartime or peacetime service or who suffered ⁽²³⁾ total and permanent disability in active wartime or peacetime service; or the divorced or separated parents of any person who died in wartime or peacetime service or who became totally and permanently disabled in

9 married widow of each deceased
10 veteran who served in a war
11 period as defined above or in a
12 peacetime campaign or expedi-
13 tion, or to the unmarried
14 parents of any person who died
15 in active wartime or peacetime
16 service or who suffered total
17 and permanent disabilities in
18 active wartime or peacetime
19 service; or the divorced or
20 separated parents of any person
21 who died in wartime or peacetime
22 service. However, only one ten-
23 point preference shall be
24 allowed in the original appoint-
25 ment to any of the persons en-
26 umerated above, and if the ten-
27 point preference is not being
28 utilized by the veteran, either
29 because of the veteran's physi-
30 cal or mental incapacity which
31 precludes his appointment to a
32 civil service job in his usual
33 line of work or because of his
34 death, the preference shall be
35 available to his spouse, unre-

9 wartime or peacetime service.
10 However, only one ten-point preference
11 shall be allowed in the original
12 appointment to any person enumerated
13 above. ⁽²⁴⁾ If the ten-point preference
⁽²⁵⁾
⁽²⁶⁾ is not used by the veteran, either
15 because of the veteran's physical
16 or mental incapacity which precludes
17 his appointment to a civil service
18 job in his usual line of work or
19 because of his death, the preference
20 shall be available to his spouse,
21 unmarried widow, or eligible
22 parents as defined above, in the
23 order specified. ⁽²⁷⁾ However, any
⁽²⁸⁾
⁽²⁹⁾ such preference may be given only
⁽²⁸⁾
25 to a person who has attained at
⁽³¹⁾ least the minimum score required
⁽²⁹⁾
⁽²⁸⁾ on each test and who has received
28 at least the minimum rating
29 required for eligibility.

30 (c) ⁽¹⁾ Layoffs; Preference
31 Employees. When a position in the
⁽³⁰⁾
32 classified service is abolished, ⁽³¹⁾ or
33 needs to be vacated because of
34 stoppage of work from lack of
⁽³²⁾
35 funds or other causes, preference

1 married widow, or eligible
2 parents as defined above, in the
3 order specified, but all such
4 preferences may be given only to
5 persons who have attained marks
6 on the tests which meet at least
7 the minimum requirements imposed
8 for each test and who have re-
9 ceived at least the minimum
10 rating required for eligibility.

11 Layoffs; Preference Em-
12 ployees. Whenever a position in
13 the classified service is abol-
14 ished or needs to be vacated
15 because of stoppage of work from
16 lack of funds, or other causes,
17 preference employees (ex-members
18 of the armed forces and their
19 dependents as described in this
20 Section) whose length of service
21 and efficiency ratings are as
22 good as or better than other
23 competing employees shall be re-
24 tained in preference to all
25 other competing employees, pro-
26 vided that when any or all of
27 the functions of any state agency
28 are transferred to or when any
29 state agency is replaced by some
30 other state agency, or state

1 employees (ex-members of the armed
2 forces and their dependents as
3 described in this Section) whose
4 length of service and efficiency
5 ratings are at least equal to those
6 of other competing employees shall
7 be retained in preference to all
8 other competing employees. However,
9 when any function of a state
10 agency is transferred to, or when a
11 state agency is replaced by, one or
12 more other state agencies, every
13 preference employee in classification
14 and performing functions transferred,
15 or working at the state agency replaced
16 shall be transferred to the replacing
17 state agency or agencies for employ-
18 ment in a position for which he is
19 qualified before that state agency
20 or agencies appoint additional
21 employees for such positions from
22 eligible lists. The appointing
23 authority shall give the director
24 written notice of any proposed lay-
25 off within a reasonable length of
26 time before its effective date, and
27 the director shall issue orders re-
28 lating thereto which he considers
29 necessary to secure compliance with
30 the rules. No rule, regulation, or

31 agencies, all preference em-
32 ployees in the classifications
33 and performing the function or
34 functions transferred or in the
35 state agency which is replaced

31 practice of the commission, ⁽⁵⁷⁾ of any
32 agency or department, or of any offi-
33 cial of the state or any political
34 subdivision shall favor or discrim-
35 inate against any applicant or

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1 by some other state agency shall
2 first be transferred to the re-
3 placing state agency, or state
4 agencies, for employment in posi-
5 tions for which they are quali-
6 fied, before such state agency,
7 or state agencies, shall appoint
8 additional employees from eligi-
9 ble lists for such positions.
10 The appointing authority shall
11 give written notice to the
12 director of any proposed layoff
13 a reasonable time before the
14 effective date thereof, and the
15 director shall make such orders
16 relating thereto as he considers
17 necessary to secure compliance
18 with the rules. No rule, re-
19 gulation, or practice of the

1 employee because of his membership
2 or non-membership in any private
3 organization; ⁽⁵⁹⁾ but this shall not
4 prohibit any state agency, depart-
5 ment, ⁽⁶⁰⁾ or political subdivision from
6 contracting with an employee
7 organization with respect to wages, ⁽⁶¹⁾
8 hours, grievances, working conditions,
9 or other conditions of employment
10 in a manner not inconsistent with
11 this constitution, a civil service law, ⁽⁶²⁾
12 or a valid rule or regulation of a
13 commission. **Effect.**
14 (d) **[Modification.]** Rules ⁽⁶³⁾
15 adopted pursuant hereto shall have
16 the effect of law and be published ⁽⁶⁴⁾
17 and made available to the public. ⁽⁶⁵⁾
18 Each commission may impose penalties
19 for violation of its rules by

20 commission, any agency or de-
21 partment, or any officer of the
22 state or any political subdivi-
23 sion shall favor or discrimi-
24 nate against any applicant or
25 employee on the basis of his
26 membership or nonmembership in
27 any private organization; pro-
28 vided that this shall not
29 prohibit any state agency, de-
30 partment or political subdivi-
31 sion from contracting with an
32 employee organization with
33 respect to wages, hours, griev-
34 ances, working conditions or
35 other conditions of employment

20 demotion in⁽⁶⁶⁾ or suspension or dis-
21 charge from position, with
23 attendant loss of pay.
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1 in a manner not inconsistent with
2 this constitution or any civil
3 service law or valid rule or re-
4 gulation of a commission.
5 Rules adopted pursuant
6 hereto shall be published and
7 available to the public and have
8 the effect of law. Each commis-
9 sion may impose penalties for
10 violation of its rules by demo-
11 tion in, or suspension or dis-

1 (2) Investigations. Each
2 commission may investigate violations⁽⁶⁷⁾
3 of this Section and the rules,⁽⁶⁸⁾
4 statutes, or ordinances adopted
5 pursuant hereto.
6 (3) Wages and Hours. Any
7 rule or determination affecting
8 wages or hours shall have the⁽⁶⁹⁾
9 effect of law and become effective⁽⁷⁰⁾
10 only after approval by the governor
11 or the appropriate governing

12 charge from position, with
13 attendant loss of pay.
14 (2) Investigations. Each
15 commission is authorized to in-
16 vestigate violations of the
17 provisions of this Section and
18 the rules, statutes, or ordi-
19 nances adopted pursuant hereto.
20 (3) Wages and Hours. Any
21 rule or determination affecting
22 wages or hours shall become
23 effective and shall have the
24 effect of law only after ap-
25 proval by the governor or the
26 appropriate governing authority.

12 authority.

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SECTION 1 (K)

1 (K) Penalties. Any person
2 who willfully violates any pro-
3 vision of this Section shall be
4 guilty of a misdemeanor and shall
5 upon conviction, be punished by
6 a fine of not more than five
7 hundred dollars or by imprison-
8 ment for not more than six months
9 or both.

(K) Penalties. [Any person
willful violation of who willfully violates] any provision
of this Section shall be [guilty of] a
misdemeanor [and, upon conviction,
PUNISHABLE] shall be punished by a fine of not
more than five hundred dollars or by
imprisonment for not more than six
months, or both.

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SECTION 1(L)

1 (L) Appeal. Each commis-
2 sion shall have the exclusive
3 power and authority to hear and
4 decide all removal and discipli-
5 nary cases, with subpoena power
6 and power to administer oaths.

7 It may appoint a referee to take
8 testimony, with subpoena power
9 and power to administer oaths to
10 witnesses. The decision of a
11 commission shall be subject to
12 review on any question of law
13 or fact upon appeal to the court
14 of appeal wherein such commis-
15 sion is located, upon applica-
16 tion filed with such commission
17 within thirty calendar days after
18 its decision becomes final.

1 (L) Appeal. Each commission
2 shall have the exclusive power
3 and authority to hear and decide all
4 removal and disciplinary cases, with
5 subpoena power and power to adminis-
6 ter oaths. It may appoint a referee
7 to take testimony, with subpoena
8 power and power to administer oaths
9 to witnesses. The decision of a
10 commission shall be subject to
11 review on any question of law or
12 fact upon appeal to the court of
13 appeal wherein the commission
14 is located, upon application
15 filed with the commission within
16 thirty calendar days after its
17 decision becomes final.

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SECTION 1(M)

1 (M) Appropriations. (1)
2 State. The legislature shall
3 make adequate annual appropria-
4 tions to the State Civil Service
5 Commission and to the Department
6 of State Civil Service to enable

1 (M) Appropriations.
2 (1) State. The legislature
3 shall make adequate annual appropria-
4 tions to the State Civil Service
5 Commission and to the Department of
6 State Civil Service to enable them to

7 the commission and the depart-
8 ment to carry out efficiently
9 and effectively the provisions
10 of this Section, and the amount
11 so appropriated by the legisla-
12 ture shall not be subject to
13 veto by the governor.

14 (2) Cities. Each city sub-
15 ject to the provisions of this
16 Section shall make adequate an-
17 nual appropriations to enable
18 its civil service commission
19 and department to carry out
20 efficiently and effectively the
21 provisions of this Section.

7 ⁽²⁾ ⁽³⁾ implement this Section efficiently
8 and effectively. ⁽⁴⁾ The amount so
9 ⁽⁵⁾ appropriated shall not be subject
10 to veto by the governor.

11 ⁽⁶⁾ (2) Cities. Each city subject
12 to this Section shall make adequate
13 annual appropriations to enable its
14 civil service commission and depart-
15 ⁽⁷⁾ ⁽⁸⁾ ment to implement this Section
16 efficiently and effectively.

SECTION 1 (N)

1 (N) Acceptance of Act; Other
2 Cities, Parishes, City and Parish
3 Governed Jointly. Any city hav-
4 ing a population exceeding ten
5 thousand but not exceeding four
6 hundred thousand, and any parish,
7 or any parish governed jointly
8 with one or more cities under a
9 plan of government, having a pop-
10 ulation exceeding ten thousand,
11 according to the last preceding

1 (N) Acceptance of Act; Other
2 Cities, Parishes, City and Parish
3 Governed Jointly.
4 (1) ⁽¹⁾ Each city having a popu-
5 lation exceeding ten thousand but
6 not exceeding four hundred thousand,
7 ⁽¹⁾ each parish, and each parish
8 governed jointly with one or more
9 cities under a plan of government,
10 having a population exceeding ten
11 thousand, according to the latest ⁽²⁾

<p>12 decennial federal census for 13 which the final report of popula- 14 tion returns have been reported 15 to the president of the United 16 States, may elect to accept the 17 provisions of this Section by a 18 majority vote of its qualified 19 electors voting at a general or 20 special election for this pur- 21 pose. The election shall be 22 ordered and held by the city, 23 the parish, or the city-parish, 24 as the case may be upon (1) the 25 adoption of an ordinance by the 26 governing body thereof calling 27 for such elections; or (2) the 28 presentation of such governing 29 body of a petition signed by 30 qualified electors equal in 31 number to five percent of the 32 qualified registered voters of 33 the city, the parish, or the 34 city-parish, as the case may be, 35 calling for such election.</p>	<p>12 official decennial federal census, 13 may elect to be governed by this 14 Section by majority vote of its 15 electors voting at an election 16 held for that purpose. The elec- 17 tion shall be ordered and held by 18 the city, the parish, or the city- 19 parish, as the case may be, upon 20 (a) the adoption of an ordinance 21 by the governing authority calling 22 the election; or (b) the presenta- 23 tion to the governing authority of 24 a petition calling for such an 25 election signed by 26 electors equal in number to five 27 percent of the registered voters 28 of the city, the parish, or the 29 city-parish, as the case may be. 30 If a majority of the 31 electors vote to adopt this Section, 32 its provisions shall apply perma- 33 nently to the city, the parish, or 34 the city-parish, as the case may be, 35 and shall govern it as if this</p>
---	---

SECTION 1 (14)

<p>1 If a majority of the votes 2 cast in such election are in 3 favor of the adoption of the</p>	<p>1 Section had originally applied to 2 it. In such case, all offi- 3 cers and employees of the city,</p>
---	--

4 provisions of this Section, all
5 the provisions thereof shall
6 thereafter permanently apply to
7 and govern the city or city-
8 parish, as the case may be, in
9 the same manner and to the same
10 extent as if said Section and
11 all its provisions had origi-
12 nally applied to such city,
13 parish, or city-parish. In
14 such instance, all officers and
15 employees of the city, the par-
16 ish, or the city-parish, or any
17 other subdivision of the state,
18 as the case may be, who have ac-
19 quired civil service status un-
20 der a civil service system
21 established by legislative act,
22 city charter, or otherwise,
23 shall retain such status and
24 shall thereafter be subject to
25 and governed by the provisions
26 of this Section and the rules
27 and regulations adopted under
28 the authority of this Section.
29 If a majority of the votes cast
30 in such election are against
31 the adoption of the provisions
32 of this Section, the question of
33 adopting the provisions of this

4 the parish or the city-parish, as ⁽²⁷⁾
5 the case may be, who have acquired
6 civil service status under a civil
7 service system established by
8 legislative act, city charter, or
9 otherwise, shall retain that status ⁽²³⁾
10 and thereafter shall be subject to ⁽²⁴⁾
11 and be governed by this Section ⁽²⁵⁾
12 and the rules and regulations
13 adopted under it. ⁽²⁶⁾

14 (3) If a majority of the
15 electors vote against the adoption ⁽²⁷⁾
16 of this Section, the question of ⁽²⁸⁾
17 its adoption shall not be resub- ⁽²⁹⁾
18 mitted to the voters of the poli-
19 tical subdivision within one year ⁽³⁰⁾
20 thereafter.

34 Section shall not be resubmitted | 34
35 to the voters of the city, the | 35

-26-

1 parish, or the city-parish, as | 1
2 the case may be, within one year | 2
3 thereafter. | 3
4 | 4
5 | 5

-27-

SECTION 1(N)

1 (O) City, Parish Civil | 1
2 Service System; Creation; Prohi- | 2
3 bition. Nothing in this Section | 3
4 shall prevent the establishment | 4
5 by the legislature, or by the | 5
6 respective parish governing autho- | 6
7 rity, in one or more parishes, or | 7
8 a civil service system applicable | 8
9 to any or all parish employees, | 9
10 except teaching and professional | 10
11 staffs, and administrative of- | 11
12 ficers of schools, or the estab- | 12
13 lishment by the legislature, or | 13
14 by the respective city governing | 14

SECTION 1(O)

1 (O) City, Parish Civil Ser- | 1
2 vice System, Creation; Prohibition. | 2
3 (1) Nothing in this Section | 3
4 shall prevent the establishment by | 4
5 the legislature, or by the respec- | 5
6 tive parish governing authority, | 6
7 of a parish civil service system | 7
8 in one or more parishes, applicable | 8
9 to any or all parish employees, | 9
10 except teaching and professional | 10
11 staffs and administrative officers | 11
12 of schools, or the establishment | 12
13 by the legislature or by the re- | 13
14 spective municipal governing | 14

15 body, of a civil service system
16 in one or more cities having a
17 population of less than four
18 hundred thousand, in any manner
19 now or hereafter provided by law,
20 except that paid firemen and paid
21 municipal policemen, in a muni-
22 cipality which operates a regu-
23 larly paid fire and police de-
24 partment and which has a popula-
25 tion in excess of thirteen
26 thousand, in all parishes, and
27 in all fire protection districts
28 with paid firemen, are hereby
29 expressly excluded from such
30 civil service system. However,
31 nothing in this Paragraph shall
32 permit inclusion in the local
33 civil service of officials and
34 employees listed in Paragraph
35 (B) of this Section. No law

(6) (1)
15 authority of a municipal civil ser-
16 vice system in one or more munici-
17 palities having a population of
18 less than four hundred thousand,
19 in any manner now or here-
20 after provided by law. (8) However,
21 paid firemen and paid municipal
22 policemen in a municipality opera- (9) (10)
23 ing a regularly paid fire and
24 police department and having a (11)
25 population exceeding thirteen thou- (12)
26 sand, and paid firemen in all (13)
27 parishes and in fire protection (14)
28 districts are expressly excluded (15)
29 from such a civil service system. (16)

(17) (2) Nothing in this Paragraph
31 shall permit inclusion in the local
32 civil service of officials and em-
33 ployees listed in Paragraph (B)
34 of this Section. (18)

(3) No law enacted after the

SECTION 1(0)

1 enacted by the legislature after
2 the effective date of this con-
3 stitution establishing a civil
4 service system applicable to one
5 or more parishes or to one or

1 effective date of this constitution
2 establishing a civil service system
3 applicable to one or more parishes
4 or to one or more municipalities
5 having a population of less than

6	more municipalities having a	6	four hundred thousand shall be ef-
7	population of less than four hun-	7	fective in any parish or in any
8	dred thousand shall be effective	8	(19) municipality until approved by
9	in any parish or in any such	9	ordinance adopted by the governing
10	municipality until approved by	10	(20) authority of the parish or munici-
11	ordinance adopted by the govern-	11	pality.
12	ing authority of the affected	12	
13	parish or municipality.	13	

*Official Decennial Report
Census.*

NOTES

Document XXX, originally dated 1/7/74, is reproduced above, dated 1/11/74. Additional changes by Committee on Style and Drafting are noted in the comparative text, right hand column.

C.P. No. 9 Floor Presentation, dated 1/12/74, reproduces Document XXX, dated 1/11/74, above, incorporating the above noted Style and Drafting Committee changes.

1/3/74

DOCUMENT XXV

COMMITTEE PROPOSAL NO. 10: FIRST ENROLLMENT

HUMAN RESOURCES

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE VII. HUMAN RESOURCES
2 Section 1. Municipal Fire

1 ARTICLE VII. HUMAN RESOURCES
2 Section 1. Municipal Fire

3 and Police Civil Service
4 Section 1. (A) There is
5 hereby created and established a
6 system of classified fire and
7 police civil service which shall
8 be applicable to all municipali-
9 ties with a population in excess
10 of thirteen thousand which oper-
11 ate a regularly paid fire and
12 municipal police department and
13 all parishes and all fire pro-
14 tection districts which operate
15 a regularly paid fire department.
16 Permanent appointments and pro-
17 motions in municipal fire and
18 police civil service shall be
19 made only after certification by
20 the applicable Municipal Fire
21 and Police Civil Service Board
22 under a general system based
23 upon merit, efficiency, fitness,
24 and length of service as provi-
25 ded in Article XIV, Section 15.1
26 of the 1921 Constitution, sub-
27 ject to change by law enacted
28 upon the favorable vote of two-
29 thirds of the elected members
30

3 and Police Civil Service
4 Section 1. (A) Establishment
5 of System. A system of classi-
6 fied fire and police civil service
7 is created and established, and
8 shall apply to all municipalities
9 having a population exceeding
10 thirteen thousand persons and op-
11 erating a regularly paid fire and
12 municipal police department and
13 to parishes and fire protection
14 districts operating a regularly
15 paid fire department.
16 (B) Appointments and Promotions.
17 Permanent appointments and promo-
18 tions in municipal fire and police
19 civil service shall be made only
20 after certification by the appli-
21 cable Municipal Fire and Police
22 Civil Service Board under a gen-
23 eral system based upon merit,
24 efficiency, fitness, and length
25 of service as provided in Article
26 XIV, Section 15.1 of the Consti-
27 tution of 1921, subject to change
28 by law enacted by two-thirds of
29 the elected members of each house
30 of the legislature.

SECTION 1 becomes SECTION 1 (A), (B), (C), (D), (E)

1 of each house of the legislature. 1 (C) Prior Provisions. Except as
2 Except as may be inconsistent 2 (1) (2) inconsistent with this Section, the
3 with the provisions of this 3 provisions of Article XIV, Section
4 Section, the provisions of Article 4 15.1 of the Constitution of 1921
5 XIV, Section 15.1 of the Consti- 5 are (3) retained and continued in
6 tution of 1921, are hereby re- 6 force and effect as statutes. By
7 tained and continued in force 7 (4) law enacted by two-thirds of the
8 and effect as statutes. The 8 elected members of each house, the
9 legislature upon the favorable 9 legislature may amend or otherwise
10 vote of two-thirds of the elected 10 (5) modify any provision of Article XIV,
11 membership of each house may 11 Section 15.1 of the Constitution of
12 amend or otherwise modify any of 12 (6) 1921, but it may not abolish the
13 said provisions of Article XIV, 13 system of classified civil service
14 Section 15.1 of the 1921 Consti- 14 for such firemen and municipal police-
15 tution except that the legisla- 15 men or make (7) the system inapplicable
16 ture may not abolish the system 16 to any municipality (8) having a popula-
17 of classified civil service for 17 (9) tion exceeding thirteen thousand
18 such firemen and municipal 18 (10) persons according to the latest
19 policemen or make it inapplica- 19 (11) decennial federal census or to any
20 ble to any municipality which 20 parish or fire protection district
21 has a population in excess of 21 (12) operating a regularly paid fire
22 thirteen thousand according to 22 department. However, in a municipi-
23 the latest decennial census of 23 (12) (14) (15) pality having a population exceeding
24 the United States or to any par- 24 (10) four hundred thousand persons, paid
25 ish or fire protection district 25 firemen and municipal policemen shall
26 having a regularly paid fire 26 be included if a majority of the
27 department. However, in muni- 27 (16) electors therein voting at an elec-
28 cipalities with a population in, 28 (17) tion held for that purpose approve
29 excess of four hundred thousand 29 (18) (19) their inclusion. Such an election

30 paid firemen and municipal
31 policemen shall be included if
32 a majority of the electors in
33 the city affected voting at an
34 election held for the purpose
35 consent thereto, said election

30 shall be called by the governing
31 authority of the affected city within
32 one year after the effective date
33 of this constitution.

34 (D) Exclusion. Nothing in
35 Section 1 of this Article authorizing

SECTION 1 becomes SECTION 1 (A), (B), (C), (D), (E)

1 shall be called by the governing
2 authority of the city affected
3 within one year after the effective
4 date of this constitution.

5 Nothing in Article VII,
6 Section 1 of this constitution
7 authorizing cities or other political
8 subdivisions to be placed
9 under the provisions of said
10 article whether by election, act
11 of the legislature, or ordinance
12 of the local governing authority
13 shall be construed as authorizing
14 the inclusion therein of
15 firemen and policemen in any
16 municipality having a population
17 in excess of thirteen thousand
18 and less than four hundred
19 thousand and which operates a

1 cities or other political subdivisions
2 to be placed under the provisions of
3 said article by election, act of the
4 legislature, or ordinance of the
5 local governing authority shall
6 authorize the inclusion in a city
7 civil service system of firemen
8 and policemen in any municipality
9 having a population greater than
10 thirteen thousand but fewer than
11 four hundred thousand persons and
12 operating a regularly paid fire
13 and municipal police department
14 or in any parish or fire protection
15 district operating a regularly
16 paid fire department.
17 Such firemen and policemen are
18 expressly excluded from any such
19 system.

20 regularly paid fire and municipi- 20
21 pal police department or in any 21
22 parish or fire protection dis- 22
23 trict which operates a regu- 23
24 larly paid fire department, 24
25 which said firemen and police- 25
26 men are hereby expressly ex- 26
27 cluded from any such system. 27

- 3 -

SECTION 1 becomes SECTION 1 (A), (B), (C), (D), (E)

1 (B) Prohibitions Against
2 Political Activities. Article
3 XIV, Section 15.1(34) of the
4 1921 Constitution is retained
5 and continued in force and
6 effect.

1 (E) Political Activities.
2 Article XIV, Section 15.1, Paragraph
3 ⁽¹⁾ 34, of the Constitution of 1921 is ⁽²⁾
4 retained and continued in force and
5 effect.

COMMENT:

Re: Footnote No. (1) in Section D, line 35, page 2:

"this Article" refers to the whole of Article VII, which includes several proposals, one of which is CP#9 on State and City Civil Service. Each of these proposals contains a "Section 1." The "Section 1" on line 35, page 2, on this presentation, refers to Section 1 of CP#9. It will be renumbered in accordance with future action taken by the Committee on Style and Drafting.

DOCUMENT XXXI

COMMITTEE PROPOSAL NO. 10: FIRST ENROLLMENT

HUMAN RESOURCES

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE VII. HUMAN RESOURCES
 2 Section 1. Municipal Fire
 3 and Police Civil Service
 4 Section 1. (A) There is
 5 hereby created and established a
 6 system of classified fire and
 7 police civil service which shall
 8 be applicable to all municipali-
 9 ties with a population in excess
 10 of thirteen thousand which oper-
 11 ate a regularly paid fire and
 12 municipal police department and
 13 all parishes and all fire pro-
 14 tection districts which operate
 15 a regularly paid fire department.
 16 Permanent appointments and pro-
 17 motions in municipal fire and
 18 police civil service shall be
 19 made only after certification by
 20 the applicable Municipal Fire

1 ARTICLE VII. HUMAN RESOURCES
 2 Section 1. Municipal Fire
 3 and Police Civil Service
 4 Section 1. (A) Establishment
 5 of System. A system of classi-
 6 fied fire and police civil service
 7 is created and established. It
 8 shall apply to all municipalities
 9 having a population exceeding
 10 thirteen thousand and op-
 11 erating a regularly paid fire and
 12 municipal police department and to
 13 all parishes and fire protection
 14 districts operating a regularly
 15 paid fire department.
 16 (B) Appointments and Promotions
 17 Permanent appointments and promo-
 18 tions in municipal fire and police
 19 civil service shall be made only
 20 after certification by the appli-

21 and Police Civil Service Board
22 under a general system based
23 upon merit, efficiency, fitness,
24 and length of service as provi-
25 ded in Article XIV, Section 15.1
26 of the 1921 Constitution, sub-
27 ject to change by law enacted
28 upon the favorable vote of two-
29 thirds of the elected members
30

21 cable municipal fire and police
22 civil service board under a gen-
23 eral system based upon merit,
24 efficiency, fitness, and length
25 of service as provided in Article
26 XIV, Section 15.1 of the Consti-
27 tution of 1921, subject to change
28 by law enacted by two-thirds of
29 the elected members of each house
30 of the legislature.

SECTION 1 becomes SECTION 1 (A), (B), (C), (D), (E)

1 of each house of the legislature.
2 Except as may be inconsistent
3 with the provisions of this
4 Section, the provisions of Article
5 XIV, Section 15.1 of the Consti-
6 tution of 1921, are hereby re-
7 tained and continued in force
8 and effect as statutes. The
9 legislature upon the favorable
10 vote of two-thirds of the elected
11 membership of each house may
12 amend or otherwise modify any of
13 said provisions of Article XIV,
14 Section 15.1 of the 1921 Consti-
15 tution except that the legisla-
16 ture may not abolish the system

1 (C) Prior Provisions. Except as
2 inconsistent with this Section, the
3 provisions of Article XIV, Section
4 15.1 of the Constitution of 1921
5 are retained and continued in
6 force and effect as statutes. By
7 law enacted by two-thirds of the
8 elected members of each house, the
9 legislature may amend or otherwise
10 modify any of those provisions,
11 but it may not abolish the
12 system of classified civil service
13 for such firemen and municipal police-
14 men or make the system inapplicable
15 to any municipality having a popula-
16 tion exceeding thirteen thousand

17 of classified civil service for
18 such firemen and municipal
19 policemen or make it inapplica-
20 ble to any municipality which
21 has a population in excess of
22 thirteen thousand according to
23 the latest decennial census of
24 the United States or to any par-
25 ish or fire protection district
26 having a regularly paid fire
27 department. However, in muni-
28 cipalities with a population in
29 excess of four hundred thousand
30 paid firemen and municipal
31 policemen shall be included if
32 a majority of the electors in
33 the city affected voting at an
34 election held for the purpose
35 consent thereto, said election

17 according to the latest
 (11)
18 decennial federal census or to any
19 parish or fire protection district
 (12)
20 operating a regularly paid fire
21 department. However, in a muni-
 (12) (14) (15)
22 pality having a population exceeding
23 four hundred thousand, paid
24 firemen and municipal policemen shall
25 be included if a majority of the
 (16)
26 electors therein voting at an elec-
 (17)
27 tion held for that purpose approve
 (18) (19)
28 their inclusion. Such an election
29 shall be called by the governing
 (20)
30 authority of the affected city within
31 one year after the effective date
32 of this constitution.

33 (D) Exclusion. Nothing in
34 Section 1 of this Article⁽¹⁾ authorizing
35

SECTION 1 becomes SECTION 1 (A), (B), (C), (D), (E)

1 shall be called by the governing
2 authority of the city affected
3 within one year after the effec-
4 tive date of this constitution.
5 Nothing in Article VII,
6 Section 1 of this constitution

1 cities or other political subdivisio
2 to be placed under the provisions of
 (2)
3 said article by election, act of the
4 legislature, or ordinance of the
5 local governing authority shall
 (3)
6 authorize the inclusion in a city

7 authorizing cities or other poli- 7
8 tical subdivisions to be placed 8
9 under the provisions of said 9
10 article whether by election, act 10
11 of the legislature, or ordinance 11
12 of the local governing authority 12
13 shall be construed as authoriz- 13
14 ing the inclusion therein of 14
15 firemen and policemen in any 15
16 municipality having a population 16
17 in excess of thirteen thousand 17
18 and less than four hundred 18
19 thousand and which operates a 19
20 regularly paid fire and municipi- 20
21 pal police department or in any 21
22 parish or fire protection dis- 22
23 trict which operates a regu- 23
24 larly paid fire department, 24
25 which said firemen and police- 25
26 men are hereby expressly ex- 26
27 cluded from any such system. 27

(4)
civil service system of firemen
and policemen in any municipality
having a population greater than (5)
thirteen thousand but fewer than (5)
four hundred thousand and
operating a regularly paid fire (6)
and municipal police department
or in any parish or fire protec- (6)
tion district operating a regu- (7)
larly paid fire department. (8)
(9) Such firemen and policemen are (9)
expressly excluded from any such
system.

SECTION 1 becomes

SECTION 1 (A), (B), (C), (D), (E)

1 (B) Prohibitions Against
2 Political Activities. Article
[420]

1 (E) Political Activities.
2 Article XIV, Section 15.1, Paragraph

3	XIV, Section 15.1(34) of the	3	(1) 34, of the Constitution of 1921 is
4	1921 Constitution is retained	4	(2) retained and continued in force and
5	and continued in force and	5	effect.
6	effect.		

COMMENT:

Re: Footnote No. (1) in Section D, line 35, page 2:

"this Article" refers to the whole of Article VII, which includes several proposals, one of which is CP#9 on State and City Civil Service. Each of these proposals contains a "Section 1." The "Section 1" on line 35, page 2, on this presentation, refers to Section 1 of CP#9. It will be renumbered in accordance with future action taken by the Committee on Style and Drafting.

NOTES

C.P. No. 10 Floor Presentation is reproduced above as Document No. XXXI, dated 1/7/74.

12/17/73

DOCUMENT NO. XVIII

COMMITTEE PROPOSAL NO. 11: FIRST ENROLLMENT

HUMAN RESOURCES

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE VII. HUMAN RESOURCES
2 Section 1. Retirement and

1	ARTICLE VII, HUMAN RESOURCES
2	Section 1. Retirement and

3 Survivor's Benefits
4 Section 1. (A) Retirement
5 System; Public School Employees.
6 The legislature shall provide
7 for the retirement of teachers
8 and other employees of the public
9 educational system through the
10 establishment of a retirement
11 system or systems for employees of
12 the public educational system.
13 Membership in such retirement
14 system or systems shall be a
15 contractual relationship between
16 the employee and employer, and
17 the state guarantees all benefits
18 payable to a member of the system
19 or to his lawful beneficiary at his
20 death or retirement.

3 Survivor's Benefits
4 Section 1. (A) Public
5 School Employees. The legisla-
6 ture shall provide for retirement
7 of teachers and other employees
8 of the public educational system
9 through establishment of one or
10 more retirement systems. Member-
11 ship in such a retirement system
12 shall be a contractual relation-
13 ship between employee and employer,
14 and the state shall guarantee
15 benefits payable to a member or
16 to his beneficiary at retirement
17 or death.
18
19
20

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Ibid.
- (3) Standardization of language.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Manual, Rule 12--singularization.

-1-

Section 1 (A)

(6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(7) Elements, II, 15--parallelism.

- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
 (9) Ibid.
 (10) Ibid.
 (11) Elements, II, 15--parallelism.

-2-

SECTION 1(12)

1 (B) Retirement System;
 2 State Officers and Employees.
 3 The legislature shall enact laws
 4 providing for the retirement of
 5 officers and employees of the
 6 State of Louisiana, its agencies
 7 and political subdivisions, in-
 8 cluding persons employed jointly
 9 by state and federal agencies
 10 other than the military service,
 11 through the establishment of a
 12 retirement system or systems.
 13 Membership in any retirement
 14 system of the state or of a
 15 political subdivision thereof
 16 shall be a contractual relation-
 17 ship between the employee and
 18 employer, and the state shall
 19 guarantee any benefits payable
 20 to a member of the system or to
 21 his lawful beneficiary at his
 22 death or retirement.

1 (B) State Officers and
 2 Employees. The legislature shall
 3 provide for retirement of officers
 4 and employees of the state, its
 5 agencies, and its political sub-
 6 divisions, including persons
 7 employed jointly by state and
 8 federal agencies other than those
 9 in military service, through the
 10 establishment of one or more re-
 11 tirement systems. Membership in
 12 any retirement system of the
 13 state or of a political subdivision
 14 thereof shall be a contractual
 15 relationship between employee and
 16 employer, and the state shall
 17 guarantee benefits payable to a
 18 member or to his beneficiary at
 19 retirement or death.

COMMENT:

- (1) Elements, II, 15--parallelism.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Ibid.
- (4) Manual, Rule 20 and Elements, I, 2--commas in series.
- (5) Elements, V, 16--be clear.
- (6) Ibid.
- (7) Standardization of language.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (9) Ibid.
- (10) Ibid.
- (11) Ibid.
- (12) Elements, II, 15--parallelism.

-3-

Section 1(C)

1 (C) Compensation for Sur- 2 viving Spouses and Children of 3 Law Enforcement Officers and 4 Firemen. The legislature shall 5 establish a system, including the 6 expenditure of public funds, for 7 compensating the surviving spouses 8 and dependent children of law 9 enforcement officers, firemen, 10 and personnel, as may be defined 11 by law, who suffer death or who 12 suffered death before the effective 13 date of this constitution, but not	1 (C) Compensation for Sur- 2 vivors of Law Enforcement Officers 3 and Firemen. The legislature shall 4 ⁽¹⁾ enact legislation and appropriate 5 ⁽¹⁾ funds for compensating the surviv- 6 ing spouses and dependent children 7 of law enforcement officers, fire- 8 men, and other personnel, ⁽²⁾ as de- ⁽³⁾ 9 fined by law, who die, or who died ⁽⁴⁾ ⁽⁵⁾ 10 after June 30, 1972, as a result ⁽⁶⁾ 11 of injury sustained in the per- 12 formance of official duties or in ⁽⁷⁾ 13 the protection of life or property
---	--

14 earlier than July 1, 1972, as a 14 while on or off duty.
15 result of injury sustained in 15
16 the performance of official duties 16
17 or while engaged in the protection 17
18 of life or property while on or 18
19 off duty. 19

COMMENT:

- (1) Elements, V, 16--be clear; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Elements, V, 16--be clear.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Ibid.
- (6) Ibid; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) Elements, II, 15--parallelism.

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SECRET (C)

1 (D) Retirement Systems;	1 (D) Retirement Systems;
2 Notice of Intention to Propose	2 Change; Notice. No proposal to
3 Amendments or Change; Publication	3 ⁽¹⁾ effect any change in existing laws
4 No proposal to amend or effect	4 ⁽²⁾ or constitutional provisions re-
5 any change in existing laws or	5 ⁽³⁾ lating to any retirement system
6 provisions of the constitution	6 ⁽⁴⁾ shall be introduced in the legis-
7 relating to any retirement sys-	7 lature unless notice of intention
8 tem in this state shall be intro-	8 ⁽⁵⁾ to introduce the proposal has ⁽⁶⁾ been
9 duced into the legislature	9 published, without cost to the
10 unless notice of intention to	10 state, in the official state

11 introduce such proposal shall
12 have been published, without cost
13 to the state, in the official
14 state journal on two separate
15 days, the last day of which is
16 at least thirty days prior to
17 the introduction of such a bill
18 into the legislature. The
19 notice shall state the substance
20 of the contemplated law or pro-
21 posal to amend the constitution.
22 Every such bill shall contain a
23 recital that the notice has
24 been given.

11 journal on two separate days.⁽⁷⁾ The
12 last day of publication shall be⁽⁸⁾
13 at least thirty days before intro-⁽⁹⁾
14 duction of the bill.⁽¹⁰⁾ The notice⁽¹¹⁾
15 shall state the substance of the
16 contemplated law or proposal,⁽¹²⁾ and
17 the bill shall contain : recital
18 that the notice has been given.

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) "in" substituted for "into"--see definitions in Webster's.
- (5) Manual, Rule 6--avoid hackneyed reference words.
- (6) Manual, Rule 11--present tense.
- (7) Manual, Rule 10--short sentences.
- (8) Elements, V, 16--be clear.
- (9) Manual, Rule 5--substitute word for phrase.

-5-

- (10) Manual, Rule 6--avoid hackneyed reference words.
- (11) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (12) Ibid.

-6-

DOCUMENT NO. XXII

COMMITTEE PROPOSAL NO. 11: FIRST ENROLLMENT

HUMAN RESOURCES

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

<p>1 ARTICLE VII. HUMAN RESOURCES</p> <p>2 Section 1. Retirement and</p> <p>3 Survivor's Benefits</p> <p>4 Section 1. (A) Retirement</p> <p>5 System; Public School Employees.</p> <p>6 The legislature shall provide</p> <p>7 for the retirement of teachers</p> <p>8 and other employees of the public</p> <p>9 educational system through the</p> <p>10 establishment of a retirement</p> <p>11 system or systems for employees of</p> <p>12 the public educational system.</p> <p>13 Membership in such retirement</p> <p>14 system or systems shall be a</p> <p>15 contractual relationship between</p> <p>16 the employee and employer, and</p> <p>17 the state guarantees all benefits</p> <p>18 payable to a member of the system</p> <p>19 or to his lawful beneficiary at his</p> <p>20 death or retirement.</p>	<p>1 ARTICLE VII, HUMAN RESOURCES</p> <p>2 Section 1. Retirement and</p> <p>3 Survivor's Benefits</p> <p>4 Section 1. (A) Public</p> <p>5 School Employees. The legisla-</p> <p>6 ture shall provide for retirement⁽¹⁾</p> <p>7 of teachers and other employees</p> <p>8 of the public educational system</p> <p>9 through⁽²⁾ establishment of one or</p> <p>10 more⁽³⁾ retirement systems.⁽⁴⁾ Member-</p> <p>11 ship in such a retirement system⁽⁵⁾</p> <p>12 shall be a contractual relation-</p> <p>13 ship between employee and employer,⁽⁶⁾</p> <p>14 and the state shall guarantee⁽⁷⁾</p> <p>15 benefits payable to a member⁽⁸⁾</p> <p>16 at retirement or to his lawful</p> <p>17 beneficiary upon the member's</p> <p>18 death.⁽⁹⁾</p> <p>19</p> <p>20</p>
--	---

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Ibid.
- (3) Standardization of language.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Manual, Rule 12--singularization.

-1-

SECTION 1(A)

- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) Elements, II, 15--parallelism.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (9) Ibid.
- (10) Elements, V, 16--be clear; Elements, II, 16--keep related words together.

- 2 -

Section 1(B)

1 (B) Retirement System; 2 State Officers and Employees. 3 The legislature shall enact laws 4 providing for the retirement of 5 officers and employees of the 6 State of Louisiana, its agencies 7 and political subdivisions, in-	1 (B) Other Officers and 2 Employees. The legislature shall 3 enact laws providing for retirement 4 of officers and employees of the 5 state, its agencies, (2) and its po- 6 litical subdivisions, including 7 persons employed jointly by state
--	---

8 cluding persons employed jointly
9 by state and federal agencies
10 other than the military service,
11 through the establishment of a
12 retirement system or systems.
13 Membership in any retirement
14 system of the state or of a
15 political subdivision thereof
16 shall be a contractual relation-
17 ship between the employee and
18 employer, and the state shall
19 guarantee any benefits payable
20 to a member of the system or to
21 his lawful beneficiary at his
22 death or retirement.

8 and federal agencies other than
9 those in military service, through
10 the establishment of one or more
11 retirement systems. Membership
12 in any retirement system of the
13 state or of a political subdivi-
14 sion thereof shall be a contrac-
15 tual relationship between employee
16 and employer, and the state shall
17 guarantee benefits payable to a
18 member at retirement or to his
19 lawful beneficiary upon the mem-
20 ber's death.

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Ibid.
- (3) Manual, Rule 20 and Elements, I, 2--commas in series.
- (4) Elements, V, 16--be clear.
- (5) Ibid.
- (6) Standardization of language.
- (7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (8) Ibid.
- (9) Ibid.
- (10) Elements, II, 15--parallelism.

Manual, Section 10

1 (D) Retirement Systems;
 2 Notice of Intention to Propose
 3 Amendments or Change; Publication;
 4 No proposal to amend or effect
 5 any change in existing laws or
 6 provisions of the constitution
 7 relating to any retirement sys-
 8 tem in this state shall be intro-
 9 duced into the legislature
 10 unless notice of intention to
 11 introduce such proposal shall
 12 have been published, without cost
 13 to the state, in the official
 14 state journal on two separate
 15 days, the last day of which is
 16 at least thirty days prior to
 17 the introduction of such a bill
 18 into the legislature. The
 19 notice shall state the substance
 20 of the contemplated law or pro-
 21 posal to amend the constitution.
 22 Every such bill shall contain a
 23 recital that the notice has
 24 been given.

1 (C) Retirement Systems;
 2 Change; Notice. No proposal to
 3 ⁽¹⁾ effect any change in existing laws
 4 or constitutional provisions re-
 5 ⁽²⁾ lating to any retirement system ⁽³⁾
 6 shall be introduced in the legis-
 7 ⁽⁴⁾ lature unless notice of intention
 8 to introduce the proposal has been ⁽⁵⁾ ⁽⁶⁾
 9 published, without cost to the
 10 state, in the official state
 11 journal on two separate days. ⁽⁷⁾ The
 12 last day of publication shall be ⁽⁸⁾
 13 at least thirty days ⁽⁹⁾ before intro-
 14 ⁽¹⁰⁾ ⁽¹¹⁾ duction of the bill. The notice
 15 shall state the substance of the
 16 contemplated law or proposal, ⁽¹²⁾ and
 17 the bill shall contain a recital
 18 that the notice has been given.
 19
 20
 21
 22
 23
 24

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Manual, Rule 5--substitute word for phrase.

- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) "in" substituted for "into"--see definitions in Webster's.
- (5) Manual, Rule 6--avoid hackneyed reference words.
- (6) Manual, Rule 11--present tense.
- (7) Manual, Rule 10--short sentences.
- (8) Elements, V, 16--be clear.
- (9) Manual, Rule 5--substitute word for phrase.

-4-

- (10) Manual, Rule 6--avoid hackneyed reference words.
- (11) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (12) Ibid.

-5-

1 (C) Compensation for Sur-
 2 viving Spouses and Children of
 3 Law Enforcement Officers and
 4 Firemen. The legislature shall
 5 establish a system, including the
 6 expenditure of public funds, for
 7 compensating the surviving spouses
 8 and dependent children of law
 9 enforcement officers, firemen,
 10 and personnel, as may be defined

1 (D) Compensation for Sur-
 2 vivors of Law Enforcement Officers
 3 and Firemen. The legislature
 4 shall establish a system, includ-
 5 ing the expenditure of public funds,
 6 for compensating the surviving
 7 spouses and dependent children of
 8 law enforcement officers, firemen,
 9 and personnel, as ⁽¹⁾ defined by law,
 10 ⁽²⁾ who die, or who ⁽³⁾ died after June

11 by law, who suffer death or who 11 30, 1972, as a result of injury
12 suffered death before the effective 12 sustained in the performance of
13 date of this constitution, but not 13 official duties or in the protec-
14 earlier than July 1, 1972, as a 14 tion of life or property while on
15 result of injury sustained in 15 or off duty.
16 the performance of official duties 16
17 or while engaged in the protection 17
18 of life or property while on or 18
19 off duty. 19

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Ibid.
- (4) Ibid.; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Elements, II, 15--parallelism.

-6-

NOTES

C.P. No. 11 Floor Presentation, dated 1/8/74, is reproduced above as Document No. XXII, dated 12/22/73.

1/10/74

COMMITTEE PROPOSAL NO. 11: FIRST ENROLLMENT

Changes recommended by Committee on Education and Welfare and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMMITTEE PROPOSAL NO. 11: FIRST ENROLLMENT

Changes recommended by Committee on Education and Welfare and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTIONS AS ADOPTED:
INCORPORATING CHANGES
RECOMMENDED BY COMMITTEE
ON STYLE AND DRAFTING

FURTHER CHANGES RECOMMENDED
BY BOTH COMMITTEES TO CLARIFY
POSSIBLE AMBIGUITIES

← SECTION 1 (B) →

1 (B) Other Officers and
2 Employees. The legislature shall
3 enact laws providing for retire-
4 ment of officers and employees of
5 the state, its agencies, and its
6 political subdivisions, including
7 persons employed jointly by state
8 and federal agencies other than
9 those in military service, through
10 the establishment of one or more
11 retirement systems. Membership
12 in any retirement system of the
13 state or of a political subdivi-
14 sion thereof shall be a contrac-
15 tual relationship between employee
16 and employer, and the state shall
17 guarantee benefits payable to a
18 member at retirement or to his
19 lawful beneficiary upon the mem-
20 ber's death.

1 (B) Other officers and
2 Employees. The legislature shall
3 enact laws providing for retirement
4 of officers and employees of the
5 state, its agencies, and its po-
6 litical subdivisions, including
7 persons employed jointly by state
8 and federal agencies other than
9 those in military service, through
10 the establishment of one or more
11 retirement systems. Membership
12 in any retirement system of the
13 state or of a political subdivi-
14 sion thereof shall be a contrac-
15 tual relationship between employee
16 and employer, and the state shall
17 guarantee benefits payable to a
18 member of a state retirement system⁽¹⁾
19 at retirement or to his lawful
20 beneficiary upon the member's death.

CAVEAT:

The first sentence refers to retirement programs for employees of political subdivisions as well as for state employees. As styled, the second sentence provides that "the state shall guarantee benefits

payable to a member at retirement or to his lawful beneficiary upon the member's death," perhaps giving rise to the construction that the state must guarantee benefits to members of retirement systems created by political subdivisions. If the intent was that the state would guarantee benefits of members of state retirement systems only, additional language could be inserted after the word "member" so that the expression would read, "the state shall guarantee benefits payable to a member of a state retirement system at retirement or to his lawful beneficiary upon the member's death."

SECTION 1 (C)

1 (C) Retirement Systems;
2 Change; Notice. No proposal to
3 effect any change in existing
4 laws or constitutional provisions
5 relating to any retirement system
6 shall be introduced in the legis-
7 lature unless notice of intention
8 to introduce the proposal has
9 been published, without cost to
10 the state, in the official state
11 journal on two separate days.
12 The last day of publication shall
13 be at least thirty days before
14 introduction of the bill. The
15 notice shall state the substance
16 of the contemplated law or pro-
17 posal, and the bill shall contain
18 a recital that the notice has
19 been given.

1 (C) Retirement Systems;
2 Change; Notice. No proposal to
3 effect any change in existing laws
4 or constitutional provisions re-
5 lating to any retirement system
6 ⁽¹⁾ for public employees ⁽¹⁾ shall be
7 introduced in the legislature
8 unless notice of intention to
9 introduce the proposal has been
10 published, without cost to the
11 state, in the official state
12 journal on two separate days. The
13 last day of publication shall be
14 at least thirty days before intro-
15 duction of the bill. The notice
16 shall state the substance of the
17 contemplated law or proposal, and
18 the bill shall contain a recital
19 that the notice has been given.

CAVEAT:

The requirement for publication of notice of intent to introduce proposals in the legislature applies to those changing "any retirement system." If this language is construed literally, the notice requirement might apply to laws regulating private retirement or pension plans. If the intent was to make the requirements apply only to retirement systems for public employees, the section might be changed to read, in part:

"...relating to any retirement system for public employees shall be introduced in the legislature unless..."

NOTES

Style and Drafting Committee action on caveat report of December 22, 1973, is noted in margin of report and dated "action 1/5/74," below.

Action by 1/5/74
Committee on
Education

Committee on Education and Training

Caveat to Article VII, Section 1, HUMAN RESOURCES (adopted on meeting of December 22, 1973) CE 1/5/74

Section 1(A), 1(B)

Caveat: Use of the expression "a contractual relationship between employer and employee" may cause some ambiguity. Perhaps the connotation that the relationship must be consensual--i.e., agreed to by the employer--would arise. If the intent is to create or recognize a right of the employee that is protected by the contract clause, it may be possible to use instead the expression "a contractual right of the employee."

Revised

Section 1(B)

Caveat: The first sentence refers to retirement program for employees of political subdivisions as well as for state employees.

As to 1(B), the caveat provides that "the state shall guarantee benefits payable to a member of retirement or to his lawful beneficiary upon the member's death," perhaps to give rise to the construction that the state must guarantee benefits to members of retirement systems created by political subdivisions. If the intent was that the state would guarantee benefits to members of state retirement systems only, additional language could be inserted after the word "member" so that the expression would read, "the state shall guarantee benefits payable to a member of a state retirement system or to his lawful beneficiary upon the member's death."

Adopted

Section 1(C)

Caveat: The requirement for publication of notice of intent to introduce proposals in the legislature applies to those changing "any retirement system." If this language is construed literally, the notice requirement might apply to laws regulating private retirement or pension plans. If the intent was to limit the requirement only to retirement systems for public employees, the section might be changed to read, in part:

Adopted

"...relating to any retirement system for public employees shall be introduced in the legislature unless..."

DOCUMENT NO. XXVI

Adopted 1/2/74

COMMITTEE PROPOSAL NO. 12: FIRST ENROLLMENT

ARTICLE VII. HUMAN RESOURCES

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

- 1 ARTICLE VII. HUMAN RESOURCES
- 2 Section 1. Penal Institutions
- 3 tions
- 4 Section 1. (A) State Penal
- 5 Institutions; Reimbursement of
- 6 Parish Expense. In parishes in

- 1 ARTICLE VII. HUMAN RESOURCES
- 2 Section 1. State Penal Institutions;
- 3 Reimbursement of Parish Expense
- 4 Section 1. The state shall reimburse
- 5 a parish in which a state penal insti-
- 6 tution is located for expenses the

7 which are located penal institu- 7 parish incurs arising from crime com-
8 tions of the State of Louisiana, 8 mitted in the institution or by an
9 the expenses incurred by the 9 inmate thereof.
10 parish arising from crimes com- 10
11 mitted in such institutions or 11
12 by the inmates thereof shall be 12
13 reimbursed by the state. 13

NOTES

C.P. No. 12 Floor Presentation, dated
1/8/74, reproduces Document No. XXVI, dated
1/2/74, above.

Adopted 1/2/74

DOCUMENT NO. XXVII

COMMITTEE PROPOSAL NO. 14: FIRST ENROLLMENT

HUMAN RESOURCES

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

1 ARTICLE VII. HUMAN RESOURCES
2 Section 2. Economic and
3 Social Welfare, Unemploy-
4 ment Compensation, and
5 Public Health
6 Section 2. The legislature
7 may establish a system of economic
8 and social welfare, unemployment
9 compensation and public health.

SUGGESTED CHANGES

1 ARTICLE VII. HUMAN RESOURCES
2 Section 2. Welfare, Unemploy-
3 ment Compensation, and
4 Health
5 Section 2. The legislature
6 may establish a system of economic
7 and social welfare, unemployment
8 compensation, and public health.
9

NOTES

C.P. No. 14 Floor Presentation, dated
1/8/74, reproduces Document No. XXVII, dated
1/2/74.

1/3/74
*Adopted by
Style & Spelling
1-9-74*

DOCUMENT NO XX1

COMMITTEE PROPOSAL NO. 15: FIRST ENROLLMENT

REVENUE AND FINANCE

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE XI. REVENUE AND FINANCE
2 Section 1. Power to Tax;
3 Public Purpose
4 Section 1. Except as otherwise
5 provided in this constitution, the
6 power of taxation shall be vested
7 in the legislature, shall never be
8 surrendered, suspended, or con-
9 tracted away, and shall be imposed
10 for public purposes only.

1 ARTICLE XI. REVENUE AND FINANCE
2 Section 1. Power to Tax;
3 Public Purpose
4 Section 1. Except as otherwise
5 provided by this constitution, the
6 power of taxation shall be vested in
7 the legislature, shall never be
8 surrendered, suspended, or contracted
9 away, and shall be exercised for
10 public purposes only.

adopted

SECTION 2

1 Section 2. Power to Tax;
2 Limitation
3 Section 2. The levy of a new
4 tax or any increase in an existing
5 tax or any repeal of an existing
6 exemption from a tax shall require
7 the favorable vote of two-thirds
8 of the members elected to each
9 house of the legislature.

1 Section 2. Power to Tax;
2 Limitation
3 Section 2. The levy of a new
4 tax, an increase in an existing tax,
5 or a repeal of an existing tax exemp-
6 tion shall require the enactment of
7 a law by two-thirds of the elected
8 members of each house of the legis-
9 lature.

adopted

SECTION 3

1 Section 3. Collection of Taxes;
2 Process to Restrain; Refunds
3 Section 3. The legislature
4 shall provide against the issuance
5 of process to restrain the collec-
6 tion of any tax and for a complete
7 and adequate remedy for the prompt
8 recovery by every taxpayer of any
9 illegal tax paid by him.

1 Section 3. Collection of Taxes
2 Section 3. The legislature
3 shall prohibit the issuance of pro-
4 cess to restrain the collection of
5 any tax. It shall provide a complete
6 and adequate remedy for the prompt
7 recovery of an illegal tax paid by
8 a taxpayer.
9

adopted

SECTION 4

10 Section 4. Limitations on
11 Taxing Power; Graduated
12 Rates, Severance Tax, and
13 Subdivisions of the State
14 Section 4. (A) Equal and uni-
15 form taxes may be levied upon net
16 incomes, and such taxes may be
17 graduated according to the amount
18 of net income; however, the state
19 individual and joint income tax
20 schedule of rates shall never ex-
21 ceed the rates presently set forth
22 in Title 47, Section 32 of the
23 Louisiana Revised Statutes. Fed-
24 eral income taxes paid shall be

10 Section 4. Income Tax;
11 Severance Tax; Political
12 Subdivisions
13 Section 4. (A) Income Tax.
14 Equal and uniform taxes may be levied
15 on net incomes, and these taxes may be
16 graduated according to the amount of
17 net income. However, the state indi-
18 vidual and joint income tax schedule
19 of rates shall never exceed the rates
20 set forth in Title 47, Section 32 of
21 the Louisiana Revised Statutes on the
22 effective date of this constitution.
23 Federal income taxes paid shall be
24 allowed as a deductible item in com-

25 allowed as a deductible item in
26 computing state income taxes paid
27 during the same period.

(5)
25 putting state income taxes for the same
26 period.
27

CAUTION: adopted
since 21+22. Would
the intent of the conversion
be to avoid the conversion

attention to

Severance Tax.

SECTION 4 (L)

(B) Taxes may be levied on
natural resources severed from the
soil or water, to be paid propor-
tionately by the owners thereof at
the time of severance. Natural
resources may be classified for the
purpose of taxation, ~~and~~ *S*uch taxes
may be predicated upon either the
quantity or value of the products
at the time and place of severance.
No further or additional tax or
license shall be levied or imposed
upon oil, gas, or sulphur leases
or rights, ~~nor shall any~~ *No* addition-
al value *shall* be added to the assess-
ment of land by reason of the
presence of oil, gas, or sulphur
therein or their production there-
from. However, sulphur in place
shall be assessed for ad valorem
taxation to the person, firm, or
corporation having the right to
mine or produce the same in the

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1 levied on natural resources
2 severed from the soil or water, to
3 be paid proportionately by the owner.
4 of the resources at the time of
5 severance. Natural resources may be
6 classified for tax purposes. The taxes
7 may be predicated upon either the
8 quantity or the value of the products
9 at the time and place of severance.
10 No further or additional tax or li-
11 cense fee shall be levied or imposed
12 on oil, gas, or sulphur leases or
13 rights, and no value added to the
14 assessment of land because of the
15 presence of oil, gas, or sulphur or
16 their production. However, sulphur
17 in place shall be assessed to the
18 person, firm, or corporation having
19 the right to mine or produce it. It
20 shall be assessed in the parish where
21 located, and at no more than twice the
22 total assessed value of the physical

24 Parish where located, at no more
25 than twice the total assessed
26 value of the physical property
27 subject to taxation, excluding the
28 assessed value of sulphur above
29 ground, in such parish as is used
30 in sulphur operations. Likewise,
31 ~~severance tax shall be the only~~
32 tax on timber; however, standing
33 timber shall be and remain liable
34 equally with the land on which it
35 stands for ad valorem taxes levied
36 on said land.

24 property subject to taxation, excluded-
25 ~~by the assessed value of sulphur~~
26 ~~above ground.~~ ⁽¹⁵⁾ The severance tax shall
27 be the only tax on timber; however,
28 standing timber shall be liable ⁽¹⁷⁾
29 equally with the land on which it
30 stands for ad valorem taxes levied on
31 ⁽¹⁸⁾ the land.
32
33
34
35
36

1 (C) Political subdivisions of
2 the state shall not levy severance
3 taxes, income taxes or taxes on
4 motor fuel.

1 (C) Severance Tax; Political
2 Subdivisions. A political
3 subdivision of the state shall not
4 levy a severance tax, income tax, or
5 tax on motor fuel.

adopted

5 (D) Three-fourths of the timber
6 severance tax, one-third of the
7 sulphur severance tax, one-fifth of

5 (D) Severance Tax Allocation.
6 One-third of the sulphur severance
7 tax, but not to exceed one hundred

8 the severance tax on all other nat-
9 ural resources severed from the
10 soil or water, and one-tenth of the
11 royalties from mineral leases on
12 state-owned property shall be re-
13 mitted to the governing authority
14 of the parish in which severance
15 occurs or in which production is
16 had, but the amount of severance
17 tax on sulphur so remitted shall
18 not exceed one hundred thousand
19 dollars to any parish for any year,
20 and the amount of severance tax on
21 all other natural resources except
22 timber severed from the soil or
23 water so remitted shall not exceed
24 five hundred thousand dollars to
25 any parish for any year.

CAUTION: Mr. Honore Mineral Board informs that lines 28 - 31 apply only to Royalties Allocations and have ~~no~~ no application to allocations of severance taxes as stated in Paragraph (D) as recited.

ALTERNATIVE

1 (D) Three-fourths of the timber
2 severance tax, one-third of the
3 sulphur severance tax, one-fifth of

8 thousand dollars; one-fifth of the
9 severance tax on all other natural
10 resources, but not to exceed five
11 hundred thousand dollars, and; three-
12 fourths of the timber severance tax
13 shall be remitted to the governing
14 authority of the parish in which
15 severance or production occurs.

(E) Royalties Allocation. One-tenth of the royalties from mineral leases on state-owned land, lake and river beds and other water bottoms belonging to the state or the title to which is in the public for mineral development shall be remitted to the governing authority of the parish in which severance or production occurs. A parish governing authority may fund these royalties into general obligation bonds of the parish in accordance with law. The provisions of this Paragraph shall not apply to properties comprising the Russell Sage Wildlife and Game Refuge.

adopted

SECTION 4(1)

1 (D) Severance Tax; Deductible.
2 Three-fourths of the timber severance
3 tax; one-tenth of the royalties from

4 the severance tax on all other nat-
5 ural resources severed from the
6 soil or water, and one-tenth of the
7 royalties from mineral leases on
8 state-owned property shall be re-
9 mitted to the governing authority
10 of the parish in which severance
11 occurs or in which production is
12 had, but the amount of severance
13 tax on sulphur so remitted shall
14 not exceed one hundred thousand
15 dollars to any parish for any year,
16 and the amount of severance tax on
17 all other natural resources except
18 timber severed from the soil or
19 water so remitted shall not exceed
20 five hundred thousand dollars to
21 any parish for any year.

4 mineral leases on state-owned property;
5 one-third of the sulphur severance
6 tax, ⁽¹⁾ but not to exceed one hundred
7 thousand dollars; and one-fifth of
8 the severance tax on all other
9 natural resources, ⁽¹⁾ but not to exceed
10 five hundred thousand dollars, shall
11 be remitted to the governing author-
12 ity of the parish in which severance
13 or production occurs.

SECTION 5

Section 5. Annual Motor Vehicle License Tax

Section 5. The legislature shall impose an annual license tax of three dollars on automobiles for private use, and on other motor vehicles, an annual license tax based upon horsepower, carrying capacity, or weight, any or all. No parish or municipality may impose any license fee on motor vehicles.

Section 5. Motor Vehicle License Tax

Section 5. The legislature shall impose an annual license tax of three dollars on automobiles for private use and on other motor vehicles, an annual license tax based upon horsepower, carrying capacity, weight, or any of these. No parish or municipality may impose a license fee on motor vehicles.

adopted

SECTION 7 (A) becomes

SECTION 6 (A)

Section 7. State Debt; Full Faith and Credit Obligations

Section 7. (A) Unless otherwise authorized by this constitution, the state shall have no power, directly or indirectly, or through any state board, agency, commission or otherwise, to incur debt or to issue bonds except upon the affirmative vote of two-thirds of the members elected to each house of the legislature, and then only if the funds are to be used to repel

Section 6. State Debt; Full Faith and Credit Obligations

Section 6. (A) Authorization. Unless otherwise authorized by this constitution, the state shall have no power, directly or indirectly, or through any state board, agency, commission, or otherwise, to incur debt or issue bonds except ~~upon the affirmative vote of two-thirds of the members elected to each house of the legislature, and then only if the funds are to be used to repel~~ (1) ~~upon the affirmative vote of two-thirds of the members elected to each house of the legislature, and then only if the funds are to be used to repel~~ (2) The debt may be incurred or the bonds issued only if the funds are to be used

14	invasion; suppress insurrection;	14	to repel invasion; suppress insurrec-
15	provide relief from natural catas-	15	tion; provide relief from natural
16	trophes; refund outstanding indebt-	16	catastrophes; refund outstanding in-
17	edness at the same or at a lower	17	debtedness at the same or a lower
18	effective rate of interest; or make	18	effective interest rate; or make capi-
19	capital improvements; but only in	19	tal improvements, but only in accord-
20	accordance with a comprehensive	20	ance with a comprehensive capital
21	capital budget, which the legisla-	21	budget, which the legislature shall
22	ture shall adopt. Legislative ap-	22	adopt. ⁽⁵⁾ Except as otherwise provided
23	proval may be obtained only during	23	by this constitution, legislative ap-
24	open session except as otherwise	24	proval may be obtained only during
25	provided in this constitution.	25	open session.

adopted

CAVEAT. Lines 9-12. It is not entirely clear whether the intention of the convention is that debt may be incurred or bonds issued upon enactment of a law, or whether the legislature may authorize these by concurrent resolution (this not requiring the Governor's signature). In the former, it is suggested that the above circled language should be changed to read: "By law enacted by two-thirds of the members elected to each house of the legislature."

SECTION 7 (b) Income

SECTION 6 (b)

1 (B) If the purpose is to make,
2 capital improvements, the nature,

1 (B) Capital Improvements.
2 ~~Requirement~~ If the purpose

3 location, and if more than one
4 project, the amount allocated to
5 each and the order of priority
6 shall be stated in the comprehen-
7 sive capital budget which the leg-
8 islature adopts.

3 is to make capital improvements, the
4 nature and location and, ⁽¹⁾ ⁽²⁾ if more than
5 one project, ⁽²⁾ the amount allocated to
6 each and the order of priority shall
7 be stated in the comprehensive capi-
8 tal budget which the legislature
9 adopts.

adopted

SECTION 7(C) becomes SECTION 6(C)

9 (C) The full faith and credit of 9
10 the state shall be pledged to the 10
11 repayment of all bonds or other 11
12 evidences of indebtedness issued 12
13 by the state directly or through 13
14 any state board, agency, or commis- 14
15 sion. 15

(C) Full Faith and Credit.

10 The full faith and credit of the state
11 shall be pledged to the repayment of
12 all bonds or other evidences of in-
13 debtedness issued by the state directl
14 or through any state board, agency,
15 or commission. The full faith
16 and credit of the state
17 is not hereby pledged
18 to the repayment of bonds
19 of a levee district, political
20 subdivision, or local public
21 agency.

Adopted

CAUTION:

The language added on
lines 15 through 21 are be-
lieved to only clarify
intent, as shown by the
language contained in
Section 6 (E), page 9.
A your opinion is
requested.

SECTION 7 (D) becomes
Referendum.

1 (D) The legislature, by two-
2 thirds affirmative vote of the mem-
3 bers elected to each house thereof,
4 may propose a statewide public ref-
5 erendum for the incurrence of debt
6 for any purpose for which the leg-
7 islature is not herein authorized
8 to incur debt.

SECTION 6 (D)

1 (D) Referendum. The legisla-
2 (1) ture, by law enacted by two-thirds
3 (2) of the elected members of each house
4 may propose a statewide public re-
5 (4) ferendum to authorize incurrence of
6 debt for any purpose for which the
7 legislature is not herein authorized
8 to incur debt.

adopted

CAUTION: *Does the language on lines 1 through 3 which reads "by two-thirds affirmative vote..." intend to require enactment of a law? If so, the words might better read "by law enacted by..."*

SECTION 7 (E) becomes

9 (E) Nothing contained in this
10 Section shall apply to any levee
11 district, any political subdivision
12 or local public agency unless the
13 full faith and credit of the state
14 is pledged to the payment of the
15 bonds of such levee district or
16 political subdivision.

SECTION 6 (E)

9 (E) ~~Levee Districts, Political~~
10 ~~Subdivisions~~ Exception. (1) Nothing in this
11 Section shall apply to any levee dis-
12 (2) trict, political subdivision, or local
13 public agency unless the full faith
14 and credit of the state is pledged to
15 (4) the payment of the bonds of the levee
16 district, ~~or~~ political subdivision, ~~or~~
17 local public agency.

adopted

CAVEAT: It is noted that lines 11-13 refer to any "local district, political subdivision, or local agency". Therefore, the committee on Style and Drafting believes the rewording and addition, on lines 16 and 17, of the words "or local public agency" are clarifying parallel structure and require no substantive change. Officer opinion is requested.

SECTION 8 (ii) Income

SECTION 7 (ii)

1 Section 8. State Debt; Interim
 2 Emergency Board
 3 Section 8. (A) The Interim
 4 Emergency Board hereby is created
 5 and shall be composed of the gov-
 6 ernor, the lieutenant governor,
 7 the state treasurer, the presiding
 8 officers of both houses of the
 9 legislature, the chairman of the
 10 Senate Finance Committee, and the
 11 chairman of the House Appropria-
 12 tions Committee, or their desig-
 13 nees.

1 Section 7. State Debt;
 2 Interim Emergency Board
 3 Section 7. (A) Composition.
 4 The Interim Emergency Board is
 5 created. ⁽¹⁾ It shall be composed of
 6 the governor, ⁽²⁾ lieutenant governor,
 7 ⁽³⁾ state treasurer, ⁽³⁾ presiding officer
 8 of each ⁽⁴⁾ house of the legislature,
 9 ⁽³⁾ chairman of the Senate Finance
 10 ⁽³⁾ Committee, and chairman of the
 11 House Appropriations Committee, or
 12 their designees.
 13

adopted

SECTION 8 (B) becomes SECTION 7 (B)

<p>1 (B) During the interim between 2 sessions of the legislature, when- 3 ever it is determined by majority 4 vote of the Interim Emergency Board 5 that an emergency exists, and then 6 only for a purpose for which the 7 legislature may appropriate funds, 8 after having obtained, as provided 9 by law, the written consent of two- 10 thirds of all members elected to 11 each house of the legislature, the 12 Interim Emergency Board may appro- 13 priate from the State General Fund, 14 or borrow upon the full faith and 15 credit of the state an amount to 16 care for an emergency, which is an 17 event or occurrence not reasonably 18 anticipated by the legislature.</p>	<p>(B) Powers. Between sessions of the legislature, when the board by majority vote determines that an emergency exists, it may appropriate from the state general fund or borrow on the full faith and credit of the state an amount to meet the emergency. The appropriation may be only for a made on the indebtedness incurred purpose for which the legislature may appropriate funds and may be ^{then} made only after the board obtains, as provided by law, the written con- sent of two-thirds of the elected members of each house of the legis- lature. For the purposes of this Paragraph, an emergency is an event or occurrence not reasonably antici- pated by the legislature.</p>
--	--

adopted

SECTION 8 (C) becomes SECTION 7 (C)

<p>1 (C) The aggregate of indebted- 2 ness outstanding at any one time 3 and the amount appropriated from 4 the State General Fund for the</p>	<p>(C) Limits. The aggregate of indebtedness outstanding at any one time and the amount appropriated from the state general fund for the</p>
---	---

5 current fiscal year under the
6 authority of this Section shall
7 not exceed one-tenth of one per-
8 cent of total state revenue
9 receipts for the previous
10 fiscal year.

5 current fiscal year under the autho-
6 rity of this Section shall not
7 exceed one-tenth of one percent of
8 total state revenue receipts for
9 the previous fiscal year.
10

adopted

SECTION 8 (D) becomes SECTION 7 (D)

11 (D) Each fiscal year, as a
12 first priority, there hereby is
13 allocated from the State General
14 Fund an amount sufficient to
15 pay any indebtedness incurred
16 during the preceding fiscal year
17 under the authority of this
18 Section.

11 (D) Allocation. An amount
12 sufficient to pay indebtedness in-
13 curred during the preceding fiscal
14 year under the authority of this
15 Section is allocated, as a first
16 priority, each year from the state
17 general fund. (1) (2)
18

adopted

-12-

SECTION 10 (A) becomes SECTION 8 (A)

1 Section 10. State Debt; Poli-
2 tical Subdivisions of the
3 State; Issuance and Sale
4 of Obligations; State Bond
5 Commission; Approval Re-
6 quired

7 Section 10. (A) The State
8 Bond Commission hereby is created
9 and its membership and authority

1 Section 8. State Bond
2 Commission
3 Section 8. (A) Creation. (1) (2)
4 The State Bond Commission is created
5 Its membership and authority shall
6 be determined by law. (3)
7
8
9

adopted

10 shall be determined by the 10
11 legislature. 11

Section 10 (B) becomes
Approval of Bonds.

1 (B) ⁽¹⁾ bonds or other obli-
2 gations shall be issued or sold
3 by the state, directly or through
4 any state board, agency, or com-
5 mission, or by any political sub-
6 division of the state, unless
7 prior written approval of the
8 ~~state~~ bond commission is obtained.

adopted

Section 8 (B)

1 (B) Approval of Bonds. ⁽¹⁾ Bonds
2 shall be issued or sold by the state
3 or other debt obligation ⁽²⁾ incurred,
4 directly or through any state board,
5 agency, or commission, or by any
6 political subdivision of the state,
7 unless prior written approval of the
8 ⁽³⁾ bond commission is obtained.

Section 10 (C) becomes *Section 8 (C)*

1 (C) Limited Time for Contesting
2 State Bonds. Bonds, notes, certi-
3 ficates, or other evidence of in-
4 debtedness of the state (hereafter
5 referred to collectively as
6 "bonds") shall not be invalid for
7 any irregularity or defect in the
8 proceedings or the issuance and
9 sale thereof, and shall be in-
10 contestible in the hands of a bona
11 fide purchaser or holder thereof.
12 The issuing agency, after

1 (C) Contesting State Bonds.
2 Bonds, notes, certificates, or other
3 evidence of indebtedness of the state
4 (hereafter referred to as "bonds")
5 shall not be invalid because of any
6 irregularity or defect in the proceed-
7 ings or in the issuance and sale
8 thereof and shall be incontestable in
9 the hands of a bona fide purchaser or
10 holder. ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾ The issuing agency, after
11 authorizing the issuance of bonds by
12 resolution, shall publish once in the

13 authorizing the issuance of bonds 13 official journal of the state, as pro
14 by resolution, shall publish once 14 vided by law, a notice of intention
15 in the official journal of the 15 to issue the bonds. The notice shall
16 state as provided by law a notice 16 include a description of the bonds
17 of intention to issue the bonds 17 and the security therefor. Within
18 and a description thereof and the 18 thirty days after the publication, any
19 security therefor and for a 19 person in interest may contest the
20 period of thirty days only after 20 legality of the resolution, any pro-
21 such publication any person in 21 vision of the bonds to be issued
22 interest shall have the right to 22 pursuant to it, the provisions secur-
23 contest the legality of said 23 ing the bonds, and the validity of
24 resolution and any provision 24 all other provisions and proceedings
25 therein of the bonds to be issued 25 relating to the authorization and
26 pursuant thereto and the provi- 26 issuance of the bonds. If no action
27 sions securing the bonds and the 27 or proceeding is instituted within
28 validity of all other provisions 28 the thirty days, no person may con-
29 and proceedings in connection 29 test the validity of the bonds, the
30 with the authorization and 30 provisions of the resolution pursuant
31 issuance of the bonds. If such 31 to which the bonds were issued, the
32 action or proceedings shall not 32 security of the bonds, or the validi-
33 have been instituted within the 33 of any other provisions or proceed-
34 said 30 day period, no one shall 34 ings relating to their authorization
35 have any right of action to con- 35 and issuance, and the bonds shall be
36 test the validity of the bonds or 36 presumed conclusively to be legal.

SECTION 10 (C) becomes

SECTION 8 (C)

1 the provisions of the resolution
2 pursuant to which the bonds were
3 issued or the security of the
4 bonds or the validity of any other
5 provisions or proceedings in con-
6 nection with the authorization and
7 issuance of the bonds and all the
8 bonds conclusively shall be pre-
9 sumed to be legal, and no court
10 thereafter shall have authority
11 to inquire into such matters.

1 (130) Thereafter, no court shall have autho-
2 rity to inquire into such matters.
3
4
5
6
7
8
9
10

adopted

SECTION 11 becomes

SECTION 9 (A) & (B)

1 Section 11. Collection of State
2 Funds; Bond Security and
3 Redemption Fund
4 Section 11. All money received
5 by the state or by any state board,
6 agency, or commission, immediately
7 upon receipt, shall be deposited
8 in the state treasury, except money
9 received as the result of grants
10 or donations or other forms of
11 assistance when the terms and con-
12 ditions thereof or of agreements
13 pertaining thereto require other-

1 Section 9. State Funds
2 Section 9. (A) Deposit in State
3 Treasury. All money received by the
4 state or by any state board, agency,
5 or commission shall be deposited im-
6 mediately upon receipt in the state
7 treasury, except ⁽¹⁾ ~~the following~~ ⁽²⁾ ~~that received~~
8 ~~as a result of~~ ⁽³⁾ ~~grants~~ ⁽⁴⁾ ~~donations~~
9 ⁽⁴⁾ ~~or~~ ⁽⁵⁾ ~~or~~ other forms of assistance
10 when the terms and conditions thereof
11 or of agreements pertaining thereto
12 require otherwise; ⁽²⁾ ~~money~~
13 by ⁽⁵⁾ ~~or~~ trade or professional associa-

14 wise, and except money received
15 by trade or professional associa-
16 tions, the employment security
17 administration fund or its suc-
18 cessor, retirement system funds
19 and except money received by
20 state agencies operating under
21 authority of this constitution
22 preponderantly from fees and
23 charges for the shipment of goods
24 in international maritime trade
25 and commerce.

26 Subject to contractual obliga-
27 tions existing at the time this
28 constitution is adopted, all state
29 money deposited in the state
30 treasury, except money received
31 as the result of grants or dona-
32 tions or other forms of assistance
33 when the terms and conditions
34 thereof or of agreements pertain-
35 ing thereto require otherwise,
36 shall be credited to a special

14 tion ^{(6) P(5) by} the employment security
15 administration fund or its successor;
16 ^{AP (4) by} retirement system funds; and ^{AP (5)}
17 ~~money received~~ ⁽⁷⁾ by state agencies
18 operating under authority of this
19 constitution preponderantly from
20 fees and charges for the shipment of
21 goods in international maritime trade
22 and commerce.

26 (B) Bond Security and Redemption
27 Fund. Subject to contractual obli-
28 gations existing on the effective
29 date of this constitution, all state
30 money deposited in the state treasury
31 shall be credited to a special fund
32 designated as the Bond Security and
33 Redemption Fund, except ⁽³⁾ grants ⁽¹⁾ and ⁽²⁾ dona-
34 tions ⁽⁴⁾ or other forms of assistance
35 when the terms and conditions thereof
36 or of agreements pertain thereto

NOTE: Changes made on right side of page are for
amendment of language. Original language unaltered

SECTION 11

SECTION 9 (1) (C)

1 fund designated as the Bond
2 Security and Redemption Fund. In

1 require otherwise. In each fiscal
2 year an amount is allocated there to

3 each fiscal year there hereby is
4 allocated from the Bond Security
5 and Redemption Fund an amount
6 sufficient to pay all obligations,
7 including but not necessarily
8 limited to principal, interest,
9 premiums, sinking or reserve fund
10 requirements, which are secured by
11 the full faith and credit of the
12 state and which become due and
13 payable within the current fiscal
14 year. Thereafter, except as
15 otherwise provided by law, all
16 money remaining in the Bond
17 Security and Redemption Fund shall
18 be credited to the State General
19 Fund. Nothing contained in this
20 Section shall apply to any levee
21 district or to any political sub-
22 division unless the full faith
23 and credit of the state is pledged
24 to the payment of the bonds of
25 such levee district or political
26 subdivision.

3 bond security and redemption fund
4 sufficient to pay all obligations
5 which are secured by the full faith
6 and credit of the state and which be-
7 come due and payable within the
8 current fiscal year, including
9 principal, interest, premiums, sink-
10 ing or reserve fund, and other
11 requirements. Thereafter, except as
12 otherwise provided by law, money re-
13 maining in the fund shall be credited
14 to the state general fund. Nothing
15 in this Section shall apply to a
16 levee district or political subdivi-
17 sion unless the full faith and credit
18 of the state is pledged to the payment
19 of ⁽⁹⁾ ~~its~~ bonds of the levee district
20 or political subdivision.
(1) (2) (3) (4) (5) (6) (7) (8) (9)

adopted

Section 12 (1) Levee & Political Subdivisions

1 Section 12. Expenditure of
2 State Funds.
3 Section 12. (A) Except as

1 Section 10. Expenditure of St
2 Funds
3 Section 10. (A) Appropriations.

4 otherwise provided in this consti-
5 tution, money shall be drawn from
6 the state treasury only pursuant
7 to an appropriation made in accor-
8 dance with law.

4 Except as otherwise provided by this ⁽¹⁾
5 constitution, money shall be drawn
6 from the state treasury only pursuant
7 to an appropriation made in accor-
8 dance with law.

adopted

SECTION 12 (B) becomes SECTION 10 (B)

9 (B) Total appropriations made
10 by the legislature for any fiscal
11 year shall not be greater than the
12 anticipated revenues of the state.
13

9 (B) Balanced Budget. Total
10 appropriations by the legislature for ⁽¹⁾
11 any fiscal year shall not exceed ⁽²⁾
12 anticipated state revenues for that ⁽³⁾ ⁽⁴⁾
13 fiscal year.

adopted

SECTION 12 (C) becomes SECTION 10 (C)

1 (C) The legislature shall
2 provide for the publication of a
3 regular statement of receipts and
4 expenditures of all state money
5 at intervals of not more than one
6 year.

1 (C) Publication. The legislature
2 shall have ⁽¹⁾ published a regular state-
3 ment of receipts and expenditures of
4 all state money at intervals of not
5 more than one year.
6

adopted

SECTION 12-(D) becomes SECTION 10(D)

7 (D) No appropriation shall be
8 made except for public purposes.
9

7 (D) Public Purpose. No appro-
8 priation shall be made except for a ⁽¹⁾
9 public purpose. ⁽¹⁾

adopted

SECTION 13 (A) becomes SECTION 11 (A)

Section 13. Management of
State Funds; Budgets

Section 13. (A) The governor shall submit to the legislature, at a time fixed by law, a budget estimate for the next fiscal year setting forth all proposed state expenditures and anticipated state revenues, and shall cause to be submitted a general appropriation bill to authorize the proposed ordinary operating expenditures and, if necessary, a bill or bills containing recommendations for new or additional revenues.

1 Section 11. ~~Management of~~
2 ~~State Funds; Budgets~~
3 Section 11. (A) Operating Budget.
4 The governor shall submit to the legis-
5 lature, at a time fixed by law, a
6 budget estimate for the next fiscal
7 year setting forth all proposed state
8 expenditures and anticipated state
9 revenues. ⁽¹⁾ He shall cause to be sub-
10 mitted a general appropriation bill ^{for}
11 ~~to fund~~ ⁽²⁾ proposed ordinary operating
12 expenditures and, if necessary, a
13 bill or bills ⁽³⁾ to raise additional
14 revenues.

adopted

Section 11(1) becomes Section 11(1)

1 (B) The governor shall submit
2 to each regular session of the
3 legislature a proposed five-year
4 capital outlay program with a re-
5 quest for implementation of the
6 first year of the five-year pro-
7 gram. All capital outlay projects
8 approved by the legislature shall
9 be made a part of the comprehen-
10 sive state capital budget which
11 shall be adopted by the legisla-
12 ture.

1 (B) Capital Budget. The governor
2 shall submit to the legislature, at
3 each regular session, a proposed five-
4 year capital outlay program and re-
5 quest implementation of the first
6 year of the program. Capital outlay
7 projects approved by the legislature
8 shall be made a part of the compre-
9 hensive state capital budget, which
10 shall be adopted by the legislature.
11

adopted

Section 14 becomes Section 12

1 Section 14. Management of State
2 Funds; Public Record
3 Section 14. All reports and
4 records of the collection, ex-
5 penditure, investment, and use of
6 state moneys and all reports and
7 records relating to state obliga-
8 tions shall be matters of public
9 record, except returns of tax-
10 payers and matters pertaining
11 thereto.

1 Section 12. ~~Management of State~~
2 ~~Funds; Public Record~~
3 Section 12. ⁽¹⁾ Reports and records
4 of the collection, expenditure, in-
5 vestment, and use of state money and
6 those relating to state obligations
7 shall be matters of public record,
8 except returns of taxpayers and
9 matters pertaining to those returns
10
11

adopted

SECTION 15 becomes SECTION 13

1 Section 15. Management of State
2 Funds; Investment

3 Section 15. All money available
4 for investment in the custody of
5 the state treasurer shall be in-
6 vested as provided by law.

1 Section 13. ~~Management of State~~
2 ~~Funds~~ Investment of State Funds

3 Section 13. All money in the
4 custody of the state treasurer ⁽¹⁾ which
5 is available for investment ⁽¹⁾ shall be
6 invested as provided by law.

adopted

SECTION 16 (A) becomes SECTION 14 (A)

7 Section 16. Management of State
8 Funds; Donation, Loan, or
9 Pledge of Public Credit

10 Section 16. (A) Except as
11 otherwise provided in this con-
12 stitution, the funds, credit, pro-
13 perty or things of value of the
14 state, or of any political sub-
15 division thereof, shall not be
16 loaned, pledged, or donated to or
17 for any person or persons, asso-
18 ciations or corporations, public
19 or private, nor shall the state

7 Section 14. ~~Management of State~~
8 ~~Funds~~

9 Section 14. (A) Prohibited Uses.
10 Except as otherwise provided by this
11 constitution, the funds, credit, pro-
12 perty, or things of value of the ⁽²⁾
13 state or of any political subdivision ⁽³⁾ ⁽⁴⁾
14 shall not be loaned, pledged, or do-
15 nated to or for any person, asso- ⁽⁵⁾
16 ciation, or corporation, public or ⁽⁶⁾ ⁽⁷⁾
17 private. Neither the state nor a ⁽⁸⁾
18 political subdivision shall subscribe ⁽⁹⁾ ⁽¹⁰⁾
19 to or purchase the stock of a corpora-

20 nor any political subdivision
21 purchase or subscribe to the
22 capital stock or stock of any
23 corporation or association what-
24 ever or for any private enter-
25 prise.

20 tion or association or for any private
21 enterprise.

adopted

SECTION 16 (B) becomes SECTION 14 (C)

1 (B) Nothing contained in this
2 Section shall prevent: (1) the
3 use of public funds for programs
4 of social welfare for the aid and
5 support of the needy; (2) con-
6 tributions of public funds to
7 pension and insurance programs for
8 the benefit of public employees;
9 (3) the legislature from authori-
10 zing the pledge of such funds,
11 credit, property, or things of
12 value for public purposes with
13 respect to the issuance of bonds
14 or other evidences of indebtedness
15 to meet public obligations.

1 (B) Authorized Uses. Nothing in
2 this Section shall prevent⁽¹⁾
3 (1) the use of public funds for
4 programs of social welfare for the
5 aid and support of the needy;
6 (2) contributions of public funds to
7 pension and insurance programs for
8 the benefit of public employees; or
9 (3) ~~the legislature from authorizing~~
10 the pledge of public funds, credit,
11 property, or things of value for
12 public purposes with respect to the
13 issuance of bonds or other evidences
14 of indebtedness to meet public
15 obligations *as provided by law.*

adopted

Section 11 (D) becomes Section 11 (C)

1 (D) The state and its political
2 corporations may, for a public pur-
3 pose, engage in cooperative en-
4 deavors with each other or with
5 the United States or its agencies,
6 or with any public or private asso-
7 ciation or corporation or indi-
8 vidual.

1 (C) Cooperative Endeavors. For
2 a public purpose, ⁽¹⁾ the state and its
3 *subdivisions or political* corporations may engage in
4 cooperative endeavors with each other,
5 with the United States or its agencies ⁽²⁾,
6 or with any public or private associa-
7 tion, ⁽²⁾ corporation, ⁽²⁾ or individual.

Section 11 (C) becomes Section 11 (D)

1 (C) Funds, credit, property or
2 things of value of the state or of
3 any political subdivision thereof
4 heretofore loaned, pledged, dedi-
5 cated or granted by the prior laws
6 of this state, or authorized to be
7 loaned, pledged, dedicated or
8 granted by the prior laws and
9 constitution of this state, shall
10 so remain for the full term as
11 provided by the prior laws and
12 constitution and for the full
13 term as provided by any contract,
14 unless such authorization is
15 revoked by the legislature by a
16 two-thirds vote of the elected

1 (D) Prior Obligations. Funds,
2 credit, property, ⁽¹⁾ or things of value
3 of the state or of a political sub-
4 division heretofore loaned, pledged,
5 dedicated, ⁽⁴⁾ or granted by prior
6 state law or authorized to be loaned,
7 pledged, dedicated, or granted by
8 the prior laws and constitution of
9 this state ⁽⁶⁾ shall so remain for the
10 full term as provided by the prior
11 laws and constitution and for the full
12 term as provided by any contract, un-
13 less the authorization is revoked by
14 law enacted by two-thirds of the
15 elected members of each house of the
16 legislature prior to the vesting of

17 membership of each house of the
18 legislature prior to the vesting
19 of any contractual rights pursuant
20 to this Section.

17 any contractual rights pursuant to
18 this Section.

adopted

SECTION 17 (A) becomes SECTION 15

1 Section 17. Release of Obliga-
2 tion to State, Parish or
3 Municipal Corporation; Taxes
4 on Confiscated Property
5 Section 17. (A) The legisla-
6 ture shall have no power to release
7 or extinguish or to authorize the
8 releasing or extinguishment, in
9 whole or in part, of the indebted-
10 ness, liability, or obligation of
11 any corporation or individual to
12 the state, or to any parish or
13 municipal corporation thereof,
14 provided, that the legislature may
15 establish a system whereby claims
16 by the state or political subdivi-
17 sions may be compromised, and
18 provided, that the heirs to
19 confiscated property may be re-
20 leased from all taxes due thereon
21 at the date of its reversion to
22 them; and provided that, whenever

1 Section 15. ^{Release of} Obligation. to State
2 Parish, or Municipality
3 Section 15. ^(A) ~~Release.~~ Release. The
4 legislature shall ⁽¹⁾ ~~release,~~ ⁽²⁾ release, ⁽²⁾ ~~extin-~~ ⁽²⁾ *Have no power to*
5 ⁽³⁾ ~~guish,~~ ⁽¹⁾ or authorize the releasing or
6 extinguishing of any indebtedness,
7 liability, or obligation of a corpora-
8 tion or person to the state, a parish, ⁽⁶⁾ ⁽⁷⁾ ⁽²⁾ ⁽⁷⁾
9 or a municipality. ⁽⁵⁾ ⁽³⁾ ⁽⁹⁾ However, the
10 legislature ⁽¹⁰⁾ ^{1.} ⁽¹¹⁾ may establish a system
11 under which claims by the state or a
12 political subdivision may be com-
13 promised, ⁽¹²⁾ and may provide for the re-
14 lease of heirs to confiscated property
15 from taxes due thereon at the date of
16 its reversion to them. ⁽¹³⁾ *P(B) Exception.* ~~In addition~~
17 ~~Whenever~~ any immovable property has
18 been forfeited or adjudicated to the
19 state for nonpayment of taxes due
20 prior to January 1, 1980, and the state
21 did not sell or dispose of it or dis-
22 possess the tax debtor or his heirs,

23 any immovable property has been
24 forfeited or adjudicated to the
25 state for the nonpayment of taxes
26 due prior to January 1, 1880, and
27 the state did not sell or dispose
28 of the same or dispossess the tax
29 debtor or his heirs, successors,
30 or assigns prior to the adoption
31 of the Constitution of 1921, it
32 shall be presumed conclusively
33 that such forfeiture or adjudi-
34 cation was irregular and null or
35 that the property has been re-
36 deemed, and the state and its

23 successors, or assigns prior to the
24 adoption of the Constitution of 1921,
25 it shall be presumed conclusively that
26 the forfeiture or adjudication was
27 irregular and null or that the property
28 has been redeemed. The state and its
29 assigns shall be estopped forever from
30 claiming any title to the property
31 because of the forfeiture or adjudica-
32 tion.

adopted

CAVEAT: Please consider lines 7 and 8 "of a corporation or person" and advise whether the words "corporation or" can be deleted, since "person" includes

SECTION 110 becomes SECTION 15

1 assigns shall be estopped forever
2 from setting up any title to such
3 property by virtue of such for-
4 feiture or adjudication.

1
2
3
4

SECTION 110 becomes SECTION 15

1 (B) All taxes and licenses,
2 other than real property taxes,
3 shall prescribe in three years from
4 the thirty-first day of December in

1
2 Taxes, except real property taxes,
3 and license fees shall prescribe in
4 three years after the thirty-first

5 the year in which such taxes or
6 licenses are due, but prescription
7 may be interrupted or suspended as
8 provided by law. No state,
9 district, parish, or other tax,
10 license, fee or assessment of any
11 kind or nature, with all interest
12 charges and penalties appertaining
13 thereto, imposed, due or collect-
14 ible, upon any property, minerals
15 or the severance thereof, or due
16 or payable by any person, firm or
17 corporation upon any business
18 operation or activity within the
19 Tidelands area in dispute between
20 the state and the United States
21 and within the state's historic
22 gulfward boundary three leagues
23 from coast, as established and
24 defined by the Act of Congress of
25 April 8, 1812, which admitted this
26 state into the Union, and as re-
27 defined in Act 33 of the 1954
28 Legislature of Louisiana, shall
29 prescribe until three years after
30 the 31st day of December in the
31 year in which the controversy
32 existing between the United States
33 and ~~the~~ ^{this} state of Louisiana over
34 ~~its said~~ ^{the} state gulfward boundary

5 day of December in the year in which
6 ⁽³⁾ they are due, but prescription may be
7 interrupted or suspended as provided
8 by law. ^{(B) Tidelands.} ~~^~~ No state, ~~district, parish,~~
9 or other tax, ~~license, fee, or assess-~~
10 ^{(5) (6)} ment of any kind, and interest charges
11 and penalties ⁽⁷⁾ attaching thereto, ⁽⁸⁾ which
12 are imposed, due, or collectible on ^{(9) (10)}
13 any property, minerals ~~or~~ ⁽¹¹⁾ the sever-
14 ance thereof, or due or payable by any
15 person, firm, or corporation on any
16 business operation or activity within
17 ⁽¹⁴⁾ the tidelands area in dispute between
18 the state and the United States and
19 within the state's historic gulfward
20 boundary three leagues from coast, as
21 established and defined by the Act of
22 Congress of April 8, 1812, which ad-
23 mitted this state into the Union, and
24 as redefined in Louisiana Act No. 33
25 of 1954 shall prescribe until three
26 ⁽¹⁵⁾ years after the thirty-first day of
27 December in the year in which the
28 ⁽¹⁷⁾ ~~existing controversy~~ ^{(18) (19)} is finally re-
29 solved and settled in accordance with
30 law. ⁽²⁰⁾ However, no interest charge or ⁽²¹⁾
31 ⁽²²⁾ penalty shall be assessed or collected
32 on any such tax, ~~license, fee, or assess-~~
33 ⁽²³⁾ ~~ment~~ if it is paid within one year
34 ⁽²⁴⁾ after the thirty-first day of December
⁽²⁵⁾

5 shall have been finally resolved | 35 in the year in which the controversy
6 and settled in accordance with | 36 is finally resolved and settled.

adopted

~~SECTION 17~~ becomes SECTION ¹⁶ ~~17~~

1 law; provided, however, no interest | 1
2 charges or penalties shall be as- | 2
3 sessed or collected on any such | 3
4 tax, license, fee or assessment if | 4
5 such tax, license, fee or assess- | 5
6 ment is paid within one year after | 6
7 the 31st day of December in the | 7
8 year in which such controversy is | 8
9 finally resolved and settled. | 9

~~SECTION 18~~ becomes SECTION ¹⁷ ~~18~~

1 Section 18. Legislation to | 1
2 Enable Compliance with | 2
3 Federal Laws and Regulations | 3
4 to Secure Federal Aid in | 4
5 Capital Improvement Projects | 5

6 Section 18. The legislature | 6
7 may enact legislation to enable | 7
8 the state, its agencies, boards, | 8

1 Section ¹⁷ ~~18~~. Legislation to | 1
2 Obtain Federal Aid | 2
3 Section ¹⁷ ~~18~~. The legislature may | 3
4 enact laws to enable the state, its | 4
5 agencies, boards, ⁽²⁾ commissions, and | 5
6 political subdivisions and their | 6
7 agencies to comply with federal laws | 7
8 and regulations in order to secure | 8

9 and commissions, and political
0 subdivisions of the state and
1 their agencies to comply with
2 federal laws and regulations in
3 order to secure federal partici-
4 pation in the cost of capital im-
5 provement projects.

9 federal participation in funding ⁽⁴⁾
10 capital improvement projects.

adopted

-32-

NOTES

Document No. XXI, dated 1/3/74, as reproduced above, dated 1/9/74, contains handwritten notes indicating committee action.

C.P. No. 15 Floor Presentation, dated 1/12/74, is omitted. It produces Document No. XXI with changes as adopted by the committee

HENRY PUGH, ET AL. AMENDMENT TO C.P. 15, SECTION 6(C)

Styling Suggestions from Committee on Style and Drafting:
Comparative Presentation

1/15/74

PROPOSAL AS AMENDED

SUGGESTED CHANGES

"(A) Full Faith and Credit. The full faith and credit of the state shall be pledged to the repayment of all bonds or other evidences of indebtedness issued by the state directly or through any state board, agency, or commission pursuant to the provisions of Paragraphs (A) and (B) hereof. The full faith and credit of the state is not hereby pledged to the repayment of bonds of a levee district, political subdivision, or local public agency. In addition, any state board, agency, or commission authorized by law to issue bonds, in the manner so authorized and with the approval of the State Bond Commission or its successor, may issue bonds which are payable from rates, rentals, tolls, charges, grants, or receipts or income derived by or in connection with an undertaking, facility, project, or any combination thereof, without a pledge of the full faith and credit of the state. Such revenue bonds are not required to be issued in accordance with the provisions of Paragraphs (A) and (B) hereof, other than as provided in Paragraphs (A) and (B), such revenue bonds shall not carry the pledge of the full faith and credit of the state and the issuance of the bonds shall not constitute the incurring of state debt under this constitution. The rights granted to deep-water port commissions or deep-water port, harbor and terminal districts under this constitution shall not be impaired by the provisions of this Section."

"(C) Full Faith and Credit. The full faith and credit of the state shall be pledged to the repayment of all bonds or other evidences of indebtedness issued by the state directly or through any state board, agency, or commission pursuant to the provisions of Paragraphs (A) and (B) hereof. The full faith and credit of the state is not hereby pledged to the repayment of bonds of a levee district, political subdivision, or local public agency. In addition, any state board, agency, or commission authorized by law to issue bonds, in the manner so authorized and with the approval of the State Bond Commission or its successor, may issue bonds which are payable from fees, rates, rentals, tolls, charges, grants, or other receipts or income derived by or in connection with an undertaking, facility, project, or any combination thereof, without a pledge of the full faith and credit of the state. Such revenue bonds may, but are not required to, be issued in accordance with the provisions of Paragraphs (A) and (B) hereof. If issued other than as provided in Paragraphs (A) and (B), such revenue bonds shall not carry the pledge of the full faith and credit of the state and the issuance of the bonds shall not constitute the incurring of state debt under this constitution. The rights granted to deep-water port commissions or deep-water port, harbor, and terminal districts under this constitution shall not be impaired by this Section."

COMMITTEE PROPOSAL NO. 17: FIRST ENROLLMENT

LOCAL GOVERNMENT

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE VI. LOCAL GOVERNMENT
 2 Section 1. Creation, Dissolu-
 3 tion, and Merger of Parish-
 4 es; Change of Parish Lines;
 5 Change of Parish Seats;
 6 Existing Parishes
 7 Section 1. (A) The legisla-
 8 ture may establish and organize
 9 new parishes, dissolve and merge
 10 parishes and change parish bound-
 11 aries, if two-thirds of the elect-
 12 ors in each of the parishes affect-
 13 ed voting at an election held for
 14 the purpose in each parish affect-
 15 ed consent thereto.
 16 (B) The governing authority
 17 of a parish, may call an elec-
 18 tion on the question of chang-
 19 ing the location of the parish
 20 seat. The election shall be
 21 conducted in the manner provid-

1 ARTICLE VI. LOCAL GOVERNMENT
 2
 3 PART I. GENERAL PROVISIONS
 4
 5 Section 1. Parishes and Bound-
 6 aries Ratified; Creation;
 7 Dissolution; Merger; Change
 8 of Parish Boundaries and
 9 Parish Seats
 10 Section 1. (A)⁽¹⁾ Parishes and
 11 Boundaries Ratified. Parishes and
 12 their boundaries as established
 13 under existing law are recognized
 14 and ratified.
 15 (B) Creation; Dissolution;
 16 Merger; Boundaries. The legislature
 17 may establish and organize new
 18 parishes,⁽²⁾ dissolve and merge par-
 19 ishes, and change parish boundaries
 20 if approved by two-thirds of the
 21 electors in each parish affected

22 ed by the general election laws
23 in the state, insofar as applic-
24 able. The location of a parish
25 seat shall be changed if two-
26 thirds of the total vote cast
27 at the election is in favor
28 thereof.

22 voting thereon at an election held
23 for the purpose. (3)
24
25
26
27
28

SECTION 1 (C)

1 (C) All parishes and their
2 boundaries as established under
3 existing law are recognized and
4 ratified.

1 (C) Change of Parish Seat.
2 The governing authority of a
3 parish⁽¹⁾ may call an election
4 on the question of changing⁽⁵⁾
5 the parish seat. The parish⁽⁶⁾
6 seat shall be changed if ap-⁽⁷⁾
7 proved by two-thirds of the
8 electors voting thereon.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(2) Manual, Rule 20 and Elements, I, 2--commas
in series.

(3) Standardization of language.

(4) Webster's, Rule 4.4.1--omit needless commas.

(5) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(6) Ibid.; Elements, II, 15--parallelism.

(7) Standardization of language.

SECTION 3 becomes SECTION 2

1 Section 3. New or Enlarged
2 Parishes; Adjustment of
3 Assets and Liabilities
4 Section 3. When a parish is
5 enlarged or created from conti-
6 guous territory, it shall be
7 entitled to a just proportion
8 of the property and assets and
9 shall be liable for a just pro-
10 portion of the existing debts
11 and liabilities of the parish
12 or parishes from which the terri-
13 tory is taken.

1 Section 2. New or Enlarged
2 Parishes; Adjustment of
3 Assets and Liabilities
4 Section 2. When a parish
5 is enlarged or created from
6 contiguous territory, it shall
7 be entitled to a just propor-
8 tion of the property and assets
9 and shall be liable for a just
10 proportion of the existing
11 debts and liabilities of the
12 parish or parishes from which
13 the territory is taken.

Comment:

No Change

Page 3

SECTION 5 Becomes SECTION 3

1 Section 5. Municipalities;
2 Incorporation, Consolida-
3 tion, Merger, and Government
4 Section 5. The legislature
5 shall provide by general law for
6 the incorporation, consolidation,
7 merger, and government of munici-
8 palities. No local or special law
9 shall be enacted to create a muni-

1 Section 3. Municipalities;
2 Incorporation, Consolida-
3 tion, Merger, and Govern-
4 ment
5 Section 3. The legislature
6 shall provide by general law
7 for the incorporation, consolida-
8 tion, merger, and government of
9 municipalities. No local or

10 cipal corporation or to amend,
11 modify, or repeal its charter.
12 However, if a municipality is
13 operating under a special legis-
14 lative charter it may be amended,
15 modified, or repealed by local
16 or special law as long as such
17 municipality continues to operate
18 under such charter.

10 special law shall ⁽¹⁾ create a municipi-
11 pal corporation or amend, modify,
12 or repeal ⁽²⁾ a municipal charter.
13 However, ⁽⁵⁾ as long as a municipality
14 operates ⁽³⁾ under a special legisla-
15 tive charter, ⁽⁴⁾ its charter may be
16 amended, modified, or repealed
17 by local or special law. ⁽⁵⁾
18

Comment:

(1) Manual, Rules 5, 13, and Elements, II, 13--
omit needless words.

(2) Elements, V, 16--be clear.

(3) Manual, Rule 5--substitute word for phrase.

(4) Elements, V, 16--be clear.

(5) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

Page 4

SECTION 6 Becomes SECTION 4

1 Section 6. Classification
2 Section 6. Except as provided
3 in this constitution, the legis-
4 lature may classify parishes or
5 municipalities according to popu-
6 lation or on any other reasonable
7 basis related to the purpose of
8 this classification, and legisla-

1 Section 4. Classification
2 Section 4. ⁽¹⁾ The legislature
3 may classify parishes or municipi-
4 palities according to population
5 or on any other reasonable basis
6 related to the purpose of class-
7 ification. ⁽²⁾ It may enact laws
8 affecting one or more classes. ⁽³⁾

9 tion may be limited in its effect | 9
10 to any of such class or classes. | 10

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; i.e., there are no other provisions in this constitution.

(2) Ibid.

(3) Ibid.; Manual, Rule 10--short sentences; Manual, Rule 14--unrelated ideas in separate sentences.

Page 5

SECTION 7 Becomes SECTION 5

1 Section 7. Existing Home Rule
2 Charters and Plans of Govern-
3 ment of Parishes and Munici-
4 palities Ratified

5 Section 7. Every plan of govern-
6 ment or home rule charter existing
7 or adopted when this constitution is
8 adopted shall remain in effect and
9 may be amended, modified, or repealed
10 as provided therein. Except as in-
11 consistent with the provisions of
12 this constitution, each local govern-
13 mental subdivision which has adopted
14 such a home rule charter or plan of
15 government shall retain the powers,
16 functions and duties in effect when
17 this constitution is adopted. Each
18 of them, if its charter permits,

1 Section 5. Existing Home
2 Rule Charters and Plans of
3 Government of Parishes
4 and Municipalities Ratified
5 Section 5. Every home rule
6 charter ⁽¹⁾ or plan of government
7 existing or adopted on the effec-
8 tive date of this constitution ⁽²⁾
9 shall remain in effect and may be
10 amended, modified, or repealed
11 as provided therein. Except as
12 inconsistent with ⁽³⁾ this constitu-
13 tion, each local governmental sub-
14 division which has adopted such
15 a home rule charter or plan of
16 government shall retain the
17 powers, functions, and duties in
18 effect on the effective date of this

19 shall also enjoy the right to any
20 powers and functions granted to other
21 local governmental subdivisions.
22
23

19 constitution. If its charter per-
20 mits, each of them shall also
21 have the right to powers and
22 functions granted to other
23 local governmental subdivisions.

Comment:

(1) Word placement changed to conform with title and with word placement in rest of Section.

(2) Standardization of language.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Standardization of language.

(5) Elements, II, 16--keep related words together.

(6) Elements, V, 7, 14--do not overstate; avoid fancy words.

(7) Manual Rules 5, 13 and Elements, II, 13--omit needless words.

Page 6

SECTION 8(A) BECOMES SECTION 6(A)

1 Section 8. Home Rule Charter
2 Section 8. (A) Subject to and
3 not inconsistent with the provi-
4 sions of this constitution, any
5 local governmental subdivision
6 may draft, adopt, or amend a
7 charter of government to be
8 known as a home rule charter in
9 accordance with the provisions
10 of this Section. The governing

1 Section 6. Home Rule Charter
2 Section 6. (A) Authority to
3 Adopt; Commission. Subject to and
4 not inconsistent with this con-
5 stitution, any local governmental
6 subdivision may draft, adopt, or
7 amend a home rule charter in ac-
8 cordance with this Section. The
9 governing authority of a local gov-
10 ernmental subdivision may appoint

11 authority of any such local gov-
12 ernmental subdivision may appoint
13 a commission to prepare and
14 propose a charter or alternate
15 charter, or may call an election
16 for the purpose of electing such
17 a commission.

11 a commission to prepare and pro-
12 pose a charter or an alternate
13 charter, or it may call an election
14 to elect such a commission.
15
16
17

Comment:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Standardization of language.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Elements, V, 16--be clear.
- (6) Elements, II, 15--parallelism.
- (7) Manual, Rule 5--substitute word for phrase.

Page 7

SECTION 8 (B) Becomes SECTION 6 (B)

1 (B) The governing authority
2 of any such local governmental
3 subdivision shall call an elec-
4 tion to elect a commission to
5 prepare and propose a charter or
6 alternate charter when presented
7 with a petition signed by not
8 less than ten percent of the
9 electors or ten thousand electors,
10 whichever is the lesser, who live

1 (B) Petition to Elect Com-
2 mission. The governing authority⁽¹⁾
3 shall call an election to elect
4 a commission when presented with⁽²⁾
5 a petition signed by not less than
6 ten percent of the electors or
7 ten thousand electors, whichever⁽³⁾
8 is fewer, who live within the
9 boundaries of the affected sub-
10 division, as certified by the

11 within the boundaries of the
12 affected subdivision, as certi-
13 fied by the registrar of voters.

11 registrar of voters.
12
13

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(2) Ibid.

(3) Elements, p. 45--less refers to quantity;
few, to number.

Page 8

SECTION 8 (C) BECOMES SECTION 6 (C)

1 (C) A home rule charter shall
2 be adopted, amended, or repealed
3 when approved by a majority of the
4 electors who vote on the proposal
5 at an election called for that
6 purpose.

1 (C) Adoption; Amendment; Re-
2 peal. A home rule charter shall
3 be adopted, amended, or repealed
4 when approved by a majority of
5 the electors voting thereon at an
6 election held for the purpose. (1)

Comment:

(1) Standardization of language.

SECTION 8 (D) BECOMES SECTION 6 (D)

7 (D) Two or more local govern-
8 mental subdivisions situated within
9 the boundaries of one parish may
10 avail themselves of the provisions
11 of this Section, provided that a

7 (D) Adoption by Two or More
8 Local Governmental Subdivisions.
9 Two or more local governmental
10 subdivisions within the boundaries
11 of one parish may adopt a home (1)
(2)

12 majority of the electors in each
13 affected local governmental subdi-
14 vision who vote in an election
15 held for that purpose vote in
16 favor thereof. The legislature
17 shall provide for the method of
18 appointment or election of a
19 commission to prepare and
20 propose such a charter consis-
21 tent with Paragraph (A) of this
22 Section. However, at least one
23 member of the commission shall
24 be elected or appointed from
25 each affected local governmental
26 subdivision. The legislature
27 shall provide the method by
28 which the electors of more than
29 one local governmental subdivi-
30 sion within the boundaries of

12 rule charter under this Section
13 if approved by a majority of the
14 electors in each affected local
15 governmental subdivision voting
16 thereon in an election held for
17 the purpose. ⁽³⁾ The legislature
18 shall provide ⁽⁴⁾ the method of ap-
19 pointment or election of a com-
20 mission to prepare and propose ⁽⁵⁾ a
21 charter consistent with Paragraph
22 (A) of this Section and the method ⁽⁶⁾
23 by which the electors ⁽⁷⁾ may petition
24 for an election ⁽⁸⁾ consistent with
25 Paragraph (B) of this Section.
26 However, at least one member of
27 the commission shall be elected
28 or appointed from each affected
29 local governmental subdivision. ⁽⁹⁾
30

SECTION 8 (D) BECOMES SECTION 6 (D)

1 one parish may petition for an | 1
2 election for such purpose con- | 2
3 sistent with Paragraph (B) of | 3
4 this Section. | 4

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(2) Elements, V, 16--be clear.

- (3) Standardization of language.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Ibid.
- (6) Elements, V, 16--be clear.
- (7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (8) Ibid.; Elements, II, 15--parallelism.

SECTION 8 (E) Becomes SECTION 6 (E)

1 (E) A home rule charter adopted
 2 pursuant to the provisions of this
 3 Section shall provide for the
 4 structure and organization, powers,
 5 and functions for the government
 6 of the local governmental subdivi-
 7 sion, which may include the exer-
 8 cise of any power and performance
 9 of any function necessary, requi-
 10 site, or proper for the management
 11 of its affairs, not denied by
 12 general law or inconsistent with
 13 any provision of this constitution.
 14 The legislature shall not pass
 15 any law the effect of which changes,
 16 modifies, or affects the structure
 17 and organization and/or the parti-

1 (E) Structure and Organiza-
 2 tion; Powers; Functions. A
 3 home rule charter adopted
 4 ⁽¹⁾ under this Section shall pro-
 5 vide ⁽²⁾ the structure and organ-
 6 ization, powers, and functions
 7 of the government of ⁽³⁾ the local
 8 governmental subdivision,
 9 which may include the exercise
 10 of any power and performance
 11 of any function necessary,
 12 requisite, or proper for the
 13 management of its affairs, not
 14 denied by general law or in-
 15 consistent with this consti-
 16 tution.
 17

18 cular distribution and redistri-
19 bution of the powers and functions
20 of any local governmental subdivi-
21 sion which operates under a home
22 rule charter.

18
19
20
21
22

[Note:
Second half of
SECTION 8 (E).
Becomes SECTION 7]

Comment:

(1) Manual, Rule 5--substitute word for phrase;
Standardization of language.

(2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(3) Elements, V, 16--be clear; i.e., substitution
of preposition "of" for "for."

(4) Standardization of language.

Page 11

SECTION 8 (F) BECOMES SECTION 6(F)

1 (F) A local governmental sub-
2 division adopting a home rule
3 charter under this Section shall
4 also enjoy such additional powers
5 and functions as are granted to
6 local governmental subdivisions
7 by other provisions of this
8 constitution, unless the exer-
9 cise of such powers and perfor-
10 mance of such functions is pro-
11 hibited by its charter.

1 (F) Additional Powers and
2 Functions. Except as prohibited
3 by its charter, ⁽¹⁾ a local governmental
4 subdivision adopting a home rule
5 charter under this Section shall
6 have ⁽²⁾ the additional powers and
7 ⁽³⁾ functions granted to local govern-
8 mental subdivisions by other pro-
9 visions of this constitution.
10
11

Comment:

(1) Manual, Rule 18--place exceptions first when
specific.

(2) Standardization of language.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Page 12

SECTION 8 (G) Becomes

SECTION 6 (G)

1 (G) No home rule charter or
2 plan of local government shall
3 contain any provision inconsis-
4 tent with this constitution or
5 any law now or hereafter enacted
6 which affects the offices of
7 district attorney, sheriff,
8 assessor, clerk of a district
9 court, coroner, parish school
10 board, or city school board.

1 (G) Parish Officials and
2 School Boards Not Affected. No
3 home rule charter or plan of gov-⁽¹⁾
4 ernment shall contain any pro-
5 vision inconsistent with this
6 constitution or with any law af-⁽²⁾ ⁽³⁾
7 fecting a school board or the
8 offices of district attorney,
9 sheriff, assessor, clerk of a
10 district court, or coroner.

Comment:

(1) Standardization of language.

(2) Elements, II, 15--parallelism.

(3) Manual, Rule 11--present tense; Manual,
Rule 5--substitute word for phrase.

(4) Elements, V, 16--be clear; Manual, Rules 5,
13 and Elements, II, 13--omit needless words.

SECTION 8 H

11 (H) Notwithstanding any provi-
 12 sion of this Article to the con-
 13 trary, the courts and their officers
 14 may be established or affected
 15 only as provided in Article V of
 16 this constitution.

11
12
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18

[NOTE:
 SECTIONS
 8(H) and
 9(C) are identical
 and become
 SECTION 27]

SECTION 7

formerly second
 part of 8(E) -

1
2
3
4
5
6 The legislature shall not pass
 7 any law the effect of which changes,
 8 modifies, or affects the structure
 9 and organization and/or the parti-
 10 cular distribution and redistri-
 11 bution of the powers and functions
 12 of any local governmental subdivi-
 13 sion which operates under a home
 14 rule charter.

1 Section 7. Home Rule Charter
 2 or Plan of Government;
 3 Action by Legislature Pro-
 4 hibited

5
6 Section 7. The legislature
 7 shall enact ⁽¹⁾ no law the effect of
 8 which changes ⁽²⁾ or affects the
 9 structure and organization ⁽³⁾ or the
 10 particular distribution and redistri-
 11 bution of the powers and func-
 12 tions of any local governmental
 13 subdivision ⁽⁴⁾ operating under a
 14 home rule charter.

Comment:

(1) Elements, II, 11--positive form; Standardi-
 zation of language.

(2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(3) Elements, p. 35--do not use and/or.

(4) Manual, Rule 5--substitute word for phrase.

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SECTION 9(A) Becomes SECTION 8(A)

1 Section 9. Powers of Other
2 Local Governmental Subdi-
3 visions
4 Section 9. (A) Subject to
5 and not inconsistent with any
6 provision of this constitution,
7 the governing authority of any
8 other local governmental sub-
9 division may exercise any power
10 and perform any function
11 necessary, requisite, or proper
12 for the management of the affairs
13 of the local governmental sub-
14 division not denied by its
15 charter or by general law,
16 provided that a majority of
17 the electors in the affected local
18 governmental subdivision who vote
19 in an election held for that
20 purpose vote in favor of the
21 proposition that such governing
22 authority may exercise such
23 general powers. In the absence of

1 Section 8. Powers of Other
2 Local Governmental Sub-
3 divisions
4 Section 8. (A) Powers and
5 Functions. Subject to and not
6 inconsistent with this consti-
7 tution, the governing authority
8 of a local governmental
9 subdivision which has no home rule
10 charter or plan of government may
11 exercise any power and perform any
12 function necessary, requisite, or
13 proper for the management of its
14 affairs, not denied by its charter
15 or by general law, if approved by
16 a majority of the electors voting
17 thereon in an election held for
18 the purpose. Otherwise, the local
19 governmental subdivision shall have
20 the powers authorized by this con-
21 stitution or by law.
22
23

24 such a favorable vote, such local 24
25 governmental subdivision shall have 25
26 such powers as authorized by this 26
27 constitution or by law. 27

- Comment:
- (1) Standardization of language.
 - (2) Elements, V, 16--be clear.
 - (3) Manual, Rule 5--substitute word for phrase.
 - (4) Webster's, Rule 4.4.2--comma inserted to avoid ambiguity.
 - (5) Standardization of language.
 - (6) Manual, Rule 5--substitute word for phrase.
 - (7) Manual, Rule 6--avoid hackneyed reference words.
 - (g) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

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SECTION 9(B) BECOMES SECTION 8(B)

1 (B) Nothing contained in this
2 Section shall be construed to
3 affect the powers and functions
4 of a parish or city school board
5 and the offices of district
6 attorney, sheriff, clerk of a
7 district court, coroner, or
8 assessor.

1 (B) Parish Officials and
2 School Boards Not Affected.
3 Nothing in this Section shall⁽¹⁾ ⁽²⁾
4 affect the powers and functions
5 of a school board or the offices⁽³⁾
6 of district attorney, sheriff,
7 assessor, clerk of a district
8 court, or coroner.⁽⁴⁾

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Ibid.

(3) Ibid.

(4) Elements, II, 15--parallelism; i.e., language arranged to conform with previous usage in Section 6(G).

SECTION 9 (C)

9 (C) Notwithstanding any provision 9
 10 of this Article to the contrary, the 10
 11 courts and their officers may be 11
 12 established or affected only as 12
 13 provided in Article V of this 13
 14 constitution. 14

[NOTE:
 SECTIONS
 8(H) and
 9(C) are identical
 and become
 SECTION 27]

SECTION 11 Becomes SECTION 9

1 Section 11. Home Rule Parish; 1
 2 Incorporation of Cities, 2
 3 Towns, and Villages 3
 4 Section 11. No parish plan of 4
 5 government or home rule charter 5
 6 shall prohibit the incorporation 6
 7 of cities, towns, or villages as 7
 8 provided by general law. 8

1 Section 9. Home Rule Parish; 1
 2 Incorporation of Cities, 2
 3 Towns, and Villages 3
 4 Section 9. No parish home rule 4
 5 charter ⁽¹⁾ or plan of government 5
 6 shall prohibit the incorporation 6
 7 of a city, town, or village ⁽²⁾ as 7
 8 provided by general law. 8

Comment:

- (1) Standardization of language.
- (2) Manual, Rule 12--singularization.

SECTION 12 (A) Becomes SECTION 10 (A)

9	Section 12. Limitations of	9	Section 10. Limitations of
10	Local Governmental Subdi-	10	Local Governmental Subdi-
11	visions	11	visions
12	Section 12. (A) Local govern-	12	Section 10. (A) Limitations.
13	mental subdivisions shall not:	13	No local governmental subdivision
14	(1) define and provide for the	14	shall ⁽¹⁾ (1) define and provide for
15	punishment of a felony; or (2)	15	the punishment of a felony; or
16	except as may be provided by law,	16	⁽²⁾ (2) except as provided by law,
17	enact private or civil ordinances	17	enact private or civil ordinances
18	governing civil relationships.	18	governing civil relationships.

Comment:

(1) Elements, II, 11--positive verb.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 12 (B) Becomes SECTION 10 (B)

19	(B) Notwithstanding any pro-	19	(B) Police Power Not Abridged.
20	vision of this Article, the	20	Notwithstanding any provision of
21	police power of the state shall	21	this Article, the police power
22	never be abridged.	22	of the state shall never be
23		23	abridged.

Comment:

No Change

SECTION 12.1 Becomes

SECTION 11

1 Section 12.1. Codification
 2 of Ordinances
 3 Section 12.1. The governing
 4 authority of each political
 5 subdivision shall within two
 6 years of the effective date of
 7 the adoption of this constitu-
 8 tion, cause a code to be pre-
 9 pared containing all of the
 10 ordinances of the political
 11 subdivision of general appli-
 12 cation which are appropriate
 13 for continuation as law. When
 14 the code shall have been pre-
 15 pared the governing authority
 16 of the political subdivision
 17 shall cause copies of the same
 18 to be prepared and made avail-
 19 able for public distribution.
 20 All proposed ordinances of
 21 general application adopted
 22 after the approval of the code
 23 shall be adopted as amendments
 24 or additions to the code.

1 Section 11. Codification of
 2 Ordinances
 3 Section 11. Within two years
 4 after the effective date of this
 5 constitution, ⁽¹⁾ the governing au-
 6 thority of each political subdi-
 7 vision shall have a code prepared
 8 containing all of its general ⁽³⁾
 9 ordinances. When the code is ⁽⁴⁾
 10 prepared, ⁽⁵⁾ the governing authority ⁽⁶⁾
 11 shall make copies available for
 12 public distribution. All general ⁽⁸⁾
 13 ordinances adopted after the
 14 approval of the code shall be ⁽⁷⁾
 15 amendments or additions to the
 16 code.

Comment:

(1) Elements, II, 16--keep related words together.

(2) Manual, Rule 5--substitute word for phrase.

(3) Ibid.; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Manual, Rule 11--present tense.

(5) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.

(6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(7) Ibid.; Manual, Rule 5--substitute word for phrase.

(8) Ibid.

(9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

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SECTION 13 Becomes SECTION 12

1 Section 13. Local Officials
2 Section 13. The electors of
3 each local governmental subdivi-
4 sion shall have the exclusive
5 right to elect their governing
6 authority. Nothing herein shall
7 be construed to prohibit the
8 election of the members of any
9 governing authority on the basis
10 of single member districts.

1 Section 12. Local Officials
2 Section 12. The electors
3 of each local governmental sub-
4 division shall have the exclu-
5 sive right to elect their
6 governing authority. Nothing
7 herein shall prohibit the
8 election of the members from (2) (3)
9 single-member districts.
10

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Ibid.

(3) Manual, Rule 5--substitute word for phrase.

SECTION 14 Becomes SECTION 13

1 Section 14. Local Officials;
2 Compensation
3 Section 14. The compensation
4 or method of fixing the compen-
5 sation of a local elected offi-
6 cial of any local governmental
7 subdivision which operates under
8 a home rule charter or plan of
9 government as provided in
10 Sections 7 and 8 of this Article,
11 shall be provided in its charter.
12 The compensation or method of
13 fixing the compensation of local
14 elected officials of any other
15 local governmental subdivision
16 shall be provided for by law.
17 Compensation of local officials
18 shall not be reduced during the
19 terms for which they are elected.
20

1 Section 13. Local Officials;
2 Compensation
3 Section 13. The compen-
4 sation or method of fixing the
5 compensation of an elected
6 official of any local govern-
7 mental subdivision which operates
8 under a home rule charter or
9 plan of government, ⁽¹⁾ as provided
10 in Sections 5 and 6 of this
11 Article, shall be provided in
12 its charter. The compensation
13 or method of fixing the compen-
14 sation of an elected official ⁽²⁾
15 of any other local governmental
16 subdivision shall be provided ⁽³⁾
17 by law. Compensation of a
18 local official shall not be
19 reduced during the term for
20 which he ⁽⁴⁾ is elected.

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (2) Webster's, Rule 4.1.2--pair of commas to
set off modifying phrases.
- (3) Section numbers changed to conform to
suggested renumbering.
- (4) Standardization of language; Manual, Rule 12--
singularization.
- (5) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

SECTION 15(A) Becomes SECTION 14(A)

1 Section 15. Filling of
2 Vacancies; Appointment
3 Section 15. (A) Except as
4 otherwise provided in this
5 constitution, and except for the
6 office of assessor, a vacancy in
7 any local office filled by
8 election wholly within the
9 boundaries of a local govern-
10 mental subdivision or a parish
11 or city school district, shall
12 be filled by appointment by the
13 governing authority of such
14 local governmental subdivision
15 or school district in which the
16 vacancy occurs, until it is
17 filled by election as provided
18 by law.

1 Section 14. Filling of
2 Vacancies; Appointment;
3 Exception
4 Section 14. (A) Vacancy;
5 Appointment. Except as otherwise
6 provided by this constitution,⁽¹⁾ (2)
7 a vacancy in any local office
8 filled by election wholly within
9 the boundaries of a local govern-
10 mental subdivision or a school
11 district shall be filled by ap-
12 pointment by the governing au-
13 thority of the local governmental
14 subdivision or school district in
15 which the vacancy occurs, until
16 it is filled by election as pro-
17 vided by law.

Comment:

- (1) Standardization of language.
- (2) Assessor has now been provided for elsewhere in constitution.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Webster's, Rule 4.4.1--omit needless words.
- (5) Manual, Rule 6--avoid hackneyed reference words.

SECTION 15 (B) Becomes SECTION 14 (B)

1 (B) The provisions of this
2 Section shall apply to all local
3 governmental subdivisions unless
4 otherwise provided by the home
5 rule charter or the home rule
6 plan of government of the affect-
7 ed local governmental subdivisions.

1 (B) Exception. ⁽¹⁾ This
2 Section shall apply to a local
3 governmental subdivision ⁽²⁾ unless
4 otherwise provided by its home ⁽³⁾
5 rule charter or plan of govern- ⁽⁴⁾
6 ment.
7

Comment:

- (1) Standardization of language.
- (2) Manual, Rule 12--singularization.
- (3) Manual, Rule 5--substitute a word for phrase.
- (4) Standardization of language.

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SECTION 16 Becomes SECTION 15

1 Section 16. Legislation Increas-
2 ing Financial Burden of
3 Political Subdivisions; Local
4 Approval
5 Section 16. No law requiring an
6 increase in expenditures for wages,
7 hours, working conditions, pension
8 and retirement benefits, vacation
9 or sick leave benefits of political
10 subdivision employees, except a law
11 providing for civil service, min-
12 imum wages, working conditions, and

1 Section 15. Legislation
2 Increasing Financial
3 Burden of Political Sub-
4 divisions; Local Approval
5 Section 15. No law requiring
6 ⁽¹⁾ increased expenditures for wages,
7 hours, working conditions, pension
8 and retirement benefits, vacation, ⁽²⁾
9 or sick leave benefits of poli-
10 tical subdivision employees,
11 except a law providing for civil
12 service, minimum wages, working

<p>13 retirement benefits for firemen and 14 municipal policemen, shall have 15 effect until approved by ordinance 16 enacted by the governing authority 17 of the political subdivision affect- 18 ed thereby or until the legislature 19 appropriates funds to the affected 20 political subdivision for that 21 purpose and only to the extent and 22 amount that such funds are provided. 23 Nothing in this Section shall be 24 construed as applying to parish and 25 municipal school boards. 26</p>	<p>13 conditions, and retirement bene- 14 fits for firemen and municipal 15 policemen, shall become effec- 16 tive until approved by ordinance 17 enacted by the governing author- 18 ity of the affected political 19 subdivision or until the legis- 20 lature appropriates funds for 21 the purpose to the affected 22 political subdivision and only 23 to the extent and amount that 24 such funds are provided. This 25 Section shall not apply to a 26 school board.</p>
--	--

Comment:

- (1) Manual, Rule 5--substitute word for phrase.
- (2) Manual, Rule 20, Elements, I, 2--commas in series.
- (3) Formalization of language.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Elements, II, 16--keep related words together.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 12--singularization.

SECTION 17 Becomes SECTION 16

<p>1 Section 17. Governing Authori- 2 ties of Local Governmental 3 Subdivisions; Control Over 4 Agencies They Create</p>	<p>1 Section 16. Governing 2 Authorities of Local 3 Governmental Subdivisions; 4 Control Over Agencies They</p>
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5 Section 17. The governing
6 authority of a local governmental
7 subdivision shall have general
8 power over any agency heretofore
9 or hereafter created by it,
10 including, without limitation, the
11 power to abolish any such agency
12 and to require prior approval of
13 any charge or tax levied, or bond
14 issued by such agency.

5 Create
6 Section 16. The governing
7 authority of a local governmental
8 subdivision shall have general
9 power over any agency created by
10 it. It also may abolish the agency
11 and require prior approval of any
12 charge or tax levied or bond
13 issued by the agency.
14

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Manual, Rule 10--short sentences.
- (3) Manual, Rule 5--substitute a word for phrase.
- (4) Manual, Rule 6--avoid hackneyed reference words.

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SECTION 18 (A) becomes SECTION 17 (A)

1 Section 18. Special Districts
2 and Local Public Agencies;
3 Consolidation, Merger, and
4 Assumption of Debt
5 Section 18. (A) Any local
6 governmental subdivision may conso-
7 lidate and merge into itself any
8 special district or local public
9 agency, except a school district,
10 situated and having jurisdiction
11 entirely within the boundaries of

1 Section 17. Special
2 Districts and Local
3 Public Agencies; Con-
4 solidation, and Assump-
5 tion of Debt
6 Section 17. (A) Consoli-
7 dation. A local governmental
8 subdivision may consolidate⁽¹⁾
9 into itself any special district
10 or local public agency, except
11 a school district, situated

12 such local governmental subdivi-
13 sion. Upon such merger and conso-
14 lidation the local governmental
15 subdivision shall succeed to and
16 be vested with all of the rights,
17 revenues, resources, jurisdiction,
18 authority, and powers of such special
19 district or local public agency. No
20 such merger and consolidation shall
21 take effect unless a majority of
22 the electors voting thereon in the
23 local governmental subdivision as a
24 whole and also a majority of the
25 electors voting thereon in the
26 affected special district vote in
27 favor of such proposition. No such
28 action involving a local public
29 agency shall take effect unless a
30 majority of the electors voting
31 thereon in the local governmental
32 subdivision in which the local
33 public agency is located vote in
34 favor thereof in an election held
35 for that purpose.

12 and having jurisdiction entirely
13 within the boundaries of the ⁽²⁾
14 local governmental subdivision.
15 Upon a ⁽³⁾ consolidation, the ⁽⁴⁾
16 local governmental subdivision
17 shall be vested with ⁽⁵⁾ the rights, ⁽⁶⁾
18 revenues, resources, juris-
19 diction, authority, and powers
20 of the special district or ⁽⁷⁾
21 local public agency. A con- ⁽⁸⁾
22 solidation shall become ⁽⁹⁾ ⁽¹⁰⁾
23 effective only if approved by
24 a majority of the electors ⁽¹¹⁾
25 voting thereon, both in the
26 local governmental subdivision
27 and in the affected special
28 district. A local public
29 agency shall be consolidated
30 only if approved by a majority
31 of the electors voting thereon
32 in an election held for the
33 purpose in the local govern-
34 mental subdivision in which
35 located. ⁽¹²⁾

SECTION 18 (A) becomes SECTION 17 (A)

Comment:

(1) Manual, Rules 5, 13 and Elements II, 13--
omit needless words.

- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Manual, Rules 5, 13 and Elements II, 13--avoid hackneyed reference words.
- (4) Webster's, Rule 4.2.1--comma to separate introductory prepositional phrase.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Ibid.
- (7) Manual, Rule 6--avoid hackneyed reference words.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (9) Elements, II, 11--put statements in positive form.
- (10) Standardization of language.
- (11) Manual, Rule 5--substitute word for phrase.
- (12) Elements, II, 11--put statements in positive form.

SECTION 18 (B) becomes SECTION 17 (B)

1 (B) If the special district
 2 or local public agency which is
 3 consolidated and merged has any
 4 outstanding indebtedness, the
 5 authority provided for by this
 6 Section shall not be exercised
 7 unless provision is made for the
 8 assumption of such indebtedness
 9 by the governing authority or

1 (B) Assumption of Debt. If the
 2 consolidated ⁽¹⁾ special district or
 3 local public agency ⁽²⁾ has outstanding
 4 indebtedness, the authority pro-
 5 vided ⁽³⁾ by this Section shall be
 6 exercised only if the local gov-
 7 ernmental subdivision assumes the
 8 indebtedness. ⁽⁴⁾
 9

10 authorities of the local gov- | 10
11 ernmental subdivisions involved. | 11

Comment:

- (1) Manual, Rule 5--substitute a word for a phrase.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Ibid.
- (4) Manual,--substitute word for phrase; Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, rule 11--active voice.

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SECTION 19 Becomes SECTION 18

1 Section 19. Land Use, Zoning
2 and Historic Preservation
3 Section 19. Subject to uniform
4 legislatively established procedures,
5 local governmental subdivisions
6 shall have authority (1) to adopt
7 regulations for land use, zoning
8 and historic preservation, which
9 authority is declared to be a public
10 purpose; (2) to create commissions
11 and districts to implement same; (3)
12 to review decisions of any such
13 commissions; (4) and to adopt
14 standards for use, construction,
15 demolition and modification of areas
16 and structures. Existing consti-
17 tutional authority for historic
18 preservation districts is retained.

1 Section 18. Land Use;
2 Zoning; Historic
3 Preservation
4 Section 18. Subject to
5 uniform procedures established
6 by law, ⁽¹⁾ a local governmental
7 subdivision ⁽²⁾ ⁽³⁾ may (1) adopt
8 regulations for land use,
9 zoning, and historic preser-
10 vation, which authority is
11 declared to be a public pur-
12 pose; (2) create commissions
13 and districts to implement
14 those regulations; ⁽⁴⁾ (3) review
15 decisions of any such com-
16 mission; (4) and adopt stan-
17 ards for use, construction,
18 demolition, and modification

19
20
21
22
23
24

19 of areas and structures.
20 Constitutional authority for
21 historic preservation districts
22 existing on the effective date
23 of this constitution ⁽⁵⁾ is
24 retained.

Comment:

- (1) Formalization of language
- (2) Manual, Rule 12--singularization
- (3) Standardization of language.
- (4) Elements, V, 16--be clear.
- (5) Ibid.; standardization of language.

SECTION 21 Becomes SECTION 19

1 Section 21. Industrial Areas
 2 Section 21. The legislature may
 3 authorize parishes to create and
 4 define industrial areas within
 5 their boundaries in accordance
 6 with such procedures and subject
 7 to such regulations as the legis-
 8 lature shall determine. All
 9 industrial areas so created here-
 10 after shall include provisions
 11 for access by public road to any
 12 and all entrances to the premises
 13 of each and every plant in such

1 Section 19. Industrial
 2 Areas
 3 Section 19. (A) Authorization
 4 The legislature may authorize
 5 parishes to create and define
 6 industrial areas within their
 7 boundaries in accordance with ⁽¹⁾
 8 procedures and subject to regula- ⁽¹⁾
 9 tions which it determines. ⁽²⁾
 10 (B) Access by Public Road;
 11 Police Protection. When an indus-
 12 trial area is so created, ⁽³⁾ provision ⁽²⁾
 13 shall be made for access by public

14	area which entrances are provided	14	road to all plant entrances. ⁽⁵⁾
15	for use by employees of such	15	Police protection provided by any
16	company, or for use by employees	16	plant in an industrial area shall
17	of independent contractors	17	be confined to the premises of
18	working on such premises, or for	18	that plant. ⁽⁶⁾
19	delivery of materials or supplies,	19	
20	other than by rail or water trans-	20	
21	portation, to such premises. Where	21	
22	individual plants provide police	22	
23	protection this protection shall	23	
24	be confined to the premises of	24	
25	each individual plant located in	25	
26	the area. Industrial areas shall	26	
27	not be subdivisions of the state.	27	

Comment:

- (1) Manual, Rule 6--avoid hackneyed reference words.
- (2) Manual, Rule 11--present tense.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
Manual, Rule 12--singularization;
Webster's, Rule 4.2.1--comma to set off introductory adverbial clause.
- (4) Elements, V, 16--be clear.
- (5) Manual, Rule 5--substitute word for phrase;
Manual, Rules 5, 13, and Elements, II, 13--omit needless words.
- (6) Elements, V, 16--be clear; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

ALTERNATIVE to SECTION 19(B) :

Extended Part of SECTION 21 becomes SECTION 19 (B)

1	All industrial areas so created,	1	(B) Access by Public Road;
2	hereafter shall include provisions	2	Police Protection. When an indus-

3 for access by public road to any
4 and all entrances to the premises
5 of each and every plant in such
6 area which entrances are provided
7 for use by employees of such
8 company, or for use by employees
9 of independent contractors
10 working on such premises, or for
11 delivery of materials or supplies,
12 other than by rail or water trans-
13 portation, to such premises. Where
14 individual plants provide police
15 protection this protection shall
16 be confined to the premises of
17 each individual plant located in
18 the area.

3 trial area is so created, provision
4 shall be made for access by public
5 road to all plant entrances, ⁽³⁾ which
6 are provided for use by company
7 employees, ⁽⁴⁾ ⁽⁵⁾ by employees of indepen-
8 dent contractors working on the ⁽⁶⁾
9 premises, or for delivery of
10 materials or supplies, other than
11 by rail or water transportation. ⁽⁷⁾
12 Police protection provided by any
13 plant in an industrial area shall
14 be confined to the premises of
15 that plant. ⁽⁸⁾
16
17
18

Comment to Alternative:

- (1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
Manual, Rule 12--singularization;
Webster's, Rule 4.2.1--comma to set off intro-
ductory adverbial clause.
- (2) Elements, V, 16--be clear.
- (3) Manual, Rule 5--substitute word for phrase;
Manual, Rules 5, 13, and Elements, II, 13--
omit needless words.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Manual, Rules 5, 13 and Elements II, 13--
omit needless words.
- (8) Elements, V, 16--be clear;
Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

Part of SECTION 21 becomes SECTION 19(C)

14 Industrial areas shall not be
15 subdivisions of the state.
16

14 (C) Not Political Subdivision.
15 An industrial area shall not be a
16 political subdivision of the state.

Comment:

(1) Manual, Rule 12--singularization.

SECTION 22 becomes SECTION 20

1 Section 22. Creation of
2 Special Districts by
3 the Legislature; Author-
4 ity
5 Section 22. Subject to and
6 not inconsistent with the provi-
7 sions of this constitution, the
8 legislature by general law or by
9 local or special law may create
10 or authorize the creation of
11 special districts, boards,
12 agencies, commissions, and author-
13 ities of every type, define their
14 powers, and grant to the special
15 districts, boards, agencies, com-
16 missions, and authorities so
17 created such rights, powers, and
18 authorities as it deems proper,
19 including, but not limited to,
20 the power of taxation, the power
21 to incur debt and issue bonds.

1 Section 20. Creation of
2 Special Districts by the
3 Legislature; Authority
4 Section 20. Subject to and
5 not inconsistent with this con-
6 stitution, the legislature by
7 general law or by local or
8 special law may create or auth-
9 orize the creation of special
10 districts, boards, agencies,
11 commissions, and other authorities,
12 and may define their rights and
13 powers, including, but not
14 limited to, the power to tax,
15 incur debt, and issue bonds.

Comment:

(1) Standardization of language.

- (2) Manual, Rule 5--substitute words for phrase.
- (3) See Elements, I, 4--comma may separate two clauses with same subject if clarity demands.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Manual, Rule 5--substitute word for phrase.
- (6) Manual, Rule 20 and Elements, I, 2--commas in series.

SECTION 23 becomes SECTION 21

1 Section 23. Intergovernmental
 2 Cooperation
 3 Section 23. Any political
 4 subdivision may exercise and per-
 5 form any of its authorized powers
 6 and functions, including financing,
 7 jointly or in cooperation with one
 8 or more political subdivisions,
 9 either within or without the state,
 10 with the United States or agencies
 11 thereof, except as the legislature
 12 shall provide otherwise by law.

1 Section 21. Intergovern-
 2 mental Cooperation
 3 Section 21. Except as
 4 otherwise provided by law, ⁽¹⁾ a ⁽²⁾
 5 political subdivision may ex-
 6 ercise and perform any authorized
 7 power and function, ⁽³⁾ including
 8 financing, jointly or in cooper-
 9 ation with one or more political
 10 subdivisions, either within or
 11 without the state, and with the
 12 United States or its agencies. ⁽⁴⁾

Comment:

- (1) Standardization of language.
Manual, Rule 18--place exceptions first when specific.
- (2) Standardization of language.
- (3) Manual, Rule 12--singularization.
- (4) Manual, Rule 6--avoid hackneyed reference words.

SECTION 24 becomes SECTION 22 (A),(B),(C)

1 Section 24. Assistance to
2 Local Industry by Political
3 cal Subdivisions; Deep-
4 Water Port Commission, or
5 Deep-Water Port, Harbor,
6 and Terminal Districts
7 Section 24. Subject to such
8 restrictions as it may impose,
9 the legislature may authorize
10 any political subdivision, deep-
11 water port commission, or deep-
12 water port, harbor, and terminal
13 district, in order (1) to induce
14 and encourage the location of or
15 addition to industrial enterprises
16 therein which would have economic
17 impact upon the area and thereby
18 the state, or (2) to provide for
19 the establishment and furnishing
20 of such industrial plant, or (3)
21 to provide movable or immovable
22 property, or both, for pollution
23 control facilities: (a) to issue
24 bonds, subject to the approval
25 of the State Bond Commission, or
26 any successor thereto, and to use
27 the funds derived from the sale
28 thereof to acquire and improve
29 industrial plant sites and other
30 property necessary to the purposes

1 Section 22. Assistance to
2 Local Industry by Political
3 Subdivisions; Deep-Water
4 Port Commission; Deep-Water
5 Port, Harbor, and Terminal
6 Districts
7 Section 22. (A) Authorization. In
8 order to ⁽¹⁾ induce and encourage the lo-
9 cation of or addition to industrial enter-
10 prises therein, ⁽²⁾ or (2) provide for
11 the establishment and furnishing
12 of an industrial plant, or ⁽³⁾ (3)
13 provide movable or immovable
14 property, or both, for pollution
15 control facilities, the legislature
16 may authorize, subject to restric-
17 tions it may impose, ⁽⁴⁾ any political
18 subdivision, deep-water port
19 commission, or deep-water
20 port, harbor, and terminal
21 district to
22 (a) issue bonds, subject to
23 approval by the State Bond
24 Commission, or its successor, ⁽⁶⁾
25 and use the funds derived from
26 the sale of the bonds ⁽⁷⁾ to acquire
27 and improve industrial plant
28 sites and other property
29 necessary to the purposes
30 thereof;

31 thereof; (b) to acquire, through
32 purchase, donation, exchange, and
33 subject to Article I, Section 4,
34 expropriation, and to improve
35
36
37
38

31 (b) acquire, through pur-
32 chase, donation, exchange, and
33 (subject to Article I, Section
34 ⁽⁸⁾ 4) expropriation, and
35 improve industrial plant
36 buildings and industrial plant
37 equipment, machinery, furnish-
38 ings, and appurtenances; and

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SECTION 24 becomes SECTION 22 (A), (B), (C)

1 industrial plant buildings and
2 industrial plant equipment,
3 machinery, furnishings, and
4 appurtenances; and (c) to sell,
5 lease, lease-purchase, or
6 demolish all or any part of
7 the foregoing.
8 No property expropriated
9 under the authority of this
10 Article shall ever, directly
11 or indirectly, be sold or
12 donated to any foreign power,
13 any alien, or any corporation
14 in which the majority of the
15 stock is controlled by any
16 foreign power, alien corporation,
17 or alien.

1 (c) sell, lease, lease-pur-
2 chase, or demolish all or any
3 part of the foregoing.
4 (B) Property Expropriated;
5 Sale to Aliens Prohibited. No
6 property expropriated under the
7 authority of this Section ⁽⁹⁾ shall
8 ever, directly or indirectly, be
9 sold or donated to any foreign
10 power, any alien, or any corpora-
11 tion in which the majority of the
12 stock is controlled by any foreign
13 power, alien corporation, or alien.
14 (C) School Boards Not Affected
15 This Section shall not apply to a
16 school board. ⁽¹⁰⁾
17

18 The provisions of this Section 18
19 shall not apply to school boards. 19

Comment:

- (1) Elements, II, 16--keep related words together.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Elements, II, 16--keep related words together.
- (5) Standardization of language.
- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Elements, V, 16--be clear.
- (8) Ibid.
- (9) Elements, V, 16--be clear.
- (10) Standardization of language.

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SECTION 26 becomes SECTION 23

1 Section 26. Uniform
2 Procedure for Calling,
3 Conducting, and Canvassing
4 the Returns of Certain
5 Special Elections
6 Section 26. When any election
7 is required to be held in any
8 political subdivision pursuant
9 to the provisions of this consti-
10 tution which require submission
11 to the electors of any proposition
12 or question, the election shall

1 Section 23. Uniform Proce-
2 dure for Calling, Conducting,
3 and Canvassing Returns of
4 Certain Special Elections
5 Section 23. When an⁽¹⁾ election
6 is required⁽²⁾ in a political sub-
7 division under⁽³⁾ the provisions of
8 this constitution which require
9 submission to the electors of a⁽¹⁾
10 proposition or question, the elec-
11 tion shall be called, conducted,
12 and the returns thereof canvassed,

13 be called, conducted, and the
14 returns thereof canvassed, in
15 accordance with the procedures
16 established by law pertaining
17 to elections for incurring bonded
18 indebtedness and special taxes
19 relative to local finance, as
20 the same now exists or may here-
21 after be amended, or as may be
22 otherwise provided by the legis-
23 lature.

13 in accordance with the procedures
14 established by law pertaining to
15 elections for incurring bonded
16 indebtedness and special taxes
17 relative to local finance, ⁽⁴⁾ or
18 as may be otherwise provided by
19 law. ⁽⁵⁾

Comment:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (3) Manual, Rule 5--substitute word for phrase.
- (4) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words;
Manual, Rule 11--present tense.
- (5) Standardization of language.

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SECTION 27 becomes SECTION 24

1 Section 27. Acquisition of
2 Property
3 Section 27. Subject to and not
4 inconsistent with any provision of
5 this constitution and subject to
6 such restrictions as the legisla-
7 ture may provide by general law,
8 political subdivisions may acquire

1 Section 24. Acquisition of
2 Property
3 Section 24. Subject to and not
4 inconsistent with ⁽¹⁾ this constitution
5 and subject to ⁽²⁾ restrictions pro-
6 vided by ⁽³⁾ general law, political sub-
7 divisions may acquire property for
8 any public purpose, including but

9 property for any public purpose,
10 including but not limited to
11 acquisition by purchase, donation,
12 expropriation, or exchange.

9 not limited to acquisition by
10 purchase, donation, expropriation,
11 or exchange.
12

Comment:

- (1) Standardization of language.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Standardization of language.

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SECTION 28 becomes SECTION 25

1 Section 28. Servitudes of Way;
2 Acquisition by Prescription
3 Section 28. The public, repre-
4 sented by the various local govern-
5 mental subdivisions, may acquire
6 servitudes of way by prescription
7 in the manner prescribed by law.
8

1 Section 25. Servitudes of
2 Way; Acquisition by Prescrip-
3 tion
4 Section 25. The public, repre-
5 sented by local governmental sub-
6 divisions, may acquire servitudes
7 of way by prescription in the
8 manner prescribed by law.

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 29 becomes SECTION 26

8 Section 29. Prescription Against
9 State
10 Section 29. Prescription shall
11 not run against the state in any

8 Section 26. Prescription
9 Against State
10 Section 26. Prescription shall
11 not run against the state in any

12 civil matter, unless otherwise
13 provided in this constitution or
14 expressly by law.

12 civil matter, unless otherwise
13 provided in this constitution or
14 expressly by law.

Comment:

No change.

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SECTION 8 (K)
and
SECTION 9 (C)

become

SECTION 27

1
2
3 Notwithstanding any provi-
4 sion of this Article to the con-
5 trary, the courts and their officers
6 may be established or affected
7 only as provided in Article V of
8 this constitution.

1 Section 27. Courts Not
2 Affected
3 Section 27. Notwithstanding
4 any provision of this Article,⁽¹⁾
5 courts and their officers may be
6 established or affected only as
7 provided in Article V of this
8 constitution.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

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[503]

1 Section 31. Parish Tax
 2 Limits; Increase; With-
 3 drawal of Municipality
 4 from Parish Taxing Authori-
 5 ty
 6 Section 31. (A) The govern-
 7 ing authority of each parish may
 8 levy an ad valorem tax for general
 9 purposes, in an amount not to
 10 exceed in any one year, four mills
 11 on the dollar of assessed valuation.
 12 However, in Orleans Parish the
 13 limitation shall be seven mills
 14 and in Jackson Parish the limita-
 15 tion shall be five mills. Millage
 16 rates may be increased in any
 17 parish when approved by a majority
 18 of the electors who vote in an
 19 election held for that purpose.
 20

1 Section 28. Parish Tax Limits;
 2 Increase; Withdrawal of
 3 Municipality from Parish
 4 Taxing Authority
 5 Section 28. (A) Parish Tax
 6 for General Purposes; Millage
 7 Limits; Increase. The governing
 8 authority of a parish may levy an
 9 ad valorem tax for general purposes
 10 not to exceed, in any one year,
 11 four mills on the dollar of assess-
 12 ed valuation. However, in Orleans
 13 Parish the limitation shall be
 14 seven mills, and in Jackson Parish
 15 the limitation shall be five
 16 mills. Millage rates may be
 17 increased when approved by a
 18 majority of the electors voting
 19 thereon in an election held for
 20 the purpose.

Comment:

- (1) See Webster's definitions--meaning in context identical; Manual, Rule 5--use short words.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Webster's Rule 4.1--pair of commas to set off supplementary information.
- (4) Webster's, Rule 4.2.3--comma to separate clauses joined by coordinating conjunction.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Standardization of language.

SECTION 31(B) becomes SECTION 28(B)

1 (B) When the millage increase
2 is for other than general purposes,
3 the proposition shall state the
4 specific purpose or purposes for
5 which the tax is to be levied, the
6 length of time the tax is to remain
7 in effect, and all proceeds of the
8 tax shall be used solely for the
9 purpose or purposes set forth in
10 the proposition.
11

1 (B) Millage Increase Not for
2 General Purposes. When the millage
3 increase is not ⁽¹⁾ for general pur-
4 poses, the proposition shall state
5 the specific purpose or purposes
6 for which the tax is to be levied
7 and the length of time the tax is
8 to remain in effect. ⁽²⁾ All proceeds
9 of the tax shall be used solely
10 for the purpose or purposes set
11 forth in the proposition.

Comment:

(1) Manual, Rules 5--substitute word for phrase.

(2) Manual, Rule 10--short sentences.

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SECTION 31(C) becomes SECTION 28(C)

1 (C) The amount of the parish
2 tax for general purposes which
3 any parish, except the parish
4 of Orleans, may levy, without
5 a vote of the electors, on
6 property located wholly within
7 any municipality, which has a
8 population in excess of one
9 thousand inhabitants according
10 to the last federal decennial
11 census, or such other census

1 (C) Parish Tax in Municipality.
2 The amount of the parish tax for
3 general purposes which any parish,
4 except Orleans Parish, may levy,
5 without a vote of the electors,
6 on property located wholly
7 within any municipality which has
8 a population in excess of one
9 thousand inhabitants according
10 to the last federal decennial
11 census, or other census permitted ⁽⁴⁾

12 as may be provided for by law,
13 and which provides and maintains
14 a system of street paving, shall
15 not exceed one-half the tax levy
16 for general purposes.

12 by law, and which provides and
13 maintains a system of street
14 paving, shall not exceed one-
15 half the tax levy for general
16 purposes.

Comment:

- (1) Manual, Rule 5--substitute word for phrase
- (2) Webster's, Rule 4.4.1--omit needless commas.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Manual, Rule 5--substitute word for phrase.

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SECTION 31 (D) becomes SECTION 28(D)

1 (D) This Section shall not
2 be construed to repeal or
3 affect the withdrawal of pro-
4 perty in a municipality from
5 parochial taxing jurisdiction,
6 in whole or in part, by a
7 provision of the legislative
8 charter of the municipality
9 in effect on the date of
10 adoption of this constitution.

1 (D) Prior Withdrawal of
2 Municipality from Parish Taxing
3 Authority. If a legislative
4 charter has withdrawn property
5 in a municipality from parish taxing
6 jurisdiction, this Section shall
7 not affect the withdrawal.⁽¹⁾
8
9
10

Comment:

- (1) Elements, II, 11--put sentences in positive form;
Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; Elements, V, 16--be clear.

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SECTION 32 (A) becomes SECTION 29 (A)

1 Section 32. Municipal Tax
2 Limits; Increase
3 Section 32. (A) The governing
4 authority of each municipality
5 may levy an ad valorem tax for
6 general purposes, in an amount
7 not to exceed in any one year,
8 seven mills on the dollar of
9 assessed valuation; provided
10 that where any municipality
11 is, by its charter or by law,
12 exempt from payment of parish
13 taxes or, under legislative
14 authority, maintains its own
15 public schools, it may levy
16 an annual tax not to exceed
17 ten mills on the dollar of
18 assessed valuation. Millage
19 rates may be increased in any
20 municipality when approved by
21 a majority of the electors
22 who vote in an election held
23 for that purpose.

1 Section 29. Municipal Tax
2 Limits; Increase
3 Section 29. (A) Municipal Tax
4 for General Purposes; Millage
5 Limits; Increase. The governing
6 authority of a municipality may
7 levy an ad valorem tax for general
8 purposes not to exceed, in any one
9 year, seven mills on the dollar of
10 assessed valuation. However, if a
11 municipality, by its charter or by
12 law, is exempt from payment of
13 parish taxes or, under legal author-
14 ity, maintains its own public schools,
15 it may levy an annual tax not to ex-
16 ceed ten mills on the dollar of as-
17 sessed valuation. Millage rates may
18 be increased in any municipality
19 when approved by a majority of the
20 electors voting thereon in an elec-
21 tion held for the purpose.
22
23

Comment:

- (1) Standardization of language; Elements II, 15--parallelism.
- (2) Webster's, Rule 4.4.1--omit needless commas
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Elements, II, 15--parallelism.

- (4) Webster's, Rule 4.1--pair of commas to set off supplementary information; Elements, II, 15 parallelism.
- (5) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (6) Elements, II, 16--keep related words together.
- (7) Elements, V, 16--be clear.
- (8) Ibid.
- (9) Standardization of language.

SECTION 32 (B) becomes SECTION 29 (B)

1 (B) When the millage increase
 2 is for other than general purposes,
 3 the proposition shall state the
 4 specific purpose or purposes for
 5 which the tax is to be levied,
 6 the length of time the tax is to
 7 remain in effect, and all proceeds
 8 of the tax shall be used solely
 9 for the purpose or purposes set
 10 forth in the proposition.
 11

1 (B) Millage Increase Not For
 2 General Purposes. When the mil-
 3 lage increase is not for general
 4 purposes, the proposition shall state
 5 the specific purpose or purposes
 6 for which the tax is to be levied
 7 and the length of time the tax is to
 8 remain in effect. ⁽¹⁾ All proceeds of
 9 the tax shall be used solely for the
 10 purpose or purposes set forth in the
 11 proposition.

Comment:

- (1) Manual, Rule 5--substitute word for phrase; Elements, II, 15--parallelism.
- (2) Manual, Rule 10--short sentences; Elements, II, 15--parallelism.

SECTION 32 (C) becomes SECTION 29 (C)

11 (C) This Section shall not

| 11 (C) Not Applicable to New Orleans.

12 apply to the city of New Orleans.

13

12 This Section shall not apply to

13 the city of New Orleans,

Comment:

No change.

SECTION 33 becomes SECTION 30

1 Section 33. Local Govern-
2 mental Subdivision; Oc-
3 cupational License Tax;
4 Limitations

5 Section 33. Local govern-
6 mental subdivisions may impose
7 an occupational license tax in
8 an amount not greater than that
9 imposed by the state. However,
10 those who pay municipal occupa-
11 tional license taxes shall be
12 exempt from parish occupation-
13 al license taxes to the extent
14 of the municipal tax. Local
15 governmental subdivisions may
16 impose an occupational license
17 tax in an amount greater than
18 that imposed by the state when
19 so authorized by an act passed
20 by at least a two-thirds vote

1 Section 30. Local Governmental
2 Subdivision; Occupational
3 License Tax; Limitations

4 Section 30. A local governmenta
5 subdivision may impose an occupational
6 license tax ⁽¹⁾ not greater than that im-
7 posed by the state. However, ⁽²⁾ a person
8 who pays a municipal occupational
9 license tax shall be exempt from a
10 parish occupational license tax ⁽³⁾ in the
11 amount of ⁽⁴⁾ the municipal tax. A local
12 governmental subdivision ⁽⁵⁾ may impose an
13 occupational license tax ⁽⁶⁾ greater than
14 that imposed by the state when so
15 authorized by a law enacted ⁽⁷⁾ by a two-
16 thirds vote of the elected members ⁽⁸⁾
17 of each house of the legislature.

21	of the elected membership of	21
22	each house of the legislature.	22

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Elements, V, 16--be clear; pronoun "those" has no antecedent.
- (3) Manual, Rule 12--singularization.
- (4) Elements, V, 16--be clear.
- (5) Manual, Rule 12--singularization.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Elements, II, 15--parallelism.
- (7) Standardization of language.
- (8) Ibid.

SECTION 34 (A) becomes SECTION 31 (A)

1	Section 34. Local Governmental	1	Section 31. Local Governmental
2	Subdivisions and School	2	Subdivisions and School
3	Boards; Sales Tax Author-	3	Boards; Sales Tax Authorized;
4	ized; Limitations; Exemp-	4	Limitations; Exemptions; Protec-
5	tions; Protection of	5	tection of Existing Sales
6	Existing Sales Tax Author-	6	Tax Authorizations and
7	izations and the Security	7	Security of Outstanding Bonds
8	of Outstanding Bonds	8	Section 31. (A) Sales Tax
9	(A) Except as otherwise author-	9	Authorized; Limitations; Protec-
10	ized in a home rule charter as	10	tion of Existing Authorization
11	provided for in Section 7 of this	11	and Security of Bonds. Except
12	Article, any local governmental	12	as otherwise authorized in a home

13 subdivision or school board may
14 levy and collect a tax upon the
15 sale at retail, the use, the lease
16 or rental, the consumption and
17 storage for use or consumption of
18 tangible personal property and on
19 sales of services as defined by
20 law, if approved by a majority
21 of the electors who vote in an
22 election held for that purpose.
23 The rate thereof, when combined
24 with the rate of all other
25 presently imposed or future
26 sales and use taxes, exclusive
27 of state sales and use taxes,
28 levied and collected within any
29 local governmental subdivision,
30 shall not exceed three percent;
31 however, the legislature may by
32 general or special law, author-
33 ize the imposition of additional
34 sales and use taxes by local
35 governmental subdivisions or school
36 boards, upon approval by the
37 electors thereof as herein provided

13 rule charter as provided for in
14 Section 5 of this Article, any
15 local governmental subdivision
16 or school board may levy and
17 collect a tax upon the sale at
18 retail, the use, the lease or
19 rental, the consumption and storage
20 for use, or consumption of tangible
21 personal property and on sales of
22 services as defined by law, if
23 approved by a majority of the
23 electors voting thereon in an
25 election held for the purpose.⁽³⁾
26 The rate thereof, when combined
27 with the rate of all other sales⁽⁴⁾
28 and use taxes, exclusive of
29 state sales and use taxes, levied
30 and collected within any local
31 governmental subdivision, shall
32 not exceed three percent; however,
33 the legislature may by general or
34 by local or special law, authorize⁽⁵⁾
35 the imposition of additional sales
36 and use taxes by local governmental
37 subdivisions or school boards, if

SECTION 34 (A) becomes SECTION 31 (A)

1 Nothing contained in this Sub-
2 section shall be construed to

1 approved by a majority of the
2 electors voting thereon in an

3 affect any sales or use tax
4 authorized or imposed on the
5 effective date of this consti-
6 tution or to affect or impair
7 the security of any bonds
8 payable from such tax.

3 election held for the purpose.⁽⁶⁾
4 Nothing⁽⁷⁾ in this Paragraph⁽⁸⁾ shall
5 ⁽⁹⁾ affect any sales or use tax
6 authorized or imposed on the
7 effective date of this consti-
8 tution or affect or impair the
9 security of any bonds payable
10 from the proceeds⁽¹⁰⁾ of the tax.

Comment:

- (1) Section number changed to conform to re-numbering.
- (2) Manual, Rule 20 and Elements, I, 2--commas in series.
- (3) Standardization of language.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Standardization of language.
- (6) Ibid.
- (7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (8) Standardization of language.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (10) Elements, V, 16--be clear.

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SECTION 34 (B) becomes SECTION 31 (B)

1 (B) Except where bonds in
2 connection therewith have been
3 authorized, the legislature may
4 uniformly exempt or exclude any
5 goods, tangible personal property,

1 (B) Exemptions; Protection
2 of Bonds. Except where bonds
3 in connection therewith have
4 been authorized, the legislature
5 may uniformly exempt or exclude

6 or services from sales or use
7 taxes levied by local governmental
8 subdivisions, school boards, and
9 the state.
10

6 any goods, tangible personal pro-
7 perty, or services from sales or
8 use taxes levied by local govern-
9 mental subdivisions, school boards,
10 and the state.

Comment:

No Change.

SECTION 35 becomes SECTION 32

Section 35. Political Sub-
divisions; Taxing Power;
Limitations
Section 35. Political sub-
divisions may exercise the power
of taxation, subject to such
limitations as may be elsewhere
provided in the constitution, under
authority granted to them by the
legislature for parish, municipal,
and local purposes, strictly public
in their nature. The provisions
of this Section shall not apply to,
nor affect, similar grants to such
political subdivisions under other

1 Section 32. Political Sub-
2 divisions; Taxing Power;
3 Limitations
4 Section 32. Subject to ⁽¹⁾(2)
5 limitations elsewhere provided in
6 this constitution and under auth-
7 ority granted to it by the legis-
8 lature, ⁽⁵⁾any political subdivision ⁽⁶⁾
9 may tax for public purposes. ⁽⁷⁾
10 This Section shall not affect ⁽⁸⁾
11 similar grants to political ⁽⁹⁾
12 subdivisions under self-operative ⁽¹⁰⁾
13 sections of this constitution. ⁽¹¹⁾
14
15

16 sections of this constitution which 16
17 are self-operative. 17

Comment:

- (1) Manual, Rule 18--place exceptions first when specific.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Manual, Rule 12--singularization.
- (5) Webster's, Rule 4.2.1--comma to separate introductory element.
- (6) Manual, Rule 12--singularization.
- (7) Manual, Rule 5--substitute word for phrase.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (9) Standardization of language.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (11) Manual, Rule 6--avoid hackneyed reference words.
- (12) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

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SECTION 36 (A) becomes SECTION 33 (A)

1 Section 36. Special Taxes; Rati-
2 fied
3 Section 36. (A) Any special tax
4 being levied by any political subdi-
5 vision under prior laws or under the
6 1921 Louisiana Constitution, as

1 Section 33. Special Taxes;
2 Ratified; Authorized
3 Section 33. (A) Ratification.
4 Any special tax being levied by
5 a ⁽¹⁾ political subdivision on the
6 effective date of this constitu-

7	amended, when this constitution is	7	(2) (3) tion is ratified.
8	adopted is hereby confirmed and	8	
9	ratified.	9	

Comment:

- (1) Standardization of language.
- (2) Ibid.
- (3) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

SECTION 36 (B) becomes SECTION 33(B)

10	(B) For the purpose of acquiring,	10	(B) Authorization. For the
11	constructing, improving, maintaining	11	purpose of acquiring, constructing,
12	and operating any work of public	12	improving, maintaining, ⁽¹⁾ or operating
13	improvement, any political subdivi-	13	any work of public improvement, ⁽²⁾ a
14	sion may levy special taxes when	14	political subdivision may levy
15	authorized by a majority of the	15	special taxes when authorized by
16	electors in the political subdivision	16	a majority of the electors in the
17	who vote in an election held for that	17	political subdivision who vote
18	purpose.	18	thereon in an election held for
19		19	⁽³⁾ the purpose.

Comment:

- (1) Elements, V, 16--be clear.
- (2) Standardization of language.
- (3) Ibid.

SECTION 38 becomes SECTION 34

1 Section 38. Bonds of Political
2 Subdivisions; General Obliga-
3 tions
4 Section 38. The full faith and
5 credit of every political subdivi-
6 sion is hereby pledged to the pay-
7 ment of general obligation bonds
8 issued by it under this constitu-
9 tion or the terms of the statute
10 or proceedings pursuant to which
11 they are issued. The governing
12 authority of the issuing politi-
13 cal subdivision shall levy and
14 collect or cause to be levied
15 and collected on all taxable
16 property in the political subdivi-
17 sion ad valorem taxes fully
18 sufficient to pay principal and
19 interest and redemption premiums,
20 if any, on such bonds as they
21 mature.

1 Section 34. Bonds of Political
2 Subdivisions; General Ob-
3 ligations
4 Section 34. The full faith and
5 credit of every political subdivi-
6 sion is hereby pledged to the pay-
7 ment of general obligation bonds
8 issued by it.⁽¹⁾ The governing
9 authority of the issuing political
10 subdivision shall levy and collect
11 or cause to be levied and collected
12 on all taxable property in the
13 subdivision ad valorem taxes suf-⁽²⁾ ⁽³⁾
14 ficient to pay principal and inter-
15 est and redemption premiums, if
16 any, on such bonds as they mature.
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Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(2) Ibid.

(3) Ibid.

SECTION 39 becomes SECTION 35

1 Section 39. Taxpayer Authoriza-
2 tion of Political Subdivision
3 Bonds
4 Section 39. Subject to the
5 approval of the State Bond Commis-
6 sion or any successor thereto,
7 general obligation bonds may be
8 issued only after authorization by
9 a vote of a majority of the electors
10 who vote on the proposition at an
11 election in the political subdivi-
12 sion issuing such bonds. Bonds to
13 refund outstanding indebtedness at
14 the same or at a lower effective
15 rate of interest, even though payable
16 solely from ad valorem taxes, need
17 not be so authorized at an election
18 if the indebtedness refunded is paid
19 or cancelled at the time of the
20 delivery of the refunding bonds, or
21 if money, or securities made eligi-
22 ble for such purpose by law, are
23 deposited in escrow in an adequate
24 amount, with interest, to be utilized
25 solely for the purpose of retiring
26 the refunded indebtedness or bonds and
27 paying interest thereon and redemption
28 premiums, if any, to the time of
29 retirement.

1 Section 35. Taxpayer
2 Authorization of Poli-
3 tical Subdivision Bonds
4 Section 35. Subject to
5 approval by ⁽¹⁾ the State Bond
6 Commission or its ⁽²⁾ successor,
7 general obligation bonds may be
8 issued only after authorization
9 by a majority of the electors
10 voting ⁽³⁾ on the proposition at
11 an election in the political
12 subdivision issuing the bonds. ⁽⁴⁾
13 Bonds to refund outstanding
14 indebtedness at the same or
15 at a lower effective rate of
16 interest, even though payable
17 solely from ad valorem taxes,
18 need not be ⁽⁵⁾ authorized at an
19 election if the indebtedness
20 refunded is paid or cancelled
21 at the time of the delivery
22 of the refunding bonds, or if
23 money, or securities made
24 eligible for such purpose by
25 law, are deposited in escrow
26 in an adequate amount, with
27 interest, to be utilized solely
28 to ⁽⁶⁾ retire the refunded indebt-
29 edness or bonds and to pay ⁽⁷⁾

30
31
32

30 interest thereon and redemption
31 premiums, if any, to the time
32 of retirement.

SECTION 39 becomes SECTION 35

Comment:

- (1) Standardization of language.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Standardization of language.
- (4) Manual, Rule 6--avoid hackneyed reference words.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Manual, Rule 5--substitute word for phrase.
- (7) Elements, II, 15--parallelism.

SECTION 40 becomes SECTION 36

<p>1 Section 40. Limitations on</p> <p>2 Bonded Indebtedness of</p> <p>3 Political Subdivisions</p> <p>4 Section 40. The legislature</p> <p>5 shall fix the limitation on bond-</p> <p>6 ed indebtedness payable solely</p> <p>7 from ad valorem taxes levied by</p> <p>8 political subdivisions.</p>		<p>1 Section 36. Limitations on</p> <p>2 Bonded Indebtedness of Poli-</p> <p>3 tical Subdivisions</p> <p>4 Section 36. The legislature</p> <p>5 shall fix the limitation on bonded</p> <p>6 indebtedness payable solely from</p> <p>7 ad valorem taxes levied by political</p> <p>8 subdivisions.</p>
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Comment:

No Change.

SECTION 41 (A) becomes SECTION 37 (A)

1 Section 41. Limited Time for
2 Contesting Bonds of Poli-
3 tical Subdivisions
4 Section 41. (A) For a period
5 of sixty days from the promulga-
6 tion of the result of any elec-
7 tion held for the purpose of
8 incurring or assuming debt,
9 issuing bonds, or levying a tax,
10 any person in interest shall have
11 the right to contest the legality
12 of such election, the bond issue
13 provided for, or the tax author-
14 ized, for any cause after which
15 time no one shall have any cause
16 or right of action to contest the
17 regularity, formality, or legali-
18 ty of said election, tax provi-
19 sions, or bond authorization, for
20 any cause whatsoever. If the
21 validity of any election, tax,
22 debt assumption, or bond issue
23 authorized or provided for, held
24 under the provisions of this
25 Section, is not raised within the
26 sixty days herein prescribed, the
27 authority to incur or assume debt,
28 levy the tax, or issue the bonds,
29 the legality thereof, and the

1 Section 37. Limited Time
2 for Contesting Political
3 Subdivision Bonds
4 Section 37. (A) Contesting
5 Election; Time Limit. For ⁽¹⁾
6 sixty days after promulgation of ⁽²⁾
7 the result of an election held ⁽³⁾
8 to incur or assume debt, issue ⁽⁴⁾
9 bonds, or levy a tax, any person ⁽⁵⁾
10 in interest may contest the legal-
11 ity of the election, the bond ⁽⁶⁾
12 issue provided for, or the tax
13 authorized, for any cause. ⁽⁷⁾ After
14 that time no one shall have any
15 cause or right of action to con-
16 test the regularity, formality,
17 or legality of the election, tax ⁽⁸⁾
18 provisions, or bond authorization,
19 for any cause whatsoever. If the
20 validity of any election, tax,
21 debt assumption, or bond issue
22 authorized or provided for, held ⁽⁹⁾
23 under this Section, is not raised ⁽¹⁰⁾
24 within the sixty days, the
25 authority to incur or assume
26 debt, levy the tax, or issue the
27 bonds, the legality thereof, and
28 the taxes and other revenues
29 necessary to pay the same shall be

30 taxes and other revenues necessary 30 conclusively presumed to be valid,
31 to pay the same shall be conclusive 31 and no court shall have authority
32 ly presumed to be valid, and no 32 to inquire into such matters.
33 court shall have authority to inquire 33
34 into such matters. 34

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SECTION 41(A) becomes SECTION 37(A)

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Manual, Rule 3--make time periods clear.
- (3) Standardization of language.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Standardization of language.
- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (8) Manual, Rule 6--avoid hackneyed reference words.
- (9) Standardization of language.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

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SECTION 41 (B) becomes SECTION 37 (B)

1 (B) Every ordinance or resolu-
2 tion authorizing the issuance of
3 bonds or other debt obligation
4 by a political subdivision shall
5 be published at least once in the
6 official journal of the political
7 subdivision, or if there is none,
8 then in a newspaper having general
9 circulation therein. For a period
10 of thirty days from the date of
11 the publication any person in
12 interest may contest the legality
13 of the ordinance or resolution and
14 of any provision therein made for
15 the security and payment of the
16 bonds. After this time, no one
17 shall have any cause of action to
18 test the regularity, formality,
19 legality, or effectiveness of the
20 ordinance or resolution, and provi-
21 sions thereof for any cause what-
22 ever; and after this time it shall
23 be conclusively presumed that every
24 legal requirement for the issuance
25 of the bonds or other debt obliga-
26 tion, including all things pertain-
27 ing to the election, if any, at
28 which the bonds or other debt obli-
29 gations were authorized, has been

1 (B) Contesting Ordinance
2 or Resolution; Time Limit.
3 Every ordinance or resolution
4 authorizing the issuance of
5 bonds or other debt obligation
6 by a political subdivision
7 shall be published at least
8 once in the official journal of
9 the political subdivision or, ⁽¹⁾ if
10 there is none, ⁽²⁾ in a newspaper
11 having general circulation there-
12 in. For thirty days after the ⁽³⁾
13 date of publication, ⁽⁴⁾ any person ⁽⁵⁾
14 in interest may contest the
15 legality of the ordinance or
16 resolution and of any provision
17 therein made for the security
18 and payment of the bonds. After
19 that time, ⁽⁶⁾ no one shall have
20 any cause of action to test the
21 regularity, formality, legality,
22 or effectiveness of the ordinance
23 or resolution, and provisions
24 thereof for any cause whatever.
25 Thereafter, ⁽⁷⁾ it shall be conclu-
26 sively presumed that every legal
27 requirement for the issuance of
28 the bonds or other debt obli-
29 gation, including all things per-

30	complied with, and no court shall	30	taining to an ⁽⁹⁾ election at which
31	have authority to inquire into any	31	⁽⁹⁾ bonds or other debt obligation
32	such matters after the lapse of	32	were authorized, has been complied
33	this thirty days.	33	with. ⁽¹⁰⁾ No court shall have author-
34		34	ity to inquire into any of these ⁽¹¹⁾
35		35	matters after the ⁽¹²⁾ thirty days.

SECTION 41 (B) becomes SECTION 37(B)

Comment:

- (1) Webster's, Rule 4.1--pair of commas to set off supplementary clause.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Manual, Rule 3--make time periods clear.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words
- (5) Webster's, Rule 4.2.1--comma to separate introductory prepositional phrase.
- (6) Elements, V, 16--be clear.
- (7) Manual, Rule 5--substitute word for phrase.
- (8) Ibid.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (10) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (11) Manual, Rule 6--avoid hackneyed reference words.
- (12) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 42(A) becomes SECTION 38(A)

1 Section 42. Local Improvement
2 Assessments
3 Section 42. (A) The legislature
4 shall provide by general law or by
5 local or special law the procedures
6 by which political subdivisions
7 levy and collect local or special
8 assessments on real property, for
9 the purpose of acquiring, construct-
10 ing, or improving works of public
11 improvement.
12
13

1 Section 38. Local Improve-
2 ment Assessments
3 Section 38. (A) Authori-
4 zation. The legislature shall
5 provide by general law or by
6 local or special law the proce-
7 dures by which a political
8 subdivision may ⁽¹⁾ levy and collect
9 local or special assessments on
10 real property ⁽²⁾ for the purpose
11 of acquiring, constructing, or
12 improving works of public im-
13 provement.

Comment:

- (1) Elements, V, 16--be clear; Manual, Rule 12--singularization.
- (2) Webster's, Rule 4.4.1--omit needless commas.

SECTION 42(B) becomes SECTION 38(B)

1 (B) Certificates of indebt-
2 edness may be issued to cover
3 the cost of any such public im-
4 provement which shall be secured
5 by the pledge of the local or
6 special assessments levied there-
7 for, and may be further secured by

1 (B) Certificates of Indebt-
2 edness; Security. Certificates
3 of indebtedness may be issued to
4 cover the cost of any such public
5 improvement. ⁽¹⁾ They shall be
6 secured by the pledge of the local
7 or special assessments levied

8 the pledge of the full faith and
9 credit of the political subdivi-
10 sion.
11

8 therefor⁽²⁾ and may be further secured
9 by the pledge of the full faith
10 and credit of the political sub-
11 division.

Comment:

- (1) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (2) Webster's, Rule 4.4.1--omit needless commas.

SECTION 42 (C) becomes SECTION 38(C)

11 (C) The provisions of this
12 Section shall not apply to school
13 boards.

11 (C) School Boards Not
12 Affected. This Section shall
13 not apply to a school board.⁽¹⁾

Comment:

- (1) Standardization of language.

SECTION 43 (A) becomes SECTION 39(A)

1 Section 43. Revenue-Producing
2 Property
3 Section 43. (A) The legislature
4 may authorize political subdivi-
5 sions to issue bonds or other
6 debt obligations for the purpose
7 of constructing, acquiring, extend-
8 ing, or improving any revenue-
9 producing public utility or work
10 of public improvement. The bonds
11 or other debt obligations may be
12 secured by mortgage on the lands,

1 Section 39. Revenue-
2 Producing Property
3 Section 39. (A) Authori-
4 zation. The legislature may
5 authorize any political subdivi-
6 vision⁽¹⁾ to issue bonds or other
7 debt obligations⁽²⁾ to construct,
8 acquire, extend, or improve
9 any revenue-producing public
10 utility or work of public im-
11 provement. The bonds or other
12 debt obligations may be secured

13 buildings, machinery, and equip-
14 ment or by the pledge of the income
15 and revenues of such public utility
16 or work of public improvement and
17 shall not be a charge upon the
18 other income and revenues of the
19 political subdivision.
20

13 by mortgage on the lands, build-
14 ings, machinery, and equipment or
15 by the pledge of the income and
16 revenues of the ⁽³⁾ public utility
17 or work of public improvement. ⁽⁴⁾
18 They shall not be a charge upon
19 the other income and revenues
20 of the political subdivision.

Comment:

- (1) Manual, Rule 12--singularization.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

SECTION 43 (B) becomes SECTION 39 (B)

1 (B) The provisions of this
2 Section shall not apply to
3 school boards.

1 (B) School Boards Not Affected.
2 This Section shall not apply to a
3 school board. ⁽¹⁾

Comment:

- (1) Standardization of language.

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SECTION 44 (A) becomes SECTION 40 (A)

PART III. LEVEE DISTRICTS

1 Section 44. Levee Districts
2 Section 44. (A) Levee dis-

PART III. LEVEE DISTRICTS

1 Section 40. Levee Dis-
2 tricts

3 tricts as now organized and
4 constituted shall continue to
5 exist, except that:

6 (1) The legislature may pro-
7 vide for the consolidation, divi-
8 sion, or reorganization of exist-
9 ing levee districts or create new
10 levee districts. However, the
11 members of the boards of com-
12 missioners of districts hereto-
13 fore or hereafter created shall
14 be appointed or elected from resi-
15 dents of such district, as provi-
16 ded by law;

17 (2) Any levee district whose
18 flood control responsibilities
19 are limited to and which is
20 situated entirely within the
21 boundaries of one parish may
22 be merged and consolidated into
23 such parish under the terms and
24 conditions and in the manner
25 provided in Section 18 of this
26 Article. This provision shall
27 be self-operative.

3 Section 40. (A) Retention;
4 Reorganization; Consolidation.
5 Levee districts as organized
6 and constituted on the effective
7 date of this constitution shall
8 continue to exist, except that

9 (1) The legislature may pro-
10 vide for the consolidation, divi-
11 sion, or reorganization of
12 existing levee districts or may
13 create new levee districts. How-
14 ever, the members of the board
15 of commissioners of a district
16 heretofore or hereafter created
17 shall be appointed or elected
18 from among residents of the
19 district, as provided by law.

20 (2) A levee district whose
21 flood control responsibilities
22 are limited to and which is
23 situated entirely within one
24 parish may be merged into the
25 parish in the manner provided in
26 Section 17 of this Article.

SECTION 44(A) becomes SECTION 40(A)

Comment:

- (1) Standardization of language.
- (2) See Webster's, Rule 6.1 on uses of colon.
- (3) Elements, II, 15--parallelism.
- (4) Manual, Rule 12--singularization.
- (5) Elements, V, 16--be clear.
- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Standardization of language.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (9) Ibid.
- (10) Manual, Rule 6--avoid hackneyed reference words.
- (11) Section numbers changed to conform with suggested renumbering.
- (12) Sentence deleted because apparently inconsistent with stated requirement for reference to Section 17.

SECTION 44(B) becomes SECTION 40(B)

1 (B) No action taken here-
2 under shall impair the obli-
3 gation of any outstanding
4 bonded indebtedness or of any
5 other contract of such levee
6 district.

1 (B) Obligation of Contract
2 Affirmed. No action taken under ⁽¹⁾this
3 Section shall impair the obligation
4 of outstanding bonded indebtedness
5 or of any other contract of a ⁽³⁾levee
6 district.

Comment:

- (1) Manual, Rule 6--avoid hackneyed reference words.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Manual, Rule 6--avoid hackneyed reference words.

SECTION 45(A) becomes SECTION 41(A)

1 Section 45. District Taxes;
2 Increase in Tax to Raise
3 Additional Funds
4 Section 45. (A) For the
5 purpose of constructing and
6 maintaining levees, levee
7 drainage, flood protection,
8 hurricane flood protection, and
9 for all other purposes incident-
10 al thereto, the governing au-
11 thority of each district, may
12 levy annually a tax not to
13 exceed five mills on the asses-
14 sed valuation, except the Board
15 of Levee Commissioners of the
16 Orleans Levee District which
17 may levy annually a tax not to
18 exceed two and one-half mills
19 on the assessed valuation of all
20 taxable property situated within
21 the alluvial portions of said
22 district subject to overflow.

1 Section 41. District Taxes;
2 Increases
3 Section 41. (A) District Tax;
4 Millage Limit. For the purpose
5 of constructing and maintaining
6 levees, levee drainage, flood
7 protection, hurricane flood pro-
8 tection, and for all other purposes
9 incidental thereto, the governing
10 authority of each district may⁽¹⁾
11 levy annually a tax not to exceed
12 five mills on the assessed valuation
13 of all taxable property situated
14 within the alluvial portions of
15 the district subject to overflow.⁽²⁾⁽³⁾
16 However, the Board of Levee Com-
17 missioners of the Orleans Levee
18 District may levy annually a
19 tax not to exceed two and one-half
20 mills.⁽³⁾
21
22

Comment:

- (1) Webster's, Rule 4.4.1--omit needless commas.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Elements, V, 16--be clear.

ALTERNATIVE to SECTION 41(A):

SECTION 45 (A) becomes SECTION 41 (A)

1 Section 45. (A) For the
2 purpose of constructing and
3 maintaining levees, levee
4 drainage, flood protection,
5 hurricane flood protection, and
6 for all other purposes incident-
7 al thereto, the governing au-
8 thority of each district, may
9 levy annually a tax not to
10 exceed five mills on the asses-
11 sed valuation, except the Board
12 of Levee Commissioners of the
13 Orleans Levee District which
14 may levy annually a tax not to
15 exceed two and one-half mills
16 on the assessed valuation of all
17 taxable property situated within
18 the alluvial portions of said
19 district subject to overflow.

1 (A) District Tax; Millage Limit.
2 For the purpose of constructing and
3 maintaining levees, levee drainage,
4 flood protection, hurricane flood
5 protection, and for all other pur-
6 poses incidental thereto, the governing
7 authority of each district ⁽¹⁾ may levy
8 annually a tax not to exceed five
9 mills on the assessed valuation,
10 except the Board of Levee Commissioners
11 of the Orleans Levee District which
12 may levy annually a tax not to exceed
13 two and one-half mills on the assessed
14 valuation of all taxable property
15 situated within the alluvial portions
16 of said district subject to overflow.
17
18
19

Comment:

(1) Webster's, Rule 4.4.1--omit needless commas.

SECTION 45 (B) becomes SECTION 41(B)

1 (B) Should the necessity
2 to raise additional funds

1 (B) Millage Increase. If the
2 necessity for ⁽¹⁾ additional funds

3 arise in any levee district
4 for any of the purposes here-
5 in set forth, or for any
6 other purpose related to its
7 authorized powers and func-
8 tions which may be specified
9 by the legislature, the tax
10 herein authorized may be
11 increased. However, before
12 taking effect, the necessity
13 for the increase and the rate
14 thereof shall be submitted to
15 the electors of such district
16 and no increase in taxes shall
17 occur unless a majority of the
18 electors in such district who
19 vote in the election herein-
20 above provided for vote in
21 favor thereof.

3 arises in any levee district for
4 any ⁽²⁾ purpose set forth in Paragraph
5 ⁽³⁾ (A), or for any other purpose
6 related to its authorized powers
7 and functions as ⁽⁴⁾ specified by the
8 legislature, the tax may be in-
9 creased. However, no tax increase
10 shall be made unless the necessity
11 for the increase and the rate
12 thereof are approved by a majority
13 of the electors in the district
14 voting thereon in an election
15 held for the purpose. ⁽⁶⁾

Comment:

- (1) Manual, Rule 11--indicative mood.
- (2) Manual, Rule 12--singularization.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words
- (6) Standardization of language.

SECTION 46 (A) becomes SECTION 42(A)

1 Section 46. Bond Issues
2 Section 46. (A) Subject
3 to the approval of the State
4 Bond Commission or any suc-
5 cessor thereto, the govern-
6 ing body of any levee district
7 may fund the avails of said
8 taxes or other revenues into
9 bonds, or other evidences of
10 indebtedness, the proceeds
11 thereof to be used for the
12 purposes mentioned in this
13 Article or for the funding or
14 payment of any outstanding in-
15 debtedness.

1 Section 42. Bond Issues
2 Section 42. (A) Authorization.
3 Subject to approval by the State⁽¹⁾
4 Bond Commission or its successor,⁽²⁾
5 the governing authority⁽³⁾ of any levee
6 district may fund the proceeds of⁽⁴⁾
7 its taxes or other revenues into
8 bonds, or other evidences of in-
9 debtedness. Proceeds thus derived⁽⁵⁾
10 shall be used for the purposes⁽⁶⁾
11 mentioned in Section 41 of this
12 Article or for the payment of any
13 outstanding indebtedness.
14
15

Comment:

- (1) Standardization of language.
- (2) Ibid.
- (3) Ibid.
- (4) Elements, V, 16--be clear.
- (5) Ibid.
- (6) Ibid.

SECTION 46 (B) becomes 42 (B)

1 (B) Bonds issued under
2 the authority of the fore-
3 going provision shall be sold
4 in accordance with applicable
5 provisions of the Louisiana
6 Revised Statutes relating to
7 the issuance of bonds by levee
8 districts.

1 (B) Sale. Bonds issued under
2 the authority of Paragraph (A)⁽¹⁾ shall
3 be sold as provided by law.⁽²⁾
4
5
6
7
8

Comment:

(1) Manual, Rule 6--avoid hackneyed reference words.

(2) Standardization of language.

SECTION 48 becomes SECTION 43

1 Section 48. Cooperation with
2 Federal Government
3 Section 48. All governing
4 authorities of levee districts
5 which have been, or may be
6 created, are authorized to
7 cooperate with the federal
8 government in the construction
9 and maintenance of the levees
10 in this state, on such terms
11 and conditions as may be
12 provided by the federal authori-

1 Section 43. Cooperation with
2 Federal Government
3 Section 43. The governing
4 authority of any levee district⁽¹⁾
5 may⁽²⁾ cooperate with the federal
6 government in constructing and
7 maintaining⁽³⁾ levees in this state,
8 under terms⁽⁴⁾ provided by the fed-
9 eral authorities and accepted by it.⁽⁵⁾

13 ties and accepted by the levee | 13
14 districts. | 14

Comment:

- (1) Manual, Rule 12--singularization.
- (2) Standardization of language.
- (3) Manual, Rule 5--substitute word for phrase.
- (4) Ibid.; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Manual, Rule 5--substitute word for phrase.

SECTION 49 (A) becomes 44 (1¹)

1 Section 49. Compensation for
2 Property Used or Destroy-
3 ed; Tax
4 Section 49. (A) Notwithstand-
5 ing any other provision of this
6 constitution, lands and improve-
7 ments thereon hereafter actually
8 used or destroyed for levees or
9 levee drainage purposes shall be
10 paid for as provided by law; and
11 provided further, nothing con-
12 tained in this Paragraph with
13 respect to compensation for lands
14 and improvements shall apply to

1 Section 44. Compensation
2 for Property Used or
3 Destroyed; Tax
4 Section 44. (A) Compensation.
5 Notwithstanding any ⁽¹⁾contrary pro-
6 vision of this constitution,
7 lands and improvements thereon
8 hereafter actually used or des-
9 troyed for levees or levee drain-
10 age purposes shall be paid for as
11 provided by law. ⁽²⁾ Nothing ⁽³⁾in this
12 Paragraph with respect to compen-
13 sation for lands and improvements
14 shall apply to batture or to

15 batture or to property the con-
16 trol of which is vested in the
17 state or any political subdivi-
18 sion thereof for the purpose of
19 commerce.

20
21
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24

15 property the control of which is
16 vested in the state or any poli-
17 tical subdivision⁽⁴⁾ for the purpose
18 of commerce. If the district has
19 no other funds or resources
20 from which the payment can be⁽⁵⁾
21 made, it shall levy on all taxable⁽⁶⁾
22 property within the district, a⁽⁷⁾
23 tax sufficient to pay for property⁽⁸⁾
24⁽¹⁰⁾ used or destroyed.⁽¹¹⁾

Comment:

- (1) Standardization of language.
- (2) Manual, Rule 10--short sentences; Manual, Rule 14--unrelated ideas in separate sentences.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Ibid.
- (5) Manual, Rule 5--substitute word for phrase.
- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Webster's, Rule 4.4.1--omit needless commas.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (9) Manual, Rule 6--avoid hackneyed reference words.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (11) Ibid.

Page 70

SECTION 49 (B)

1 (B) If the district has no
2 other funds or resources out of
3 which such payment can be made,
4 it shall levy, on all taxable
5 property situated within the

1
2
3
4
5

Consolidated into
SECTION 44 (A)

6 district, a tax sufficient to | 6
7 pay for said property so used | 7
8 or destroyed to be used solely | 8
9 in the district where collected. | 9

SECTION 49 (C) becomes SECTION 44(B)

10 (C) Nothing contained in
11 this Section shall prevent the
12 appropriation of said property
13 before payment.

10 (B) Appropriation. Nothing⁽¹⁾
11 in this Section shall prevent
12 the appropriation of property⁽²⁾
13 before payment.

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Manual, Rule 6--avoid hackneyed reference words.

Page 71

SECTION 50 becomes SECTION 45

PART IV. PORTS

PART IV. PORTS

1 Section 50. Ports
2 Section 50. All deep-water
3 port commissions and all deep-
4 water port, harbor, and termin-
5 al districts as they are now
6 organized and constituted,
7 including their powers and
8 functions, structure and or-
9 ganization, and territorial
10 jurisdiction, are ratified and
11 confirmed and shall continue

1 Section 45. Ports
2 Section 45. All deep-water
3 port commissions and all deep-
4 water port, harbor, and terminal
5 districts as organized and consti-
6 tuted on the effective date of
7 this constitution, including⁽¹⁾
8 their powers and functions,
9 structure and organization, and
10 territorial jurisdiction, are
11 ratified and shall continue to⁽²⁾
⁽³⁾

12 to exist, except that:
13 (A) The legislature may
14 grant additional powers and
15 functions to any such commis-
16 sion or district and may create
17 new port commissions or port,
18 harbor, and terminal districts;
19 (B) The legislature may conso-
20 lidate or abolish any such com-
21 mission or district or may dim-
22 inish, reduce, or withdraw from
23 any such commission or district
24 any of its powers and functions
25 and may affect the structure and
26 organization, distribution, and
27 redistribution of the powers
28 and functions of any such com-
29 mission or district, including
30 additions or reductions of its
31 territorial jurisdiction, only
32 by act passed by a favorable
33 vote of at least two-thirds of
34 the elected membership of each
35 house;

12 exist, except that ⁽⁴⁾
13 (1) The legislature may
14 grant additional powers and
15 functions to a ⁽⁵⁾ commission or
16 district and may create new port
17 commissions or port, harbor,
18 and terminal districts.
19 (2) By law enacted by a
20 vote of two-thirds of the elected
21 members of each house, ⁽⁶⁾ the legis-
22 lature may consolidate or abolish
23 ⁽⁷⁾ a commission or district or may
24 diminish, reduce, or withdraw
25 from a ⁽⁸⁾ commission or district
26 any of its powers and functions
27 and may affect the structure
28 and organization, distribution,
29 and redistribution of the powers
30 and functions of a ⁽⁹⁾ commission or
31 district, including additions or
32 reductions of its territorial
33 jurisdiction.
34
35

SECTION 50 becomes SECTION 45

1 (C) The legislature shall
2 make provisions with respect to
3 the membership of the herein

1 (3) The legislature shall
2 ⁽¹⁰⁾ enact laws with respect to the
3 membership of the commissions

<p>4 provided commissions. Once the 5 membership is established it 6 may be changed only upon a two- 7 thirds vote of the elected mem- 8 bers of each house of the legis- 9 lature.</p>	<p>4 provided in this Section. ⁽¹¹⁾ Once 5 the membership is established, ⁽¹²⁾ 6 it may be changed only by a vote 7 of two-thirds of the elected 8 members of each house. ⁽¹³⁾ 9</p>
--	--

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Standardization of language.
- (3) Manual, Rules 5, 13 and Elements II, 13--omit needs.
- (4) See Webster's, Rule 6.1 on uses of colon.
- (5) Manual, Rule 5--substitute word for phrase.
- (6) Standardization of language; Webster's, Rule 4.2.1--commas after introductory prepositional phrases.
- (7) Manual, Rule 5--substitute word for phrase.
- (8) Ibid.
- (9) Ibid.
- (10) Standardization of language.
- (11) Manual, Rule 6--avoid hackneyed reference words.
- (12) Webster's, Rule 4.2.1--comma to separate introductory clause.
- (13) Standardization of language.

SECTION 51

PART V. DEFINITIONS

becomes SECTION 46

PART V. DEFINITIONS

1 Section 51. Terms Defined
2 Section 51. As used in this
3 Article:
4 (1) "Local governmental sub-
5 division" means any parish or
6 municipality;
7 (2) "Political subdivision"
8 means parishes and municipali-
9 ties, and any other unit of
10 local government, including
11 school boards and special
12 districts, authorized by law
13 to perform governmental func-
14 tions;
15 (3) "Municipality" means
16 all incorporated cities, towns,
17 and villages;
18 (4) "Governing authority"
19 means the body which exercises
20 the legislative functions of
21 the political subdivision;
22 (5) "General law" means a
23 law of statewide concern enacted
24 by the legislature which is uni-
25 formly applicable to all persons
26 or to all political subdivisions
27 in the entire state or which is

1 Section 46. Terms Defined
2 Section 46. As used in
3 this Article:
4 (1) "Local governmental
5 subdivision" means any parish
6 or municipality.
7 (2) "Political subdivision"
8 means a ⁽¹⁾ parish, municipality, and
9 any other unit of local government,
10 including a school board and a
11 special district, ⁽¹⁾ authorized by
12 law to perform governmental
13 functions.
14 (3) "Municipality" means an ⁽²⁾
15 incorporated city, town, or village.
16 (4) "Governing authority"
17 means the body which exercises
18 the legislative functions of the
19 political subdivision.
20 (5) "General law" means a
21 law of statewide concern enacted
22 by the legislature which is
23 uniformly applicable to all
24 persons or to all political sub-
25 divisions in the state or which
26 is uniformly applicable to all
27 persons or to all political

28 uniformly applicable to all
29 persons or to all political sub-
30 divisions within the same class.

31 (6) "General obligation bond"
32 means those bonds, the principal
33 and interest of which are secured
34 by and payable from ad valorem
35 taxes levied without limitation
36 as to rate or amount;

28 subdivisions within the same class.

29 (6) "General obligation
30 ⁽⁴⁾bonds" mean those bonds, the
31 principal and interest of which
32 are secured by and payable from
33 ad valorem taxes levied without
34 limitation as to rate or amount.

35

36

SECTION 51 becomes SECTION 46

1 (7) "Deep-water port commis-
2 sions and deep-water port, harbor,
3 and terminal districts" mean
4 those commissions or districts
5 within whose territorial juris-
6 diction exist facilities capable
7 of accommodating vessels of at
8 least twenty-five feet of draft
9 and of engaging in foreign
10 commerce.

1 (7) "Deep-water port
2 ⁽⁵⁾commissions" and "deep-water
3 port, harbor, and terminal
4 districts" mean those commissions
5 or districts within whose ter-
6 ritorial jurisdiction exist
7 facilities capable of accommodating
8 vessels of at least twenty-five
9 feet of draft and of engaging in
10 foreign commerce.

Comment:

- (1) Manual, Rule 12--singularization.
- (2) Ibid.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) "bond" pluralized; verb pluralized for agreement.
- (5) Quotation marks changed to encompass only titles; verbs pluralized for agreement.

COMMITTEE ON STYLE AND DRAFTING

Staff Draft (November 23, 1973)

Notes and Caveats to the enrolled article on Local and Parochial Government:

Section 6(A), (as suggested); Section 8(D), (as enrolled)

CAVEAT: The section as enrolled may leave unclear whether or not one member of a charter commission must be elected from each affected local governmental subdivision if the electors of more than one local governmental subdivision petition for the election of the commission. The suggested change rearranges the language of the enrolled section to assure that every affected local governmental subdivision has representation on a charter commission elected or appointed to propose a home rule charter for two or more local governmental subdivisions.

Section 10(B), (as suggested); Section 12(B), (as enrolled)

This section, upholding the police power of the state, may be suitable for ultimate placement in General Provisions.

Section 14, (as suggested); Section 15, (as enrolled)

NOTE: On line 23, "and except for the office of assessor," has been deleted because the assessor is provided for in C.P. No. 26.

Section 17, (as suggested); Section 18, (as enrolled)

NOTE: Does "consolidate and merge" as used by the convention mean one process? Does Section 17 intend to allow consolidation without merger? If both terms refer to one process, will not the single word "consolidation" suffice?

Section 19(B), (as suggested); Section 21, (as enrolled)

NOTE: The staff draft suggests two alternatives to Section 19(B): The first deletes detailed reasons for access to plant encumbrances by public road; the second presents a streamlined version of that detail.

Section 22(B), (as suggested); Section 24, (as enrolled)

CAVEAT: There is uncertainty about the constitutionality of forbidding alien ownership of lands. See staff memorandum of October 19, 1973, "RE: Alien Land Laws."

Section 26, (as suggested); Section 29, (as enrolled)

NOTE: This section, on prescription, may be suitable for ultimate placement in General Provisions.

Section 29(A), (as suggested); Section 32(A), (as enrolled)

CAVEAT: The section as enrolled permits a municipality which maintains its own public schools under legislative authority to levy an annual tax not to exceed ten mills on the dollar of assessed valuation. Is "legislative" a broad enough term to use? Does "legal" or "legislative or constitutional" more clearly reflect the intent of the convention?

Section 41(A), (as suggested); Section 45(A), (as enrolled)

NOTE: The staff draft suggests two alternatives to Section 41(A): The first rearranges language to make clear that taxes levied by all levee districts shall be on "property situated

within the alluvial portions of the district subject to overflow." The second retains the language arrangement adopted by the convention, which may seem to limit only the Board of Commissioners of the Orleans Levee District to taxation of property "situated within the alluvial portions of the district subject to overflow."

Section 42(A), (as suggested); Section 46(A), (as enrolled)

CAVEAT: The enrolled section allows the funding of revenues into bonds, the proceeds of which may be used for "purposes mentioned in this Article." The source for the language quoted above is Article XVI, Section 3, of the 1921 Constitution. However, levee districts are accorded an entire article in the 1921 Constitution, and the Committee on Style and Drafting may wish to consider whether or not "Section 41 of this Article" is a clearer statement of the intent of the convention than is "Article."

-2-

COMMITTEE ON STYLE AND DRAFTING
STAFF DRAFT TO THE LOCAL AND PAROCHIAL GOVERNMENT ARTICLE
NOVEMBER 1973

Section 4 (as renumbered)

NOTE TO THE COMMITTEE ON LOCAL AND PAROCHIAL GOVERNMENT:

Section 4, among others, was amended to include the phrase, "not inconsistent with this constitution." In other instances, the phrase, "Subject to and not inconsistent with the provisions of this constitution," is used. The Committee on Style and Drafting requests the opinion of the Committee on Local and Parochial Government as to whether some general phrase incorporating the substance of these exceptions might be used at one point in the article, instead of repeating it numerous times.

Section 5 (as renumbered)

Same as to Section 4.

CAVEAT TO COMMITTEE ON LOCAL AND PAROCHIAL GOVERNMENT:

As amended, the last sentence of Paragraph E is removed from Section 5 and becomes Section 6. That sentence, as enrolled, reads:

"The legislature shall not pass any law the effect of which changes, modifies, or affects the structure and organization and/or the particular distribution and redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter."

By its terms, this guarantee applies to any local governmental subdivision operating under a home rule charter. Presumably, this would be a home rule charter existing before (Section 4) or adopted after (Section 5) the effective date of the new constitution. If so, the difficulty arises in defining a separate Section.

It may, since Section 4 deals with existing home rule charters, be more desirable to deal with the home rule charters, and the legislature shall not pass any law the effect of which changes, modifies, or affects the structure and organization and/or the particular distribution and redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter."

January 10, 1974

THE EDITING NOTATIONS IN PENCIL ON THE ATTACHED SHEETS INDICATE THE CHANGES IN THE STYLING OF THE ARTICLE ON LOCAL GOVERNMENT RECOMMENDED BY THE COMMITTEE ON LOCAL AND PAROCHIAL GOVERNMENT.

Adopted 12-6-73

DOCUMENT NO. XV

COMMITTEE PROPOSAL NO. 17: FIRST ENROLLMENT

LOCAL GOVERNMENT

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE VI. LOCAL GOVERNMENT
2 Section 1. Creation, Dissolu-
3 tion, and Merger of Parish-

1 ARTICLE VI. LOCAL GOVERNMENT
2
3 PART I. GENERAL PROVISIONS

4 es; Change of Parish Lines;
5 Change of Parish Seats;
6 Existing Parishes

7 Section 1. (A) The legisla-
8 ture may establish and organize
9 new parishes, dissolve and merge
10 parishes and change parish bound-
11 aries, if two-thirds of the elect-
12 ors in each of the parishes affect-
13 ed voting at an election held for
14 the purpose in each parish affect-
15 ed consent thereto.

16 (B) The governing authority
17 of a parish, may call an elec-
18 tion on the question of chang-
19 ing the location of the parish
20 seat. The election shall be
21 conducted in the manner provid-
22 ed by the general election laws
23 in the state, insofar as applic-
24 able. The location of a parish
25 seat shall be changed if two-
26 thirds of the total vote cast
27 at the election is in favor
28 thereof.

4
5 Section 1. Parishes
6 Section 1. (A) Parishes and
7 Boundaries Ratified. ⁽¹⁾ Parishes
8 and their boundaries as estab-
9 lished under existing law are
10 recognized and ratified.

11 (B) Creation; Dissolution;
12 Merger; Boundaries. The legis-
13 lature may establish and organize
14 new parishes, ~~(2)~~ dissolve and merge
15 parishes, ⁽²⁾ and change parish
16 boundaries if approved by two-
17 thirds of the electors in each
18 parish affected voting thereon
19 at an election held for that
20 purpose. ⁽³⁾

21
22
23
24
25
26
27
28

SECTION 1 (C)

1 (C) Change of Parish Seat.
2 The governing authority of a

1 (C) All parishes and their
2 boundaries as established under

3 existing law are recognized and
4 ratified.

3 parish may call an election⁽⁴⁾
4 on the question of changing⁽⁵⁾
5 the parish seat. The parish⁽⁶⁾
6 seat shall be changed if ap-⁽⁷⁾
7 proved by two-thirds of the
8 electors voting thereon.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(2) Manual, Rule 20 and Elements, I, 2--commas
in series.

(3) Standardization of language.

(4) Webster's, Rule 4.4.1--omit needless commas.

(5) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(6) Ibid.; Elements, II, 15--parallelism.

(7) Standardization of language.

Page 2

SECTION 3 becomes SECTION 1(D)

1 Section 3. New or Enlarged
2 Parishes; Adjustment of
3 Assets and Liabilities
4 Section 3. When a parish is
5 enlarged or created from conti-
6 guous territory, it shall be
7 entitled to a just propertion
8 of the property and assets and
9 shall be liable for a just pro-
10 portion of the existing debts

1 (D) Adjustment of Assets
2 and Liabilities. When a
3 parish is enlarged or established⁽¹⁾
4 from contiguous territory, it
5 shall be entitled to a just pro-
6 portion of the property and
7 assets and shall be liable for
8 a just propotion of the exist-
9 ing debts and liabilities of the
10 parish or parishes from which

11 and liabilities of the parish
12 or parishes from which the terri-
13 tory is taken.

11 the territory is taken.
12
13

Comment:

(1) Formalization of language.

SECTION 5 BECOMES SECTION 2

1 Section 5. Municipalities;
2 Incorporation, Consolida-
3 tion, Merger, and Government
4 Section 5. The legislature
5 shall provide by general law for
6 the incorporation, consolidation,
7 merger, and government of muni-
8 cipalities. No local or special law
9 shall be enacted to create a muni-
10 cipal corporation or to amend,
11 modify, or repeal its charter.
12 However, if a municipality is
13 operating under a special legis-
14 lative charter it may be amended,
15 modified, or repealed by local
16 or special law as long as such

1 Section 2. Municipalities
2 Section 2. The legislature
3 shall provide by general law
4 for the incorporation, consolida-
5 tion, merger, and government of
6 municipalities. No local or
7 special law shall ⁽¹⁾ create a muni-
8 cipal corporation or amend, modify,
9 or repeal ⁽²⁾ a municipal charter.
10 However, an existing special
11 legislative charter may be
12 amended, modified, or repealed by
13 local or special law. ⁽³⁾
14
15
16

17 municipality continues to operate | 17
18 under such charter. | 18

Comment:

(1) Manual, Rules 5, 13, and Elements, II, 13--omit needless words.

(2) Elements, V, 16--be clear.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Page 4

SECTION 6 Becomes SECTION 3

1 Section 6. Classification
2 Section 6. Except as provided
3 in this constitution, the legis-
4 lature may classify parishes or
5 municipalities according to popu-
6 lation or on any other reasonable
7 basis related to the purpose of
8 this classification, and legisla-
9 tion may be limited in its effect
10 to any of such class or classes.

1 Section 3. Classification
2 Section 3.⁽¹⁾ The legislature
3 may classify parishes or muni-
4 cipalities according to popula-
5 tion or on any other reasonable
6 basis related to the purpose of
7 the classification.⁽²⁾ Legislation
8 may be limited in its effect to
9 any of such class or classes.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; i.e., there are no other provisions in this constitution.

(2) Ibid.; Manual, Rule 10--short sentences; Manual, Rule 14--unrelated ideas in separate sentences.

Page 5

SECTION 7 Becomes SECTION 4

1 Section 7. Existing Home Rule
2 Charters and Plans of Govern-
3 ment of Parishes and Munici-
4 palities Ratified
5 Section 7. Every plan of govern-
6 ment or home rule charter existing
7 or adopted when this constitution is
8 adopted shall remain in effect and
9 may be amended, modified, or repealed
10 as provided therein. Except as in-
11 consistent with the provisions of
12 this constitution, each local govern-
13 mental subdivision which has adopted
14 such a home rule charter or plan of
15 government shall retain the powers,
16 functions and duties in effect when
17 this constitution is adopted. Each
18 of them, if its charter permits,
19 shall also enjoy the right to any
20 powers and functions granted to other
21 local governmental subdivisions.
22
23

1 Section 4. Existing Home
2 Rule Charters and Plans
3 of Government
4 Section 4. Every home rule
5 charter⁽¹⁾ or plan of government
6 existing or adopted on the effec-
7 tive date of this constitution⁽²⁾
8 shall remain in effect and may be
9 amended, modified, or repealed
10 as provided therein. Except as
11 inconsistent with⁽³⁾ this constitu-
12 tion, each local governmental
13 subdivision which has adopted
14 such a home rule charter or plan
15 of government shall retain the
16 powers, functions, and duties in
17 effect on the effective date⁽⁴⁾ of
18 this constitution. If its char-
19 ter permits, each of them also
20 shall have⁽⁵⁾ the right to powers⁽⁶⁾
21 and functions granted to other⁽⁷⁾
22 local governmental subdivisions.
23

Comment:

(1) Word placement changed to conform with title and with word placement in rest of Section.

(2) Standardization of language.

(3) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(4) Standardization of language.

(5) Elements, II, 16--keep related words together.

(6) Elements, V, 7, 14--do not overstate;
avoid fancy words.

(7) Manual Rules 5, 13 and Elements, II, 13--
omit needless words.

Page 6

SECTION 8(A) comes SECTION 5 (A)

1 Section 8. Home Rule Charter
2 Section 8. (A) Subject to and
3 not inconsistent with the provi-
4 sions of this constitution, any
5 local governmental subdivision
6 may draft, adopt, or amend a
7 charter of government to be
8 known as a home rule charter in
9 accordance with the provisions
10 of this Section. The governing
11 authority of any such local gov-
12 ernmental subdivision may appoint
13 a commission to prepare and
14 propose a charter or alternate
15 charter, or may call an election
16 for the purpose of electing such
17 a commission.

1 Section 5. Home Rule Charter
2 Section 5. (A) Authority to
3 Adopt; Commission. Subject to and
4 not inconsistent with this con-
5 stitution, any local governmental
6 subdivision may draft, adopt, or
7 amend a home rule charter in ac-
8 cordance with this Section. The
9 governing authority of a local gov-
10 ernmental subdivision may appoint
11 a commission to prepare and pro-
12 pose a charter or an alternate
13 charter, or it may call an election
14 to elect such a commission.
15
16
17

Comment:

(1) Standardization of language.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Standardization of language.

(4) Manual, Rule 5--substitute word for phrase.

(5) Elements, V, 16--be clear.

(6) Elements, II, 15--parallelism.

(7) Manual, Rule 5--substitute word for phrase.

Page 7

SECTION 8 (B) Becomes SECTION 5 (B)

1 (B) The governing authority
2 of any such local governmental
3 subdivision shall call an elec-
4 tion to elect a commission to
5 prepare and propose a charter or
6 alternate charter when presented
7 with a petition signed by not
8 less than ten percent of the
9 electors or ten thousand electors,
10 whichever is the lesser, who live
11 within the boundaries of the
12 affected subdivision, as certi-
13 fied by the registrar of voters.

1 (B) Petition to Elect Com- (1)
2 mission. The governing authority
3 shall call an election to elect
4 such a (2) commission when presented
5 with a petition signed by not
6 less than ten percent of the
7 electors or ten thousand electors,
8 whichever is fewer, (3) who live
9 within the boundaries of the
10 affected subdivision, as certified
11 by the registrar of voters.
12
13

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Elements, V, 16--be clear.

(3) Elements, p. 45--less refers to quantity; few, to number.

Page 8

SECTION 8 (C) BECOMES SECTION 5 (C)

1 (C) A home rule charter shall
2 be adopted, amended, or repealed
3 when approved by a majority of the
4 electors who vote on the proposal
5 at an election called for that
6 purpose.

1 (C) Adoption; Amendment; Re-
2 peal. A home rule charter shall
3 be adopted, amended, or repealed
4 when approved by a majority of
5 the electors voting thereon at an
6 election held for that purpose.⁽¹⁾

Comment:

(1) Standardization of language.

SECTION 8 (D) BECOMES SECTION 5 (D)

7 (D) Two or more local govern-
8 mental subdivisions situated within
9 the boundaries of one parish may
10 avail themselves of the provisions
11 of this Section, provided that a
12 majority of the electors in each
13 affected local governmental subdi-
14 vision who vote in an election
15 held for that purpose vote in
16 favor thereof. The legislature
17 shall provide for the method of
18 appointment or election of a
19 commission to prepare and
20 propose such a charter consis-
21 tent with Paragraph (A) of this

7 (D) Adoption by Two or More
8 Local Governmental Subdivisions.
9 two or more local governmental
10 subdivisions within the boundaries
11 of one parish may adcp⁽¹⁾t a home
12 rule charter under this Section
13 if approved by a majority of the
14 electors in each affected local
15 governmental subdivision voting
16 thereon in an election held for
17 that purpose.⁽³⁾ The legislature
18 shall provide⁽⁴⁾ the method of ap-
19 pointment or election of a com-
20 mission to prepare and propose a⁽⁵⁾
21 charter consistent with Paragraph

22 Section. However, at least one
23 member of the commission shall
24 be elected or appointed from
25 each affected local governmental
26 subdivision. The legislature
27 shall provide the method by
28 which the electors of more than
29 one local governmental subdivi-
30 sion within the boundaries of

22 (A) of this Section and the method ⁽⁶⁾
23 by which the electors ⁽⁷⁾ may petition
24 for an election ⁽⁸⁾ consistent with
25 Paragraph (B) of this Section.
26 However, at least one member of
27 the commission shall be elected
28 or appointed from each affected
29 local governmental subdivision. ⁽⁹⁾

30

Page 9

SECTION 8 (D) BECOMES SECTION 8 (D)

1 one parish may petition for an | 1
2 election for such purpose con- | 2
3 sistent with Paragraph (B) of | 3
4 this Section. | 4

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(2) Elements, V, 16--be clear.

(3) Standardization of language.

(4) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(5) Ibid.

(6) Elements, V, 16--be clear.

(7) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(8) Ibid.; Elements, II, 15--parallelism.

Page 10

SECTION 8 (E) Becomes SECTION 7 (E)

1 (E) A home rule charter adopted
2 pursuant to the provisions of this
3 Section shall provide for the
4 structure and organization, powers,
5 and functions for the government
6 of the local governmental subdivi-
7 sion, which may include the exer-
8 cise of any power and performance
9 of any function necessary, requi-
10 site, or proper for the management
11 of its affairs, not denied by
12 general law or inconsistent with
13 any provision of this constitution.
14 The legislature shall not pass
15 any law the effect of which changes,
16 modifies, or affects the structure
17 and organization and/or the parti-
18 cular distribution and redistri-
19 bution of the powers and functions
20 of any local governmental subdivi-
21 sion which operates under a home
22 rule charter.

1 (E) Structure and Organiza-
2 tion; Powers; Functions. A
3 home rule charter adopted
4 ⁽¹⁾ under this Section shall pro-
5 vide ⁽²⁾ the structure and organ-
6 ization, powers, and functions
7 ⁽³⁾ of the government of the local ⁽³⁾
8 governmental subdivision,
9 which may include the exercise
10 of any power and performance
11 of any function necessary,
12 requisite, or proper for the
13 management of its affairs, not
14 denied by general law or in-
15 ⁽⁴⁾ consistent with this consti-
16 tution.

17
18
19 [Note:
20 Second half of
21 SECTION 8 (E).
22 Becomes SECTION 7]

Comment:

(1) Manual, Rule 5--substitute word for phrase;
Standardization of language.

(2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(3) Elements, V, 16--be clear; i.e., substitution of preposition "of" for "for."

(4) Standardization of language.

Page 11

SECTION 8 (F) BECOMES SECTION 8 (F)

1 (F) A local governmental sub-
2 division adopting a home rule
3 charter under this Section shall
4 also enjoy such additional powers
5 and functions as are granted to
6 local governmental subdivisions
7 by other provisions of this
8 constitution, unless the exer-
9 cise of such powers and perfor-
10 mance of such functions is pro-
11 hibited by its charter.

1 (F) Additional Powers and
2 Functions. Except as prohibited
3 by its charter, ⁽¹⁾ a local governmental
4 subdivision adopting a home rule
5 charter under this Section shall
6 have ⁽²⁾ the additional powers and
7 ⁽³⁾ functions granted to local govern-
8 mental subdivisions by other pro-
9 visions of this constitution.
10
11

Comment:

(1) Manual, Rule 18--place exceptions first when specific.

(2) Standardization of language.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Page 12

SECTION 8 (G) Becomes

SECTION 27 (G)

1 (G) No home rule charter or
 2 plan of local government shall
 3 contain any provision inconsis-
 4 tent with this constitution or
 5 any law now or hereafter enacted
 6 which affects the offices of
 7 district attorney, sheriff,
 8 assessor, clerk of a district
 9 court, coroner, parish school
 10 board, or city school board.

1 (G) Parish Officials and
 2 School Boards Not Affected. No
 3 home rule charter or plan of gov-
 4 ernment shall contain any pro-
 5 vision inconsistent with this
 6 constitution or with any law af-
 7 fecting a school board or the
 8 offices of district attorney,
 9 sheriff, assessor, clerk of a
 10 district court, or coroner.

"(G) Parish Officials and School Boards Not Affected. No home rule charter or plan of government shall contain any provision affecting a school board or the offices of district attorney, sheriff, assessor, clerk of a district court, or coroner, which is inconsistent with this constitution or a law."

Comment:

- (1) Standardization of language.
- (2) Elements, II, 15--parallelism.
- (3) Manual, Rule 11--present tense; Manual, Rule 5--substitute word for phrase.
- (4) Elements, V, 16--be clear; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 8 H

11 (H) Notwithstanding any provi-
 12 sion of this Article to the con-
 13 trary, the courts and their officers
 14 may be established or affected
 15 only as provided in Article V of
 16 this constitution.

11 [NOTE:
 12 SECTIONS
 13 8 (H) and
 14 9 (C) are identical
 15 and become
 16 SECTION 27]

SECTION 6

formerly second part of 8(E) -

1
2
3
4
5
6 The legislature shall not pass
7 any law the effect of which changes,
8 modifies, or affects the structure
9 and organization and/or the parti-
10 cular distribution and redistri-
11 tion of the powers and functions
12 of any local governmental subdivi-
13 sion which operates under a home
14 rule charter.

1 Section 6. Home Rule Charter
2 or Plan of Government;
3 Action by Legislature Pro-
4 hibited

5
6 Section 6. The legislature
7 shall enact no ⁽¹⁾ law the effect of
8 which changes or affects the ⁽²⁾
9 structure and organization or the ⁽³⁾
10 particular distribution and redis-
11 tribution of the powers and func-
12 tions of any local governmental
13 subdivision operating under a ⁽⁴⁾
14 home rule charter.

Comment:

- (1) Elements, II, 11--positive form; Standardi-
zation of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (3) Elements, p. 35--do not use and/or.
- (4) Manual, Rule 5--substitute word for phrase.

SECTION 9(A) Becomes

SECTION 7 (A)

1 Section 9. Powers of Other
2 Local Governmental Subdi-
3 visions
4 Section 9. (A) Subject to
5 and not inconsistent with any
6 provision of this constitution,
7 the governing authority of any
8 other local governmental sub-
9 division may exercise any power
10 and perform any function
11 necessary, requisite, or proper
12 for the management of the affairs
13 of the local governmental sub-
14 division not denied by its
15 charter or by general law,
16 provided that a majority of
17 the electors in the affected local
18 governmental subdivision who vote
19 in an election held for that
20 purpose vote in favor of the
21 proposition that such governing
22 authority may exercise such
23 general powers. In the absence of
24 such a favorable vote, such local
25 governmental subdivision shall have
26 such powers as authorized by this
27 constitution or by law.

1 Section 7. Powers of Other
2 Local Governmental Sub-
3 divisions
4 Section 7. (A) Powers and
5 Functions. Subject to and not
6 inconsistent with this consti-⁽¹⁾
7 tution, the governing authority
8 of a local governmental subdivi-
9 sion which has no home rule
10 charter or plan of government⁽²⁾ may
11 exercise any power and perform any
12 function necessary, requisite, or
13 proper for the management of its⁽³⁾
14 affairs, not denied by its char-⁽⁴⁾
15 ter or by general law, if a⁽⁵⁾
16 majority of the electors⁽⁵⁾
17 voting in an election held for
18 that purpose vote in favor of the
19 proposition that the governing⁽⁶⁾
20 authority may exercise such⁽⁷⁾
21 general powers. Otherwise, the
22 local governmental subdivision
23 shall have the powers authorized⁽⁸⁾ ⁽⁹⁾
24 by this constitution or by law.
25
26
27

- Comment:
- (1) Standardization of language.
 - (2) Elements, V, 16--be clear.
 - (3) Manual, Rule 5--substitute word for phrase.
 - (4) Webster's, Rule 4.4.2--comma inserted to avoid ambiguity.
 - (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
 - (6) Manual, Rule 6--avoid hackneyed reference words.
 - (7) Manual, Rule 5--substitute word for phrase.
 - (8) Manual, Rule 6--avoid hackneyed reference words.
 - (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

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SECTION 9 (B) BECOMES SECTION 7 (B)

1 (B) Nothing contained in this
 2 Section shall be construed to
 3 affect the powers and functions
 4 of a parish or city school board
 5 and the offices of district
 6 attorney, sheriff, clerk of a
 7 district court, coroner, or
 8 assessor.

1 (B) Parish Officials and
 2 School Boards Not Affected.
 3 Nothing in this Section shall⁽¹⁾ shall⁽²⁾
 4 affect the powers and functions⁽³⁾
 5 of a school board or the offices
 6 of district attorney, sheriff,
 7 assessor, clerk of a district
 8 court, or coroner.⁽⁴⁾

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Ibid.
- (3) Ibid.
- (4) Elements, II, 15--parallelism; i.e., language arranged to conform with previous usage in Section 6(G).

SECTION 9 (C)

9 (C) Notwithstanding any provision
 10 of this Article to the contrary, the
 11 courts and their officers may be
 12 established or affected only as
 13 provided in Article V of this
 14 constitution.

[NOTE:

SECTIONS

8(H) and

9(C) are identical

and become

SECTION 27]

Page 17

SECTION 11 Becomes

1 Section ⁸ H. Home Rule Parish;
 2 Incorporation of Cities,
 3 Towns, and Villages
 4 Section ⁸ L. No parish plan of
 5 government or home rule charter
 6 shall prohibit the incorporation
 7 of ^{a city, town, or village as} [cities, towns, or villages] as
 8 provided by general law.

SECTION 8

~~1 Section 8. Home Rule Parish;
 2 Incorporation of Cities,
 3 Towns, and Villages
 4 Section 8. No parish home rule
 5 charter or plan of government
 6 shall prohibit the incorporation
 7 of a city, town, or village as
 8 provided by general law.~~

Comment:

(1) Standardization of language.

(2) Manual, Rule 12--singularization.

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[557]

SECTION 12 (A) Becomes SECTION 9 (A)

9	Section 12. Limitations of	9	Section 9. Limitations of
10	Local Governmental Subdi-	10	Local Governmental Subdi-
11	visions	11	visions
12	Section 12. (A) Local govern-	12	Section 9. (A) Limitations.
13	mental subdivisions shall not:	13	No local governmental subdivision
14	(1) define and provide for the	14	shall ⁽¹⁾ (1) define and provide for
15	punishment of a felony; or (2)	15	the punishment of a felony; or
16	except as may be provided by law,	16	(2) except as provided by law,
17	enact private or civil ordinances	17	enact an ordinance ⁽³⁾ governing
18	governing civil relationships.	18	private or civil relationships. ⁽⁴⁾

Comment:

- (1) Elements, II, 11--positive verb.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Manual, Rule 12--singularization
- (4) Elements, V, 16--be clear.

SECTION 12 (B) Becomes SECTION 9 (B)

19	(B) Notwithstanding any pro-	19	(B) Police Power Not Abridged.
20	vision of this Article, the	20	Notwithstanding any provision of
21	police power of the state shall	21	this Article, the police power
22	never be abridged.	22	of the state shall never be
23		23	abridged.

Comment:

No Change

SECTION 12.1 Becomes

SECTION 10

1 Section 12.1. Codification
 2 of Ordinances
 3 Section 12.1. The governing
 4 authority of each political
 5 subdivision shall within two
 6 years of the effective date of
 7 the adoption of this constitu-
 8 tion, cause a code to be pre-
 9 pared containing all of the
 10 ordinances of the political
 11 subdivision of general appli-
 12 cation which are appropriate
 13 for continuation as law. When
 14 the code shall have been pre-
 15 pared the governing authority
 16 of the political subdivision
 17 shall cause copies of the same
 18 to be prepared and made avail-
 19 able for public distribution.
 20 All proposed ordinances of
 21 general application adopted
 22 after the approval of the code
 23 shall be adopted as amendments
 24 or additions to the code.

1 Section 10. Codification of
 2 Ordinances
 3 Section 10. Within two years
 4 after the effective date of this
 5 constitution, ⁽¹⁾ the governing au-
 6 thority of each political subdi-
 7 vision shall ⁽²⁾ have a code prepared
 8 containing all of its ⁽³⁾ general
 9 ordinances. When the code is ⁽⁴⁾
 10 prepared, ⁽⁵⁾ the governing authority ¹⁶
 11 shall make ⁽⁷⁾ copies available for
 12 public distribution. All general ⁽⁸⁾
 13 ordinances adopted after the
 14 approval of the code shall be ⁽⁹⁾
 15 amendments or additions to the
 16 code.

Comment:

(1) Elements, II, 16--keep related words together.

(2) Manual, Rule 5--substitute word for phrase.

(3) Ibid.; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Manual, Rule 11--present tense.

(5) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.

(6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(7) Ibid.; Manual, Rule 5--substitute word for phrase.

(8) Ibid.

(9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

P. 20

SECTION 13 Becomes SECTION 11

1	Section 13. Local Officials	1	Section 11. Local Officials
2	Section 13. The electors of	2	Section 11. The electors
3	each local governmental subdivi-	3	of each local governmental sub-
4	sion shall have the exclusive	4	division shall have the exclu-
5	right to elect their governing	5	sive right to elect their
6	authority. Nothing herein shall	6	governing authority. Nothing
7	be construed to prohibit the	7	herein shall be construed to
8	election of the members of any	8	prohibit the election of the
9	governing authority on the basis	9	members ⁽¹⁾ ⁽²⁾ from single-member
10	of single member districts.	10	districts.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Manual, Rule 5--substitute word for phrase.

SECTION 14 Becomes SECTION 12

1 Section 14. Local Officials;
2 Compensation
3 Section 14. The compensation
4 or method of fixing the compen-
5 sation of a local elected offi-
6 cial of any local governmental
7 subdivision which operates under
8 a home rule charter or plan of
9 government as provided in
10 Sections 7 and 8 of this Article,
11 shall be provided in its charter.
12 The compensation or method of
13 fixing the compensation of local
14 elected officials of any other
15 local governmental subdivision
16 shall be provided for by law.
17 Compensation of local officials
18 shall not be reduced during the
19 terms for which they are elected.
20

1 Section 12. Local Officials;
2 Compensation
3 Section 12. The compen-
4 sation or method of fixing the
5 compensation of an elected
6 official of any local govern-
7 mental subdivision which operates
8 under a home rule charter or
9 plan of government, as provided
10 in Sections 4 and 5 of this
11 Article, shall be provided in
12 its charter. The compensation
13 or method of fixing the compen-
14 sation of an elected official
15 of any other local governmental
16 subdivision shall be provided
17 by law. Compensation of a
18 local official shall not be
19 reduced during the term for
20 which he is elected.

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Webster's, Rule 4.1.2--pair of commas to set off modifying phrases.
- (3) Section numbers changed to conform to suggested renumbering.
- (4) Standardization of language; Manual, Rule 12--singularization.

(5) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(6) Manual, Rule 12--singularization.

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SECTION 15 (A) Becomes SECTION 13 (A)

1	Section 15. Filling of	1	Section 13. Vacancies
2	Vacancies; Appointment	2	Section 13. (A) Vacancy;
3	Section 15. (A) Except as	3	Appointment. Except as otherwise
4	otherwise provided in this	4	provided by this constitution, ⁽¹⁾ ⁽²⁾
5	constitution, and except for the	5	a vacancy in any local office
6	office of assessor, a vacancy in	6	filled by election wholly within
7	any local office filled by	7	the boundaries of a local govern-
8	election wholly within the	8	mental subdivision or a school ⁽³⁾
9	boundaries of a local govern-	9	district shall be filled by ap-
10	mental subdivision or a parish	10	pointment by the particular ⁽⁴⁾ ⁽⁵⁾
11	or city school district, shall	11	governing authority of the local ⁽⁶⁾
12	be filled by appointment by the	12	governmental subdivision or
13	governing authority of such	13	school district in which the
14	local governmental subdivision	14	vacancy occurs, until it is
15	or school district in which the	15	filled by election as provided
16	vacancy occurs, until it is	16	by law.
17	filled by election as provided	17	
18	by law.	18	

Comment:

- (1) Standardization of language.
- (2) Assessor has now been provided for elsewhere in constitution.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Elements, V, 16--be clear.
- (6) Manual, Rule 6--avoid hackneyed reference words.

SECTION 15 (B) Becomes SECTION 13 (B)

1 (B) The provisions of this
2 Section shall apply to all local
3 governmental subdivisions unless
4 otherwise provided by the home
5 rule charter or the home rule
6 plan of government of the affect-
7 ed local governmental subdivisions.

1 (B) Exception. ⁽¹⁾ This Section
2 shall apply to each local govern-
3 mental subdivision ⁽²⁾ unless other-
4 wise provided by ⁽³⁾ its home rule
5 charter or ⁽⁴⁾ plan of government.
6
7

Comment:

- (1) Standardization of language.
- (2) Manual, Rule 12--singularization.
- (3) Manual, Rule 5--substitute a word for phrase.
- (4) Standardization of language.

SECTION 16 Becomes SECTION 14

1 Section 16. Legislation Increasing
2 ing Financial Burden of
3 Political Subdivisions; Local
4 Approval
5 Section 16. No law requiring an
6 increase in expenditures for wages,
7 hours, working conditions, pension
8 and retirement benefits, vacation
9 or sick leave benefits of political
10 subdivision employees, except a law

1 Section 14. Increasing
2 Financial Burden of
3 Political Subdivisions
4 Section 14. No law requiring
5 ⁽¹⁾ increased expenditures for wages,
6 hours, working conditions, pension
7 and retirement benefits, vacation ⁽²⁾
8 or sick leave benefits of poli-
9 tical subdivision employees,
10

11 providing for civil service, min- 12 imum wages, working conditions, and 13 retirement benefits for firemen and 14 municipal policemen, shall have 15 effect until approved by ordinance 16 enacted by the governing authority 17 of the political subdivision affect- 18 ed thereby or until the legislature 19 appropriates funds to the affected 20 political subdivision for that 21 purpose and only to the extent and 22 amount that such funds are provided. 23 Nothing in this Section shall be 24 construed as applying to parish and 25 municipal school boards. 26	11 except a law providing for civil 12 service, minimum wages, working 13 conditions, and retirement bene- 14 fits for firemen and municipal 15 policemen, shall become effec- 16 tive until approved by ordinance 17 enacted by the governing author- 18 ity of the affected political 19 subdivision or until the legis- 20 lature appropriates funds for 21 the purpose to the affected 22 political subdivision and only 23 to the extent and amount that 24 such funds are provided. This 25 Section shall not apply to a 26 school board.
---	--

Comment:

- (1) Manual, Rule 5--substitute word for phrase.
- (2) Manual, Rule 20, Elements, I, 2--commas in series.
- (3) Formalization of language.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Elements, II, 16--keep related words together.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 12--singularization.

SECTION 17 Becomes SECTION 15

1 Section 17. Governing Authori-
2 ties of Local Governmental
3 Subdivisions; Control Over
4 Agencies They Create
5 Section 17. The governing
6 authority of a local governmental
7 subdivision shall have general
8 power over any agency heretofore
9 or hereafter created by it,
10 including, without limitation, the
11 power to abolish any such agency
12 and to require prior approval of
13 any charge or tax levied, or bond
14 issued by such agency.

1 Section 15. Local Governmental
2 Subdivisions; Control Over
3 Agencies
4 Section 15. The governing
5 authority of a local governmental
6 subdivision shall have general
7 power over any agency heretofore
8 or hereafter created by it.⁽¹⁾ It may
9 ⁽²⁾ abolish the agency and require prior
10 approval of any charge or tax levied
11 or bond issued by the agency.
12
13
14

Comment:

(1) Manual, Rule 10--short sentences.

(2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(3) Manual, Rule 6--avoid hackneyed reference
words.

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SECTION 18 (A) becomes SECTION 16 (A)

1 Section 18. Special Districts
2 and Local Public Agencies;
3 Consolidation, Merger, and
4 Assumption of Debt
5 Section 18. (A) Any local
6 governmental subdivision may conso-

1 Section 16. Special Districts
2 and Local Public Agencies
3 Section 16. (A) Consolidation.
4 A local governmental subdivision may
5 consolidate and merge into itself
6 any special district or local public

7 lidate and merge into itself any
8 special district or local public
9 agency, except a school district,
10 situated and having jurisdiction
11 entirely within the boundaries of
12 such local governmental subdivi-
13 sion. Upon such merger and conso-
14 lidation the local governmental
15 subdivision shall succeed to and
16 be vested with all of the rights,
17 revenues, resources, jurisdiction,
18 authority, and powers of such special
19 district or local public agency. No
20 such merger and consolidation shall
21 take effect unless a majority of
22 the electors voting thereon in the
23 local governmental subdivision as a
24 whole and also a majority of the
25 electors voting thereon in the
26 affected special district vote in
27 favor of such proposition. No such
28 action involving a local public
29 agency shall take effect unless a
30 majority of the electors voting
31 thereon in the local governmental
32 subdivision in which the local
33 public agency is located vote in
34 favor thereof in an election held
35 for that purpose.

7 agency, except a school district,
8 situated and having jurisdiction (1)
9 entirely within the boundaries of th
10 local governmental subdivision. Upc
11 (2) the consolidation and merger, (3) the
12 local governmental subdivision shall
13 succeed to and be vested with (4) the
14 rights, revenues, resources, jurisd-
15 diction, authority, and powers of
16 (5) the special district or local public
17 agency. A consolidation and merger
18 shall become effective only if (6)
19 (7) approved by a majority of the elec-
20 tors voting thereon in the local
21 governmental subdivision as a whole
22 and by a majority of the electors
23 voting thereon in the affected spe-
24 cial district. A local public agenc
25 shall be consolidated and merged (8) onl
26 if approved by a majority of the
27 electors voting thereon in an elec-
28 tion held for that purpose in the
29 local governmental subdivision in
30 which located.

the agency is

SECTION 18 (A) becomes SECTION 16 (A)

Comment:

- (1) Manual, Rule 6--avoid hackneyed reference words.
- (2) Manual, Rules 5, 13 and Elements, II, 13--avoid hackneyed reference words.
- (3) Webster's Rule 4.2.1--comma to separate introductory prepositional phrase.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Manual, Rule 6--avoid hackneyed reference words.
- (6) Elements, II, 11--put statements in positive form.
- (7) Standardization of language.
- (8) Elements, II, 11--put statements in positive form.

SECTION 18 (B) becomes SECTION 16 (B)

1 (B) If the special district
2 or local public agency which is
3 consolidated and merged has any
4 outstanding indebtedness, the
5 authority provided for by this
6 Section shall not be exercised
7 unless provision is made for the
8 assumption of such indebtedness
9 by the governing authority or
10 authorities of the local gov-
11 ernmental subdivisions involved.

1 (B) Assumption of Debt. If
2 the special district or local public
3 agency which is consolidated and
4 merged has outstanding indebtedness,
5 the authority provided by this Sec-
6 tion shall not be exercised unless
7 provision is made for the assumption
8 of the ⁽³⁾indebtedness by the governing
9 authority ⁽⁴⁾of the local governmental
10 subdivision involved.
11

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (2) Ibid.
- (3) Manual, Rule 6--avoid hackneyed reference
words.
- (4) Manual, Rule 12--singularization.

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Section 19. Provisions

Section 17

1 Section 19. Land Use, Zoning
2 and Historic Preservation
3 Section 19. Subject to uniform
4 legislatively established procedures,
5 local governmental subdivisions
6 shall have authority (1) to adopt
7 regulations for land use, zoning
8 and historic preservation, which
9 authority is declared to be a public
10 purpose; (2) to create commissions
11 and districts to implement same; (3)
12 to review decisions of any such
13 commissions; (4) and to adopt
14 standards for use, construction,
15 demolition and modification of areas
16 and structures. Existing consti-
17 tutional authority for historic
18 preservation districts is retained.

1 Section 17. Land Use;
2 Zoning; Historic
3 Preservation
4 Section 17. Subject to
5 uniform procedures established
6 by law, ⁽¹⁾ a local governmental
7 subdivision ⁽²⁾ may ⁽³⁾ (1) adopt
8 regulations for land use,
9 zoning, and historic preser-
10 vation, which authority is
11 declared to be a public pur-
12 pose; (2) create commissions
13 and districts to implement
14 those regulations; ⁽⁴⁾ (3) review
15 decisions of any such com-
16 mission; and (4) adopt stan-
17 ards for use, construction;
18 demolition, and modification
19 of areas and structures.
20 Existing constitutional autho-
21 rity for historic preservation

22
23
24

22 ^{COMMISSIONS} [districts] is retained.
23
24

Comment:

- (1) Formalization of language
- (2) Manual, Rule 12--singularization
- (3) Standardization of language.
- (4) Elements, V, 16--be clear.

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SECTION 21 Becomes SECTION 18(A)

1 Section 21. Industrial Areas
 2 Section 21. The legislature may
 3 authorize parishes to create and
 4 define industrial areas within
 5 their boundaries in accordance
 6 with such procedures and subject
 7 to such regulations as the legis-
 8 lature shall determine. All
 9 industrial areas so created here-
 10 after shall include provisions
 11 for access by public road to any
 12 and all entrances to the premises
 13 of each and every plant in such
 14 area which entrances are provided
 15 for use by employees of such
 16 company, or for use by employees
 17 of independent contractors
 18 working on such premises, or for

1 Section 18. Industrial
 2 Areas
 3 Section 18. (A) Authoriza-
 4 tion. The legislature may authorize
 5 parishes to create and define indus-
 6 trial areas within their boundaries
 7 in accordance with procedures and
 8 subject to regulations which it de-
 9 termines. ⁽¹⁾ An industrial area ⁽²⁾ shall ⁽³⁾
 10 not be a political subdivision of
 11 the state.
 12
 13
 14
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 18

19 delivery of materials or supplies, 19
 20 other than by rail or water trans- 20
 21 portation, to such premises. Where 21
 22 individual plants provide police 22
 23 protection this protection shall 23
 24 be confined to the premises of 24
 25 each individual plant located in 25
 26 the area. Industrial areas shall 26
 27 not be subdivisions of the state. 27

Comment:

- (1) Manual, Rule 6--avoid hackneyed reference words.
- (2) Manual, Rule 11--present tense.
- (3) Manual, Rule 12--singularization.

PART OF SECTION 21 becomes SECTION 18(B)

1 All industrial areas so created
 2 hereafter shall include provisions
 3 for access by public road to any
 4 and all entrances to the premises
 5 of each and every plant in such
 6 area which entrances are provided
 7 for use by employees of such
 8 company, or for use by employees
 9 of independent contractors
 10 working on such premises, or for
 11 delivery of materials or supplies
 12 other than by rail or water trans-
 13 portation, to such premises. Where

1 (B) Access by Public Road;
 2 Police Protection. When an indus-
 3 trial area is so created, provision⁽¹⁾
 4 shall be made⁽²⁾ for access by public
 5 road to each entrance to the pre-
 6 mises of every plant in the area,
 7 which is provided for use by em-
 8 ployees of the⁽³⁾ company, or for use
 9 by employees of independent con-
 10 tractors working on the⁽³⁾ premises,
 11 or for delivery of materials or
 12 supplies, other than by rail or
 13 water transportation, to the pre-⁽³⁾

14 individual plants provide police
15 protection this protection shall
16 be confined to the premises of
17 each individual plant located in
18 the area.

14 mises. ⁽⁴⁾ Police protection provided
15 by any plant in an industrial area
16 shall be confined to the premises
17 of that plant. ⁽⁴⁾
18

Comment to Alternative:

- (1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
Manual, Rule 12--singularization;
Webster's, Rule 4.2.1--comma to set off intro-
ductory adverbial clause.
- (2) Elements, V, 16--be clear.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Elements, V, 16--be clear; Manual, Rules 5, 13
and Elements, II, 13--omit needless words.

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SECTION 22 becomes SECTION 19

1 Section ^{19.} [22.] Creation of
2 Special Districts by
3 the Legislature; Author-
4 ity
5 Section ^{19.} [22.] Subject to and
6 not inconsistent with [the provi-
7 sions of] this constitution, the
8 legislature by general law or by
9 local or special law may create
10 or authorize the creation of
11 special districts, boards,

1 Section 19. Special
2 Districts; Creation
3 Section 19. Subject to and
4 not inconsistent with this consti-
5 tution, the legislature by general
6 law or by local or special law may
7 create or authorize the creation of
8 special districts, boards, agencies
9 commissions, and other authorities;
10 and may grant to them and define
11 their rights and their power to tax

12	agencies, commissions, and author-	12	incur debt, ⁽⁵⁾ issue bonds, ⁽⁵⁾ and their
13	ities of every type, define their	13	⁽⁶⁾ other powers.
14	powers, and grant to the special	14	
15	districts, boards, agencies, com-	15	
16	missions, and authorities so	16	
17	created such rights, powers, and	17	
18	authorities as it deems proper,	18	
19	including, but not limited to,	19	
20	the power of taxation, the power	20	
21	to incur debt and issue bonds.	21	

Comment:

- (1) Standardization of language.
- (2) Manual, Rule 5--substitute words for phrase.
- (3) See Elements, I, 4--comma may separate two clauses with same subject if clarity demands.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Manual, Rule 20 and Elements, I, 2--commas in series.
- (6) Manual, Rule 5--substitute word for phrase.

SECTION 23 becomes SECTION 20

1 Section 23. Intergovernmental
 2 Cooperation
 3 Section 23. Any political
 4 subdivision may exercise and per-
 5 form any of its authorized powers
 6 and functions, including financing,
 7 jointly or in cooperation with one
 8 or more political subdivisions,

1 Section 20. Intergovern-
 2 mental Cooperation
 3 Section 20. Except as
 4 otherwise provided by law, ⁽¹⁾ a ⁽²⁾
 5 political subdivision may ex-
 6 ercise and perform any authorized
 7 power and function, ⁽³⁾ including
 8 financing, jointly or in cooper-

9 either within or without the state,
10 with the United States or agencies
11 thereof, except as the legislature
12 shall provide otherwise by law.

9 ation with one or more political
10 subdivisions, either within or
11 without the state, ^{or} [and] with the
12 United States or its agencies. (4)

Comment:

- (1) Standardization of language.
Manual, Rule 18--place exceptions first when specific.
- (2) Standardization of language.
- (3) Manual, Rule 12--singularization.
- (4) Manual, Rule 6--avoid hackneyed reference words.

SECTION 24 becomes SECTION 21 (A)

1 Section 24. Assistance to
2 Local Industry by Political
3 cal Subdivisions; Deep-
4 Water Port Commission, or
5 Deep-Water Port, Harbor,
6 and Terminal Districts
7 Section 24. Subject to such
8 restrictions as it may impose,
9 the legislature may authorize
10 any political subdivision, deep-
11 water port commission, or deep-
12 water port, harbor, and terminal
13 district, in order (1) to induce
1 and encourage the location of or

1 Section 21. Assistance to
2 Local Industry
3 Section 21. (A) Authoriza-
4 tion. In order to (1) induce and
5 encourage the location of or addi-
6 tion to industrial enterprises
7 therein which would have economic
8 impact upon the area and thereby
9 the state, (2) provide for the
10 establishment and furnishing of
11 such industrial plant, or (3)
12 provide movable or immovable
13 property, or both, for pollution
14 control facilities, the legislature

<p> , addition to industrial enterprises ; therein which would have economic 17 impact upon the area and thereby 18 the state, or (2) to provide for 19 the establishment and furnishing 20 of such industrial plant, or (3) 21 to provide movable or immovable 22 property, or both, for pollution 23 control facilities: (a) to issue 24 bonds, subject to the approval 25 of the State Bond Commission, or 26 any successor thereto, and to use 27 the funds derived from the sale 28 thereof to acquire and improve 29 industrial plant sites and other 30 property necessary to the purposes 31 thereof; (b) to acquire, through 32 purchase, donation, exchange, and 33 subject to Article I, Section 4, 34 expropriation, and to improve 35 36 37 38 </p>	<p> 15 may authorize, subject to restric- 16 tions it may impose, ⁽²⁾ any political 17 subdivision, deep-water port 18 commission, or deep-water 19 port, harbor, and terminal 20 district to 21 (a) issue bonds, subject to 22 approval by ⁽³⁾ the State Bond 23 Commission or its ⁽⁴⁾ successor, 24 and use the funds derived from 25 the sale of the bonds to ⁽⁵⁾ acquire 26 and improve industrial plant 27 sites and other property 28 necessary to the purposes 29 thereof; 30 (b) acquire, through pur- 31 chase, donation, exchange, and 32 (subject to Article I, Section 33 ⁽⁶⁾ 4) expropriation, and 34 improve industrial plant 35 buildings and industrial plant 36 equipment, machinery, furnish- 37 ings, and appurtenances; and 38 </p>
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SECTION 24 becomes SECTION 2 / (A), (B), (C)

<p> 1 industrial plant buildings and 2 industrial plant equipment, 3 machinery, furnishings, and 4 appurtenances; and (c) to sell, [574] </p>	<p> 1 (c) sell, lease, lease-pur- 2 chase, or demolish all or any 3 part of the foregoing. 4 (B) Property Expropriated; </p>
---	---

5 lease, lease-purchase, or
6 demolish all or any part of
7 the foregoing.

8 No property expropriated
9 under the authority of this
10 Article shall ever, directly
11 or indirectly, be sold or
12 donated to any foreign power,
13 any alien, or any corporation
14 in which the majority of the
15 stock is controlled by any
16 foreign power, alien corporation,
17 or alien.

18 The provisions of this Section
19 shall not apply to school boards.

5 Sale to Aliens Prohibited. No
6 property expropriated under the
7 authority of this Article shall
8 ever, directly or indirectly, be
9 sold or donated to any foreign
10 power, any alien, or any corpora-
11 tion in which the majority of the
12 stock is controlled by any foreign
13 power, alien corporation, or alien.

14 (C) Exception. This
15 Section shall not apply to a
16 school board.⁽⁷⁾

Comment:

- (1) Elements, II, 16--keep related words together.
- (2) Elements, II, 16--keep related words together.
- (3) Standardization of language.
- (4) Manual, Rule 6--avoid hackneyed reference words.
- (5) Elements, V, 16--be clear.
- (6) Ibid.
- (7) Standardization of language.

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SECTION 26 becomes SECTION 22

1 Section 26. Uniform
2 Procedure for Calling,
3 Conducting, and Canvassing

1 Section 22. Procedure
2 for Certain Special
3 Elections

4 the Returns of Certain
5 Special Elections
6 Section 26. When any election
7 is required to be held in any
8 political subdivision pursuant
9 to the provisions of this consti-
10 tution which require submission
11 to the electors of any proposition
12 or question, the election shall
13 be called, conducted, and the
14 returns thereof canvassed, in
15 accordance with the procedures
16 established by law pertaining
17 to elections for incurring bonded
18 indebtedness and special taxes
19 relative to local finance, as
20 the same now exists or may here-
21 after be amended, or as may be
22 otherwise provided by the legis-
23 lature.

4 Section 22. When an ⁽¹⁾ election
5 is required ⁽²⁾ in a political sub-
6 division under ⁽³⁾ the provisions
7 of this constitution which
8 require submission to the electors
9 of a ⁽¹⁾ proposition or question, the
10 election shall be called, con-
11 ducted, and the returns thereof
12 canvassed, in accordance with
13 the procedures established by
14 the law then in effect ⁽⁴⁾ pertaining
15 to elections for incurring bonded
16 indebtedness and special taxes
17 relative to local finance, ⁽⁵⁾ or
18 as may be otherwise provided by
19 law. ⁽⁶⁾

Comment:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (3) Manual, Rule 5--substitute word for phrase.
- (4) Elements, V, 16--be clear.
- (5) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; Manual, Rule 11--
present tense.
- (6) Standardization of language.

SECTION 27 becomes

SECTION 23

1 Section 27. Acquisition of
 2 Property
 3 Section 27. Subject to and not
 4 inconsistent with any provision of
 5 this constitution and subject to
 6 such restrictions as the legisla-
 7 ture may provide by general law,
 8 political subdivisions may acquire
 9 property for any public purpose,
 10 including but not limited to
 11 acquisition by purchase, donation,
 12 expropriation, or exchange.

1 Section 23. Acquisition of
 2 Property
 3 Section 23. Subject to and not
 4 inconsistent with this constitution
 5 and subject to restrictions pro-
 6 vided by general law, political sub-
 7 divisions may acquire property for
 8 any public purpose by purchase,
 9 donation, expropriation, ex-
 10 change, or otherwise. (1)
 11
 12

Comment:

- (1) Standardization of language.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Standardization of language.
- (4) Manual, Rule 5--substitute word for phrase.

SECTION 28 becomes SECTION 24

1 Section 28. Servitudes of Way;
 2 Acquisition by Prescription
 3 Section 28. The public, repre-
 4 sented by the various local govern-
 5 mental subdivisions, may acquire
 6 servitudes of way by prescription

1 Section 24. Servitudes of
 2 Way; Acquisition by Prescrip-
 3 tion
 4 Section 24. The public, repre-
 5 sented by local governmental sub-
 6 divisions, may acquire servitudes

7 in the manner prescribed by law.

8

7 of way by prescription in the

8 manner prescribed by law.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

SECTION 29 becomes SECTION 25

8 Section 29. Prescription Against

9 State

10 Section 29. Prescription shall

11 not run against the state in any

12 civil matter, unless otherwise

13 provided in this constitution or

14 expressly by law.

8 Section 25. Prescription

9 Against State

10 Section 25. Prescription shall

11 not run against the state in any

12 civil matter, unless otherwise

13 provided in this constitution or

14 expressly by law.

Comment:

No change.

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SECTION 8 (h)

and

SECTION 9 (c)

become

SECTION 26

1

2

3

4

5

6

7

8

Notwithstanding any provi-

sion of this Article to the con-

trary, the courts and their officers

may be established or affected

only as provided in Article V of

this constitution.

1

2

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8

Section 26. Courts Not

Affected

Section 26. Notwithstanding

any provision of this Article,⁽¹⁾

courts and their officers may be

established or affected only as

provided in Article V of this

constitution.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

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SECTION 31 (.) ~~Section~~ SECTION 27 (.)

PART II. FINANCE

PART II. FINANCE

1 Section 31. Parish Tax
 2 Limits; Increase; With-
 3 drawal of Municipality
 4 from Parish Taxing Authori-
 5 ty
 6 Section 31. (A) The govern-
 7 ing authority of each parish may
 8 levy an ad valorem tax for general
 9 purposes, in an amount not to
 10 exceed in any one year, four mills
 11 on the dollar of assessed valuation.
 12 However, in Orleans Parish the
 13 limitation shall be seven mills
 14 and in Jackson Parish the limita-
 15 tion shall be five mills. Millage
 16 rates may be increased in any
 17 parish when approved by a majority
 18 of the electors who vote in an
 19 election held for that purpose.
 20

1 Section 27. Parish Ad
 2 Valorem Tax
 3 Section 27. (A) Parish
 4 Tax for General Purposes; Millage
 5 Limits; Increase. The governing
 6 authority of a ⁽¹⁾ parish may levy
 7 annually ⁽²⁾ an ad valorem tax for
 8 general purposes ⁽³⁾ not to exceed
 9 four mills on the dollar of
 10 assessed valuation. However, in
 11 Orleans Parish the limitation
 12 shall be seven mills ⁽⁴⁾ and in
 13 Jackson Parish the limitation
 14 shall be five mills. Millage
 15 rates may be increased ⁽⁵⁾ when
 16 approved by a majority of the
 17 electors voting thereon in an
 18 election held for that purpose. ⁽⁶⁾
 19
 20

in any parish

Comment:

- (1) See Webster's definitions--meaning in context identical; Manual, Rule 5--use short words.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

- (4) Webster's, Rule 4.2.3--comma to separate clauses joined by coordinating conjunction.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Standardization of language.

SECTION 31(B) becomes SECTION 27(B)

1 (B) When the millage increase
 2 is for other than general purposes,
 3 the proposition shall state the
 4 specific purpose or purposes for
 5 which the tax is to be levied, the
 6 length of time the tax is to remain
 7 in effect, and all proceeds of the
 8 tax shall be used solely for the
 9 purpose or purposes set forth in
 10 the proposition.
 11

1 (B) Millage Increase Not for
 2 General Purposes. When the millage
 3 increase is not for general pur-
 4 poses, the proposition shall state
 5 the specific purpose or purposes
 6 for which the tax is to be levied
 7 and the length of time the tax is
 8 to remain in effect. ⁽¹⁾ All proceeds
 9 of the tax shall be used solely
 10 for the purpose or purposes set
 11 forth in the proposition.

Comment:

- (1) Manual, Rules 5--substitute word for phrase.
- (2) Manual, Rule 10--short sentences.

SECTION 31(C) becomes

SECTION 27(C)

1 (C) The amount of the parish
2 tax for general purposes which
3 any parish, except the parish
4 of Orleans, may levy, without
5 a vote of the electors, on
6 property located wholly within
7 any municipality, which has a
8 population in excess of one
9 thousand inhabitants according
10 to the last federal decennial
11 census, or such other census
12 as may be provided for by law,
13 and which provides and maintains
14 a system of street paving, shall
15 not exceed one-half the tax levy
16 for general purposes.

1 (C) Parish Tax in Municipality.
2 The amount of the parish tax for
3 general purposes which any parish,
4 except ⁽¹⁾ Orleans Parish, may levy,
5 without a vote of the electors,
6 on property located wholly
7 within any municipality which has ⁽²⁾
8 a population in excess of one
9 thousand inhabitants according
10 to the last federal decennial ⁽³⁾
11 census, or other census authorized ⁽⁴⁾
12 by law, and which provides and
13 maintains a system of street
14 paving, shall not exceed one-
15 half the tax levy for general
16 purposes.

Comment:

- (1) Manual, Rule 5--substitute word for phrase.
- (2) Webster's, Rule 4.4.1--omit needless commas.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Manual, Rule 5--substitute word for phrase.

~~SECTION 31 (D)~~ becomes SECTION 2 (D)

1 (D) This Section shall not
2 be construed to repeal or
3 affect the withdrawal of pro-
4 perty in a municipality from
5 parochial taxing jurisdiction,
6 in whole or in part, by a
7 provision of the legislative
8 charter of the municipality
9 in effect on the date of
10 adoption of this constitution.

1 (D) Withdrawal from Parish
2 Taxing Authority. This Section
3 shall not ⁽¹⁾ affect the withdrawal
4 of property in a municipality
5 from parish taxing authority, ⁽²⁾
6 in whole or in part, by a pro-
7 vision of the legislative charter
8 of a municipality in effect on
9 the effective date of this ⁽³⁾
10 constitution.

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (2) Standardization of language.
- (3) Ibid.

~~SECTION 32 (A)~~ becomes SECTION 28 (A)

1 Section 31. Municipal Tax
2 Limits; Increase
3 Section 32. (A) The governing
4 authority of each municipality
5 may levy an ad valorem tax for
6 general purposes, in an amount
7 not to exceed in any one year,
8 seven mills on the dollar of
9 assessed valuation; provided
10 that where any municipality

1 Section 28. Municipal
2 Ad Valorem Tax
3 Section 28. (A) Municipal
4 Tax for General Purposes; Millage
5 Limits; Increase. The governing
6 authority of a municipality may ⁽¹⁾
7 levy annually an ad valorem ⁽²⁾
8 tax for general purposes not to ^{(3) (4)}
9 exceed seven mills on the dollar
10 of assessed valuation. However,

11 is, by its charter or by law,
12 exempt from payment of parish
13 taxes or, under legislative
14 authority, maintains its own
15 public schools, it may levy
16 an annual tax not to exceed
17 ten mills of the dollar of
18 assessed valuation. Millage
19 rates may be increased in any
20 municipality when approved by
21 a majority of the electors
22 who vote in an election held
23 for that purpose.

11 if a municipality, by its charter
12 or by law, is exempt from pay-
13 ment of parish taxes or, under
14 legislative or constitutional
15 authority, maintains its own
16 public schools, it may levy an
17 annual tax not to exceed ten
18 mills on the dollar of assessed
19 valuation. Millage rates may b.
20 increased when approved by a
21 majority of the electors voting
22 thereon in an election held for
23 that purpose.

in any municipality

Comment:

- (1) Standardization of language; Elements II, 15--parallelism.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Webster's, Rule 4.4.1--omit needless commas.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Elements, II, 15--parallelism.
- (5) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (6) Elements, II, 16--keep related words together.
- (7) Elements, V, 16--be clear.
- (8) Ibid.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (10) Standardization of language.

SECTION 32 (b) becomes SECTION 29 (b)

1 (B) When the millage increase
2 is for other than general purposes,
3 the proposition shall state the
4 specific purpose or purposes for
5 which the tax is to be levied,
6 the length of time the tax is to
7 remain in effect, and all proceeds
8 of the tax shall be used solely
9 for the purpose or purposes set
10 forth in the proposition.
11

1 (B) Millage Increase Not For
2 General Purposes. When the mil-
3 lage increase is ⁽¹⁾ [not for] ^{for other than} general
4 purposes, the proposition shall state
5 the specific purpose or purposes
6 for which the tax is to be levied
7 and the length of time the tax is to
8 remain in effect. ⁽²⁾ All proceeds of
9 the tax shall be used solely for the
10 purpose or purposes set forth in the
11 proposition.

Comment:

- (1) Manual, Rule 5--substitute word for phrase;
Elements, II, 15--parallelism.
- (2) Manual, Rule 10--short sentences; Elements, II,
15--parallelism.

SECTION 32 (C) becomes SECTION 29 (C)

11 (C) This Section shall not
12 apply to the city of New Orleans.
13

11 (C) Exception. This
12 Section shall not apply to the
13 city of New Orleans.

Comment:

No change.

SECTION 33 Louisiana

SECTION 29

1 Section 33. Local Govern-
 2 mental Subdivision; Oc-
 3 cupational License Tax;
 4 Limitations
 5 Section 33. Local govern-
 6 mental subdivisions may impose
 7 an occupational license tax in
 8 an amount not greater than that
 9 imposed by the state. However,
 10 those who pay municipal occupa-
 11 tional license taxes shall be
 12 exempt from parish occupation-
 13 al license taxes to the extent
 14 of the municipal tax. Local
 15 governmental subdivisions may
 16 impose an occupational license
 17 tax in an amount greater than
 18 that imposed by the state when
 19 so authorized by an act passed
 20 by at least a two-thirds vote
 21 of the elected membership of
 22 each house of the legislature.

1 Section 29. Local Governmental
 2 Subdivisions; Occupational
 3 License Tax
 4 Section 29.⁽¹⁾ The governing
 5 authority of a local governmental
 6 subdivision may impose an occupa-
 7 tional license tax not greater than⁽²⁾
 8 that imposed by the state. ⁽³⁾ [Whoever
 9 pays] ^{Those who pay} a municipal occupational
 10 license tax shall be exempt from
 11 a parish occupational license tax⁽⁴⁾
 12 in the amount⁽⁵⁾ of the municipal tax.
 13 ⁽⁶⁾ The governing authority of a local
 14 governmental subdivision⁽⁷⁾ may impose
 15 an occupational license tax⁽⁸⁾ greater
 16 than that imposed by the state
 17 when⁽⁹⁾ authorized by law enacted by⁽¹⁰⁾
 18 the favorable vote of two-thirds⁽¹¹⁾
 19 of the elected members of each
 20 house of the legislature.
 21
 22

Comment:

- (1) Elements, V, 16--be clear.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Elements, V, 16--be clear; pronoun "those" has no antecedent.
- (4) Manual, Rule 12--singularization.

- (5) Elements, V, 16--be clear.
- (6) Ibid.
- (7) Manual, Rule 12--singularization.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Elements, II, 15--parallelism.
- (9) Ibid.
- (10) Standardization of language.
- (11) Ibid.

SECTION 34 (A) becomes SECTION 30 (A), (B), (C)

<p>1 Section 34. Local Governmental</p> <p>2 Subdivisions and School</p> <p>3 Boards; Sales Tax Author-</p> <p>4 ized; Limitations; Exemp-</p> <p>5 tions; Protection of</p> <p>6 Existing Sales Tax Author-</p> <p>7 izations and the Security</p> <p>8 of Outstanding Bonds</p> <p>9 (A) Except as otherwise author-</p> <p>10 ized in a home rule charter as</p> <p>11 provided for in Section 7 of this</p> <p>12 Article, any local governmental</p> <p>13 subdivision or school board may</p> <p>14 levy and collect a tax upon the</p> <p>15 sale at retail, the use, the lease</p> <p>16 or rental, the consumption and</p> <p>17 storage for use or consumption of</p> <p>18 tangible personal property and on</p> <p>19 sales of services as defined by</p>	<p>1 Section 30. Local Governmental</p> <p>2 Subdivisions and School</p> <p>3 Boards; Sales Tax</p> <p>4 Section 30. (A) Sales Tax</p> <p>5 Authorized. Except as otherwise</p> <p>6 authorized in a home rule charter</p> <p>7 as provided for in Section 4 of</p> <p>8 this Article, the governing</p> <p>9 authority of any local governmental</p> <p>10 subdivision or school board may</p> <p>11 levy and collect a tax upon the</p> <p>12 sale at retail, the use, the lease</p> <p>13 or rental, the consumption, and</p> <p>14 the storage for use or consumption,</p> <p>15 of tangible personal property and</p> <p>16 on sales of services as defined</p> <p>17 by law, if approved by a majority</p> <p>18 of the electors voting thereon in</p> <p>19 an election held for that purpose.</p>
---	---

20 law, if approved by a majority
21 of the electors who vote in an
22 election held for that purpose.
23 The rate thereof, when combined
24 with the rate of all other
25 presently imposed or future
26 sales and use taxes, exclusive
27 of state sales and use taxes,
28 levied and collected within any
29 local governmental subdivision,
30 shall not exceed three percent;
31 however, the legislature may by
32 general or special law, author-
33 ize the imposition of additional
34 sales and use taxes by local
35 governmental subdivisions or school
36 boards, upon approval by the
37 electors thereof as herein provided.

20 The rate thereof, when combined
21 with the rate of all other sales ⁽⁶⁾
22 and use taxes, exclusive of state
23 sales and use taxes, levied and
24 collected within any local govern-
25 mental subdivision, shall not exceed
26 three percent.

27 (B) Additional Sales Tax
28 Authorized. However, the legis-
29 lature, by general or by local or ⁽⁷⁾
30 special law, may authorize the
31 imposition of additional sales and
32 use taxes by local governmental
33 subdivisions or school boards, if
34 approved by a majority of the
35 electors voting thereon in an ⁽⁸⁾
36 election held for that purpose. ⁽⁹⁾

37 (C) Bonds; Security. Nothing

SECTION 34 (A) becomes SECTION 30(A), (B), (C)

1 Nothing contained in this Sub-
2 section shall be construed to
3 affect any sales or use tax
4 authorized or imposed on the
5 effective date of this consti-
6 tution or to affect or impair

1 in this Section ⁽¹⁰⁾ shall affect ⁽¹¹⁾
2 any sales or use tax authorized
3 or imposed on the effective
4 date of this constitution or
5 affect or impair the security
6 of any bonds payable from the

7	the security of any bonds	7	proceeds ⁽¹²⁾ of the tax
8	payable from such tax.	8	
9		9	
10		10	

Comment:

- (1) Section number changed to conform to re-numbering.
- (2) Elements, V, 16--be clear.
- (3) Manual, Rule 20 and Elements, I, 2--commas in series.
- (4) Webster's, Rule 4.4.2--comma inserted to prevent ambiguity.
- (5) Standardization of language.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) Standardization of language.
- (8) Ibid.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (10) Standardization of language.
- (11) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (12) Elements, V, 16--be clear.

SECTION 34 (B) becomes SECTION 30 (1)

1 (B) Except where bonds in
2 connection therewith have been
3 authorized, the legislature may
4 uniformly exempt or exclude any
5 goods, tangible personal property,
6 or services from sales or use
7 taxes levied by local governmental
8 subdivisions, school boards, and
9 the state.

1 (D) Exemptions; Protection
2 of Bonds. Except when bonds
3 secured thereby (1) have been authorized
4 the legislature may uniformly
5 exempt or exclude any goods, tangibl
6 personal property, or services from
7 sales or use taxes levied by local
8 governmental subdivisions, school
9 boards, and the state.

Comment:

(1) Elements, V, 16--be clear.

SECTION 35 becomes SECTION 31

1 Section 35. Political Sub-
2 divisions; Taxing Power;
3 Limitations
4 Section 35. Political sub-
5 divisions may exercise the power
6 of taxation, subject to such
7 limitations as may be elsewhere
8 provided in the constitution, under
9 authority granted to them by the
10 legislature for parish, municipal,

1 Section 31. Political
2 Subdivisions; Taxing
3 Power
4 Section 31. A political
5 Subdivision may exercise the power
6 of taxation, subject to limitations
7 elsewhere provided by this consti-
8 tution, under authority granted
9 by the legislature for parish,
10 municipal, and other local purposes

11	and local purposes, strictly public	11	strictly public in their nature.
12	in their nature. The provisions	12	This Section shall not affect ⁽⁷⁾
13	of this Section shall not apply to,	13	similar grants to political sub- ⁽⁸⁾
14	nor affect, similar grants to such	14	divisions under self-operative ⁽⁹⁾
15	political subdivisions under other	15	sections of this constitution.
16	sections of this constitution which	16	
17	are self-operative.	17	
18		18	

Comment:

- (1) Manual, Rule 12--singularization.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Standardization of language.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Elements, V, 16--be clear.
- (7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (8) Manual, Rule 6--avoid hackneyed reference words.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 36 (B) Taxes

SECTION 32

1	Section 36. Special Taxes; Rati-	1	Section 32. [Special] Taxes;
2	fied	2	Ratification
3	Section 36. (A) Any special tax	3	Section 32. Any
4	being levied by any political subdi-	4	[special] tax being levied by a ⁽¹⁾
5	vision under prior laws or under the	5	political subdivision under
6	1921 Louisiana Constitution, as	6	prior legislative or constitu-
7	amended, when this constitution is	7	tional authority on the effective ⁽²⁾

8 adopted is hereby confirmed and
9 ratified.

(2.)
8 date of this constitution is (4)
9 ratified.

Comment:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (3) Standardization of language.
- (4) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

SECTION 36 (B) becomes SECTION 33.

10 (B) For the purpose of acquiring,
11 constructing, improving, maintaining
12 and operating any work of public
13 improvement, any political subdivi-
14 sion may levy special taxes when
15 authorized by a majority of the
16 electors in the political subdivision
17 who vote in an election held for that
18 purpose.

10 Section 33. Special Taxes;
11 Authorization. For the purpose
12 of acquiring, constructing,
13 improving, maintaining, (1) or oper-
14 ating any work of public improve-
15 ment, (2) a political subdivision may
16 levy special taxes when authorized
17 by a majority of the electors in
18 the political subdivision who
19 vote thereon in an election held
20 for that purpose. (3)

Comment:

- (1) Elements, V, 16--be clear.
- (2) Standardization of language.
- (3) Ibid.

SECTION 38 Deleted Here

1 Section 38. Bonds of Political
 2 Subdivisions; General Obliga-
 3 tions
 4 Section 38. The full faith and
 5 credit of every political subdivi-
 6 sion is hereby pledged to the pay-
 7 ment of general obligation bonds
 8 issued by it under this constitu-
 9 tion or the terms of the statute
 10 or proceedings pursuant to which
 11 they are issued. The governing
 12 authority of the issuing politi-
 13 cal subdivision shall levy and
 14 collect or cause to be levied
 15 and collected on all taxable
 16 property in the political subdivi-
 17 sion ad valorem taxes fully
 18 sufficient to pay principal and
 19 interest and redemption premiums,
 20 if any, on such bonds as they
 21 mature.

becomes
 SECTION
 34 (B)
 See p. 55

SECTION 39 becomes SECTION 34(A)

1 Section 39. Taxpayer Authoriza-
 2 tion of Political Subdivision
 3 Bonds
 4 Section 39. Subject to the
 [592]

1 Section 34. Political
 2 Subdivisions; General
 3 Obligation Bonds
 4 Section 34. (A) Authori-

5 approval of the State Bond Commis-
6 sion or any successor thereto,
7 general obligation bonds may be
8 issued only after authorization by
9 a vote of a majority of the electors
10 who vote on the proposition at an
11 election in the political subdivi-
12 sion issuing such bonds. Bonds to
13 refund outstanding indebtedness at
14 the same or at a lower effective
15 rate of interest, even though payable
16 solely from ad valorem taxes, need
17 not be so authorized at an election
18 if the indebtedness refunded is paid
19 or cancelled at the time of the
20 delivery of the refunding bonds, or
21 if money, or securities made eligi-
22 ble for such purpose by law, are
23 deposited in escrow in an adequate
24 amount, with interest, to be utilized
25 solely for the purpose of retiring
26 the refunded indebtedness or bonds and
27 paying interest thereon and redemption
28 premiums, if any, to the time of
29 retirement.

5 zation. Subject to approval by ⁽¹⁾
6 the State Bond Commission or its ⁽²⁾
7 successor, general obligation
8 bonds may be issued only after
9 authorization by a majority of
10 the electors voting on the pro- ⁽³⁾
11 position at an election in the
12 political subdivision issuing
13 the bonds. Bonds to refund ⁽⁴⁾
14 outstanding indebtedness at the
15 same or at a lower effective
16 rate of interest, even though
17 payable solely from ad valorem
18 taxes, need not be authorized ⁽⁵⁾
19 at an election if the indebted-
20 ness refunded is paid or can-
21 celled at the time of the deliv-
22 ery of the refunding bonds, or
23 if money, or securities made
24 eligible for such purpose by
25 law, are deposited in escrow
26 in an adequate amount, with
27 interest, to be utilized solely
28 to retire the refunded indebt- ⁽⁶⁾
29 edness or bonds and to pay ⁽⁷⁾
30 interest thereon and redemption
31 premiums, if any, to the time
32 of retirement.

SECTION 39 becomes SECTION 34(A)

Comment:

- (1) Standardization of language.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Standardization of language.
- (4) Manual, Rule 6--avoid hackneyed reference words.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Manual, Rule 5--substitute word for phrase.
- (7) Elements, II, 15--parallelism.

Section 38 becomes Section 34(B)

1 Section 38. Bonds of Political 2 Subdivisions; General Obliga- 3 tions 4 Section 38. The full faith and 5 credit of every political subdivi- 6 sion is hereby pledged to the pay- 7 ment of general obligation bonds 8 issued by it under this constitu- 9 tion or the terms of the statute 10 or proceedings pursuant to which 11 they are issued. The governing 12 authority of the issuing politi- 13 cal subdivision shall levy and 14 collect or cause to be levied	1 (B) Full Faith and Credit. 2 The full faith and credit of 3 a ⁽¹⁾ political subdivision is 4 hereby pledged to the payment 5 of general obligation bonds 6 issued by it under this consti- 7 tution or the statute or pro- 8 ceedings pursuant to which they 9 are issued. The governing 10 authority of the issuing poli- 11 tical subdivision shall levy 12 and collect or cause to be 13 levied and collected on all 14 taxable property in the poli-
---	--

15 and collected on all taxable
16 property in the political subdi-
17 vision ad valorem taxes fully
18 sufficient to pay principal and
19 interest and redemption premiums,
20 if any, on such bonds as they
21 mature.

15 tical subdivision ad valorem
16 taxes ⁽²⁾ sufficient to pay prin-
17 cipal and interest and redemp-
18 tion premiums, if any, on such
19 bonds as they mature.
20
21

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SECTION 38 becomes SECTION 34(B)

Comment:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

SECTION 40 becomes SECTION 35

1 Section 40. Limitations on
2 Bonded Indebtedness of
3 Political Subdivisions
4 Section 40. The legislature
5 shall fix the limitation on bond-
6 ed indebtedness payable solely
7 from ad valorem taxes levied by
8 political subdivisions.

1 Section 35. Limitations on
2 Bonded Indebtedness
3 Section 35. The legislature
4 shall fix the limitation on bonded
5 indebtedness payable solely from
6 ad valorem taxes levied by political
7 subdivisions.
8

Comment:

No Change.

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SECTION 41 (A) becomes SECTION 36 (A)

1 Section 41. Limited Time for
2 Contesting Bonds of Poli-
3 tical Subdivisions
4 Section 41. (A) For a period
5 of sixty days from the promulga-
6 tion of the result of any elec-
7 tion held for the purpose of
8 incurring or assuming debt,
9 issuing bonds, or levying a tax,
10 any person in interest shall have
11 the right to contest the legality
12 of such election, the bond issue
13 provided for, or the tax author-
14 ized, for any cause after which
15 time no one shall have any cause
16 or right of action to contest the
17 regularity, formality, or legali-
18 ty of said election, tax provi-
19 sions, or bond authorization, for
20 any cause whatsoever. If the
21 validity of any election, tax,
22 debt assumption, or bond issue
23 authorized or provided for, held
24 under the provisions of this
25 Section, is not raised within the
26 sixty days herein prescribed, the
27 authority to incur or assume debt,
28 levy the tax, or issue the bonds,
29 the legality thereof, and the

1 Section 36. Contesting
2 Political Subdivision
3 Bonds
4 Section 36. (A) Contesting
5 Election; Time Limit. For ⁽¹⁾
⁽²⁾
6 sixty days after promulgation of
⁽³⁾
7 the result of an election held
⁽⁴⁾
8 to incur or assume debt, issue
9 bonds, or levy a tax, any person
⁽⁵⁾
10 in interest may contest the legal-
⁽⁶⁾
11 ity of the election, the bond
12 issue provided for, or the tax
13 authorized, for any cause. ⁽⁷⁾ After
14 that time no one shall have any
15 cause or right of action to con-
16 test the regularity, formality,
⁽⁸⁾
17 or legality of the election, tax
18 provisions, or bond authorization,
19 for any cause whatsoever. If the
20 validity of any election, tax,
21 debt assumption, or bond issue
22 authorized or provided for, held
⁽⁹⁾
23 under this Section, is not raised
⁽¹⁰⁾
24 within the sixty days, the
25 authority to incur or assume
26 debt, levy the tax, or issue the
27 bonds, the legality thereof, and
28 the taxes and other revenues
29 necessary to pay the same shall be

30	taxes and other revenues necessary	30	conclusively presumed to be valid,
31	to pay the same shall be conclusive-	31	and no court shall have authority
32	ly presumed to be valid, and no	32	to inquire into such matters.
33	court shall have authority to inquire	33	
34	into such matters.	34	

Section 4(1) and Section 5(1)

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Manual, Rule 3--make time periods clear.
- (3) Standardization of language.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Standardization of language.
- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (8) Manual, Rule 6--avoid hackneyed reference words.
- (9) Standardization of language.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 31) Section 31-31-31
SECTION 31-31-31

1 (B) Every ordinance or resolu-
2 tion authorizing the issuance of
3 bonds or other debt obligation
4 by a political subdivision shall
5 be published at least once in the
6 official journal of the political
7 subdivision, or if there is none,
8 then in a newspaper having general
9 circulation therein. For a period
10 of thirty days from the date of
11 the publication any person in
12 interest may contest the legality
13 of the ordinance or resolution and
14 of any provision therein made for
15 the security and payment of the
16 bonds. After this time, no one
17 shall have any cause of action to
18 test the regularity, formality,
19 legality, or effectiveness of the
20 ordinance or resolution, and provi-
21 sions thereof for any cause what-
22 ever; and after this time it shall
23 be conclusively presumed that every
24 legal requirement for the issuance
25 of the bonds or other debt obliga-
26 tion, including all things pertain-
27 ing to the election, if any, at
28 which the bonds or other debt obli-
29 gations were authorized, has been

1 (B) Contesting Ordinance
2 or Resolution; Time Limit.
3 Every ordinance or resolution
4 authorizing the issuance of
5 bonds or other debt obligation
6 by a political subdivision
7 shall be published at least
8 once in the official journal of
9 the political subdivision or, ⁽¹⁾ if
10 there is none, ⁽²⁾ in a newspaper
11 having general circulation there-
12 in. For ⁽³⁾ thirty days ⁽³⁾ after the
13 date of ⁽⁴⁾ publication, ⁽⁵⁾ any person
14 in interest may contest the
15 legality of the ordinance or
16 resolution and of any provision
17 therein made for the security
18 and payment of the bonds. After
19 that time, ⁽⁶⁾ no one shall have
20 any cause of action to test the
21 regularity, formality, legality,
22 or effectiveness of the ordinance
23 or resolution, and provisions
24 thereof for any cause whatever.
25 Thereafter, ⁽⁷⁾ it shall be conclu-
26 sively presumed that every legal
27 requirement for the issuance of
28 the bonds or other debt obli-
29 gation, including all things per-

30 complied with, and no court shall
31 have authority to inquire into any
32 such matters after the lapse of
33 this thirty days.

30 taining to the ^(g) election, ^{if any,} at
31 which the bonds or other
32 debt obligation were author-
33 ized, has been complied with. ^(g)
34 No court shall have author-
35 ity to inquire into any of
36 these matters after the ^(h)
37 thirty days.

SECTION 41 (B) becomes SECTION 36 (B)

Comment:

- (1) Webster's, Rule 4.1--pair of commas to set off supplementary clause.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Manual, Rule 3--make time periods clear.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words
- (5) Webster's, Rule 4.2.1--comma to separate introductory prepositional phrase.
- (6) Elements, V, 16--be clear.
- (7) Manual, Rule 5--substitute word for phrase.
- (8) Ibid.
- (9) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (10) Manual, Rule 6--avoid hackneyed reference words.
- (11) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 42(A) becomes SECTION 37(A)

1 Section 42. Local Improvement
2 Assessments
3 Section 42. (A) The legislature
4 shall provide by general law or by
5 local or special law the procedures
6 by which political subdivisions
7 levy and collect local or special
8 assessments on real property, for
9 the purpose of acquiring, construct-
10 ing, or improving works of public
11 improvement.
12
13

1 Section 37. Local Improve-
2 ment Assessments
3 Section 37. (A) Authori-
4 zation. The legislature shall
5 provide by general law or by
6 local or special law the proce-
7 dures by which a political
8 subdivision may ⁽¹⁾ levy and collect
9 local or special assessments on
10 real property ⁽²⁾ for the purpose
11 of acquiring, constructing, or
12 improving works of public im-
13 provement.

Comment:

- (1) Elements, V, 16--be clear; Manual, Rule 12--singularization.
- (2) Webster's, Rule 4.4.1--omit needless commas.

SECTION 42(B) becomes SECTION 37(B)

1 (B) Certificates of indebt-
2 edness may be issued to cover
3 the cost of any such public im-
4 provement which shall be secured
5 by the pledge of the local or
6 special assessments levied there-
7 for, and may be further secured by
8 the pledge of the full faith and
9 credit of the political subdivi-

1 (B) Certificates of Indebt-
2 edness; Security. Certificates
3 of indebtedness may be issued to
4 cover the cost of any such public
5 improvement. ⁽¹⁾ They shall be
6 secured by the pledge of the local
7 or special assessments levied.
8 therefor ⁽²⁾ and may be further secured
9 by the pledge of the full faith

10 sion.

10 and credit of the political sub-

11

11 division.

Comment:

(1) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(2) Webster's, Rule 4.4.1--omit needless commas.

SECTION 42 (C) becomes SECTION 37 (C)

11 (C) The provisions of this
12 Section shall not apply to school
13 boards.

11 (C) Exception. This
12 Section shall not apply
13 to a school board. (1)

Comment:

(1) Standardization of language.

SECTION 43 (A) becomes SECTION 38 (A)

1 Section 43. Revenue-Producing
2 Property
3 Section 43. (A) The legislature
4 may authorize political subdivi-
5 sions to issue bonds or other
6 debt obligations for the purpose
7 of constructing, acquiring, extend-
8 ing, or improving any revenue-
9 producing public utility or work
10 of public improvement. The bonds
11 or other debt obligations may be
12 secured by mortgage on the lands,

1 Section 38. Revenue-
2 Producing Property
3 Section 38. (A) Authori-
4 zation. The legislature may
5 authorize political subdivi-
6 visions to issue bonds or other
7 debt obligations to ⁽¹⁾ construct,
8 acquire, extend, or improve
9 any revenue-producing public
10 utility or work of public im-
11 provement. The bonds or other
12 debt obligations may be secured

13 buildings, machinery, and equip-
14 ment or by the pledge of the income
15 and revenues of such public utility
16 or work of public improvement and
17 shall not be a charge upon the
18 other income and revenues of the
19 political subdivision.
20

13 by mortgage on the lands, build-
14 ings, machinery, and equipment or
15 by the pledge of the income and
16 revenues of the ⁽²⁾ public utility
17 or work of public improvement. ⁽³⁾
18 They shall not be a charge upon
19 the other income and revenues
20 of the political subdivision.

Comment:

- (1) Manual, Rule 5--substitute word for phrase.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

SECTION 43 (B) becomes SECTION 38(B)

1 (B) The provisions of this
2 Section shall not apply to
3 school boards.

1 (B) Exception. This
2 Section shall not apply to a
3 school board. (1)

Comment:

- (1) Standardization of language.

SECTION 44 (A) becomes SECTION 39 (A)

PART III. LEVEE DISTRICTS

1 Section 44. Levee Districts
 2 Section 44. (A) Levee dis-
 3 tricts as now organized and
 4 constituted shall continue to
 5 exist, except that:
 6 (1) The legislature may pro-
 7 vide for the consolidation, divi-
 8 sion, or reorganization of exist-
 9 ing levee districts or create new
 10 levee districts. However, the
 11 members of the boards of com-
 12 missioners of districts hereto-
 13 fore or hereafter created shall
 14 be appointed or elected from resi-
 15 dents of such district, as provi-
 16 ded by law;
 17 (2) Any levee district whose
 18 flood control responsibilities
 19 are limited to and which is
 20 situated entirely within the
 21 boundaries of one parish may
 22 be merged and consolidated into
 23 such parish under the terms and
 24 conditions and in the manner
 25 provided in Section 18 of this
 26 Article. This provision shall
 27 be self-operative.

PART III. LEVEE DISTRICTS

1 Section 39. Levee Dis-
 2 tricts
 3 Section 39. (A) Retention;
 4 Reorganization; Consolidation.
 5 Levee districts as organized
 6 and constituted on the effective
 7 date of this constitution shall
 8 continue to exist, except that⁽¹⁾
 9 (1) The legislature may pro-
 10 vide for the consolidation, divi-
 11 sion, or reorganization of
 12 existing levee districts or may⁽²⁾
 13 create new levee districts. How-
 14 ever, the members of the board⁽³⁾
 15 of commissioners of a district⁽⁴⁾
 16 heretofore or hereafter created
 17 shall be appointed or elected
 18 from among residents of the⁽⁵⁾
 19 district, as provided by law.⁽⁶⁾
 20 (2) A⁽⁷⁾ levee district whose
 21 flood control responsibilities
 22 are limited to and which is
 23 situated entirely within one⁽⁸⁾
 24 parish may be consolidated and
 25 merged into such parish under the
 26 terms and conditions and in the
 27 manner provided in Section 16 of⁽⁹⁾

SECTION 44(A) becomes SECTION 39(A)

Comment:

- (1) Standardization of language.
- (2) See Webster's, Rule 6.1 on uses of colon.
- (3) Elements, II, 15--parallelism.
- (4) Manual, Rule 12--singularization.
- (5) Elements, V, 16--be clear.
- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Standardization of language.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (9) Section numbers changed to conform with suggested renumbering.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 44(B) becomes SECTION 39(B)

1 (B) No action taken here-
 2 under shall impair the obli-
 3 gation of any outstanding
 4 bonded indebtedness or of any
 5 other contract of such levee
 6 district.

1 (B) Obligation of Contract
 2 Affirmed. No action taken under this⁽¹⁾
 3 Section shall impair the obligation
 4 of outstanding bonded indebtedness⁽²⁾
 5 or of any other contract of a levee⁽³⁾
 6 district.

Comment:

- (1) Manual, Rule 6--avoid hackneyed reference words.

(2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(3) Manual, Rule 6--avoid hackneyed reference words.

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SECTION 45(A) becomes SECTION 40(A)

1 Section 45. District Taxes;
2 Increase in Tax to Raise
3 Additional Funds
4 Section 45. (A) For the
5 purpose of constructing and
6 maintaining levees, levee
7 drainage, flood protection,
8 hurricane flood protection, and
9 for all other purposes incident-
10 al thereto, the governing au-
11 thority of each district, may
12 levy annually a tax not to
13 exceed five mills on the asses-
14 sed valuation, except the Board
15 of Levee Commissioners of the
16 Orleans Levee District which
17 may levy annually a tax not to
18 exceed two and one-half mills
19 on the assessed valuation of all
20 taxable property situated within
21 the alluvial portions of said
22 district subject to overflow.

1 Section 40. Levee District
2 Taxes
3 Section 40. (A) District Tax;
4 Millage Limit. For the purpose
5 of constructing and maintaining
6 levees, levee drainage, flood
7 protection, hurricane flood pro-
8 tection, and for all other purposes
9 incidental thereto, the governing
10 authority of a levee district ⁽¹⁾
11 may levy annually a tax not to
12 exceed five mills, ⁽²⁾ except the
13 Board of Levee Commissioners of
14 the Orleans Levee District which
15 may levy annually a tax not to
16 exceed two and one-half mills,
17 on the dollar of the assessed
18 valuation of all taxable pro-
19 perty situated within the
20 alluvial portions of the district
21 subject to overflow.
22

Comment:

(1) Webster's, Rule 4.4.1--omit needless commas.

(2) Elements, V, 16--be clear.

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SECTION 45 (B) becomes SECTION 40(B)

1 (B) Should the necessity
2 to raise additional funds
3 arise in any levee district
4 for any of the purposes here-
5 in set forth, or for any
6 other purpose related to its
7 authorized powers and func-
8 tions which may be specified
9 by the legislature, the tax
10 herein authorized may be
11 increased. However, before
12 taking effect, the necessity
13 for the increase and the rate
14 thereof shall be submitted to
15 the electors of such district
16 and no increase in taxes shall
17 occur unless a majority of the
18 electors in such district who
19 vote in the election herein-
20 above provided for vote in
21 favor thereof.

1 (B) Millage Increase. If the
2 necessity for ⁽¹⁾ additional funds
3 arises in any levee district for
4 any ⁽²⁾ purpose set forth in Paragraph
5 ⁽³⁾ (A), or for any other purpose
6 related to its authorized powers
7 and functions as ⁽⁴⁾ specified by the
8 legislature, the tax may be in-
9 creased. However, the necessity
10 and the rate of the increase
11 shall be submitted to the elect-
12 ors of the district, and the
13 tax increase shall take effect
14 only if approved by a major-
15 ity of the electors voting
16 thereon in an election held
17 for that purpose. ⁽⁶⁾
18
19
20
21

Comment:

- (1) Manual, Rule 11--indicative mood.
- (2) Manual, Rule 12--singularization.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words

- (6) Standardization of language; Elements, II, 11--
put statements in positive form; Manual, Rules
5, 13, and Elements, II, 13--omit needless words.

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SECTION 46 (A) becomes SECTION 41 (A)

1 Section 46. Bond Issues
2 Section 46. (A) Subject
3 to the approval of the State
4 Bond Commission or any suc-
5 cessor thereto, the govern-
6 ing body of any levee district
7 may fund the avails of said
8 taxes or other revenues into
9 bonds, or other evidences of
10 indebtedness, the proceeds
11 thereof to be used for the
12 purposes mentioned in this
13 Article or for the funding or
14 payment of any outstanding in-
15 debtedness.

1 Section 41. Bond Issues
2 Section 41. (A) Author-
3 ization. Subject to approval
4 ⁽¹⁾ by the State Bond Commission or
5 ⁽²⁾ its successor, the governing
6 ⁽³⁾ authority of a levee district
7 may fund the proceeds of its ⁽⁴⁾
8 taxes or other revenues into
9 bonds or other evidences of in-
10 debtedness. Proceeds thus
11 ⁽⁵⁾ derived shall be used for the
12 purposes mentioned in Part III ⁽⁶⁾
13 of this Article or for the fund-
14 ing or payment of any outstanding
15 indebtedness.

Comment:

- (1) Standardization of language.
(2) Ibid.
(3) Ibid.
(4) Elements, V, 16--be clear.
(5) Ibid.
(6) Ibid.

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SECTION 46 (B) becomes 47 (B)

1 (B) Bonds issued under
2 the authority of the fore-
3 going provision shall be sold
4 in accordance with applicable
5 provisions of the Louisiana
6 Revised Statutes relating to
7 the issuance of bonds by levee
8 districts.

1 (B) Sale. Bonds issued under
2 the authority of Paragraph (A)⁽¹⁾ shall
3 be sold as provided by [the laws]^{law} (2)
4 concerning the issuance of bonds
5 by levee districts.

Comment:

(1) Manual, Rule 6--avoid hackneyed reference words.

(2) Standardization of language.

SECTION 48 becomes SECTION 42

1 Section 48. Cooperation with
2 Federal Government
3 Section 48. All governing
4 authorities of levee districts
5 which have been, or may be
6 created, are authorized to
7 cooperate with the federal
8 government in the construction
9 and maintenance of the levees
10 in this state, on such terms
11 and conditions as may be
12 provided by the federal authori-
13 ties and accepted by the levee
14 districts.

1 Section 42. Cooperation with
2 Federal Government
3 Section 42. The governing
4 authority of any levee district⁽¹⁾
5 may⁽²⁾ cooperate with the federal
6 government in constructing and
7 maintaining levees⁽³⁾ in this state,
8 under terms and conditions provided
9 by the federal authorities and
10 accepted by the governing authority.⁽⁴⁾

Comment:

(1) Manual, Rule 12--singularization.

(2) Standardization of language.

(3) Manual, Rule 5--substitute word for phrase.

(4) Elements, V, 16--be clear.

Section ^{43.} [43] Compensation for
 Property Used or Destroyed;
 Tax
 Section [9] (A) Notwithstanding
 any [other] ^{contrary} provision of this
 constitution, lands and improve-
 ments thereon hereafter actually
 used or destroyed for levees or
 levee drainage purposes shall be
 paid for as provided by law; and
 provided further, nothing con-
 tained in this Paragraph with
 respect to compensation for lands
 and improvements shall apply to
 bature or to property the con-
 trol of which is vested in the
 state or any political subdivi-
 sion thereof for the purpose of
 commerce.

~~Section 43. Compensation
 For Property Used or
 Destroyed; Tax
 Section 43. (A) Compens-
 sation. Notwithstanding any
 (1) contrary provision of this con-
 stitution, lands and improvements
 thereon hereafter actually used
 or destroyed for levees or levee
 drainage purposes shall be paid
 for as provided by law; however,
 (2) no law shall authorize compensation
 for bature or for property the
 control of which is vested in the
 state or any political subdivision
 for the purpose of commerce: If
 the district has no other funds or
 (4) (5) resources from which the payment
 (6) can be made, it shall levy on all
 (7) taxable property within the district
 (8) a tax sufficient to pay for property
 (9) used or destroyed to be used solely
 in the district where collected.~~

Comment:

(1) Standardization of language.

- (2) Elements, V, 16--be clear.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Manual, Rule 6--avoid hackneyed reference words.
- (6) Webster's, Rule 4.4.1--omit needless commas.
- (7) Manual, Rule 5, 13 and Elements, II, 13--omit needless words.
- (8) Manual, Rule 6--avoid hackneyed reference words.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

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SECTION 49 (B)

1 (B) If the district has no 1
 2 other funds or resources out of 2
 3 which such payment can be made, 3
 4 it shall levy, on all taxable 4
 5 property situated within the 5
 6 district, a tax sufficient to 6
 7 pay for said property so used 7
 8 or destroyed to be used solely 8
 9 in the district where collected. 9

Consolidated into
 SECTION 49 (A)

SECTION 49 (C) becomes SECTION 49 (B)

10 (C) Nothing contained in
 11 this Section shall prevent the
 12 appropriation of said property
 13 before payment.

10 (B) Appropriation. Nothing⁽¹⁾
 11 in this Section shall prevent
 12 the appropriation of ⁽²⁾property
 13 before payment. [^]said

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Manual, Rule 6--avoid hackneyed reference words.

SECTION 50 becomes SECTION - 44

PART IV. PORTS

PART IV. PORTS AND DISTRICTS

1 Section 50. Ports
2 Section 50. All deep-water
3 port commissions and all deep-
4 water port, harbor, and termin-
5 al districts as they are now
6 organized and constituted,
7 including their powers and
8 functions, structure and or-
9 ganization, and territorial
10 jurisdiction, are ratified and
11 confirmed and shall continue
12 to exist, except that:

13 (A) The legislature may
14 grant additional powers and
15 functions to any such commis-
16 sion or district and may create
17 new port commissions or port,
18 harbor, and terminal districts;

19 (B) The legislature may consoc-
20 idate or abolish any such com-
21 mission or district or may dim-
22 inish, reduce, or withdraw from
23 any such commission or district
24 any of its powers and functions

1 Section 44. Port ⁽¹⁾ Commissions
and Districts
2 Section 44. All deep-
3 water port commissions and all
4 deep-water port, harbor, and
5 terminal districts ⁽¹⁾ as organized
6 and constituted on the effective
7 date ⁽²⁾ of this constitution,
8 including their powers and functions,
9 structure and organization, and
10 territorial jurisdiction, are rati-
11 fied and confirmed and shall continue
12 to exist, except that ⁽²⁾

13 (1) The legislature may grant
14 additional powers and functions to
15 any such commission or district and
16 may create new port commissions or
17 port, harbor, and terminal districts.

18 (2) ^{Only} By law enacted by the
19 favorable vote of two-thirds of the
20 elected members of each house, ⁽⁴⁾ the
21 legislature may consolidate or
22 abolish any such commission or dis-
23 trict or may diminish, reduce, or
24 withdraw from any such commission

25 and may affect the structure and
26 organization, distribution, and
27 redistribution of the powers
28 and functions of any such com-
29 mission or district, including
30 additions or reductions of its
31 territorial jurisdiction, only
32 by act passed by a favorable
33 vote of at least two-thirds of
34 the elected membership of each
35 house;

25 or district any of its powers and
26 functions and may affect the
27 structure and organization, distri-
28 bution, and redistribution of the
29 powers and functions of any such
30 commission or district, including
31 additions to or reductions of its
32 territorial jurisdiction.

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SECTION 50 becomes SECTION 41

1 (C) The legislature shall
2 make provisions with respect to
3 the membership of the herein
4 provided commissions. Once the
5 membership is established it
6 may be changed only upon a two-
7 thirds vote of the elected mem-
8 bers of each house of the legis-
9 lature.

1 (3) The legislature shall
2 enact laws with respect to the
3 membership of the commissions
4 provided in this Section. (7) Once
5 the law with respect to member-
6 ship is enacted, (8) it may be changed
7 only by the favorable vote of (10)
8 two-thirds of the elected members
9 of each house.

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (2) Standardization of language.
- (3) See Webster's, Rule 6.1 on uses of colon.

- (4) Standardization of language; Webster's, Rule 4.2.1--commas after introductory prepositional phrases.
- (5) Elements, II, 15--parallelism.
- (6) Standardization of language.
- (7) Manual, Rule 6--avoid hackneyed reference words.
- (8) Elements, V, 16--be clear.
- (9) Webster's, Rule 4.2.1--comma to separate introductory clause.
- (10) Standardization of language.

SECTION 51 becomes SECTION 45

PART V. DEFINITIONS

PART V. DEFINITIONS

1 Section 51. Terms Defined
 2 Section 51. As used in this
 3 Article:
 4 (1) "Local governmental sub-
 5 division" means any parish or
 6 municipality;
 7 (2) "Political subdivision"
 8 means parishes and municipali-
 9 ties, and any other unit of
 10 local government, including
 11 school boards and special
 12 districts, authorized by law
 13 to perform governmental func-
 14 tions;
 15 (3) "Municipality" means
 16 all incorporated cities, towns,

1 Section 45. Terms Defined
 2 Section 45. As used in
 3 this Article:
 4 (1) "Local governmental
 5 subdivision" means any parish
 6 or municipality.
 7 (2) "Political subdivision"
 8 means a parish, municipality, and
 9 any other unit of local government,
 10 including a school board and a
 11 special district, ⁽¹⁾ authorized by
 12 law to perform governmental
 13 functions.
 14 (3) "Municipality" means an ⁽²⁾
 15 incorporated city, town, or village
 16 (4) "Governing authority"

17 and villages;
18 (4) "Governing authority"
19 means the body which exercises
20 the legislative functions of
21 the political subdivision;
22 (5) "General law" means a
23 law of statewide concern enacted
24 by the legislature which is uni-
25 formly applicable to all persons
26 or to all political subdivisions
27 in the entire state or which is
28 uniformly applicable to all
29 persons or to all political sub-
30 divisions within the same class.
31 (6) "General obligation bond"
32 means those bonds, the principal
33 and interest of which are secured
34 by and payable from ad valorem
35 taxes levied without limitation
36 as to rate or amount;

17 means the body which exercises
18 the legislative functions of the
19 political subdivision.
20 (5) "General law" means a
21 law of statewide concern enacted
22 by the legislature which is
23 uniformly applicable to all
24 persons or to all political sub-
25 divisions in the state or which
26 is uniformly applicable to all
27 persons or to all political
28 subdivisions within the same class.

29 (6) "General obligation
30 bonds" means those bonds, the
31 principal and interest of which
32 are secured by and payable from
33 ad valorem taxes levied without
34 limitation as to rate or amount.
35
36

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SECTION 51 becomes SECTION 4.

1 (7) "Deep-water port commis-
2 sions and deep-water port, harbor,
3 and terminal districts" mean
4 those commissions or districts
5 within whose territorial juris-
6 diction exist facilities capable

1 (7) "Deep-water port
2 commissions" and "deep-water
3 port, harbor, and terminal
4 districts" mean those commissions
5 or districts within whose ter-
6 ritorial jurisdiction exist

7 of accommodating vessels of at
8 least twenty-five feet of draft
9 and of engaging in foreign
10 commerce.

7 facilities capable of accommodating
8 vessels of at least twenty-five
9 feet of draft and of engaging in
10 foreign commerce.

Comment:

- (1) Manual, Rule 12--singularization.
- (2) Ibid.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) "bond" pluralized; verb pluralized for agreement.
- (5) Quotation marks changed to encompass only titles; verbs pluralized for agreement.

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MEMORANDUM

January 8, 1974

TO: Members of Committee on
Local and Parochial Government

FROM: Research Staff

RE: Report to Committee on Style and Drafting

Please find enclosed a copy of the proposed Committee Report to the Committee on Style and Drafting, prepared by the Staff in accord with the stylistic changes and caveats recommended by the committee. If you have any recommended changes or additions to this report, we understand an opportunity will be given at the next committee meeting.

encl.

January 7, 1974

TO: Committee on Style and Drafting

FROM: Committee on Local and Parochial Government

RE: Report on Document No. XV, Committee Proposal No. 17

The Committee on Local and Parochial Government concurs with the styling suggestions proposed by the Committee on Style and Drafting except as noted below:

Section 3. On page 5, line 2, after "Section 3." and before the word "legislature" delete the word "The" and insert in lieu thereof the following:

"Except as provided in this constitution, the"

Section 4.

Caveat No. 1: On page 6, lines 6 and 7, the words "on the effective date of this constitution" were substituted for the words "when this constitution is adopted". Several members of the committee think this is a substantive change and recommend that further consideration be given this matter.

Caveat No. 2: On page 6, lines 10 and 11, the phrase "Except as inconsistent with this constitution" is used. In other instances the phrase "Subject to and not inconsistent with this constitution" is used. The committee recommends deleting these phrases as needless words (in conformity with Manual, Rules 5, 13 and Elements, II, 13--omit needless words) in each instance unless some provision of the constitution is shown to be inconsistent.

Answer to Note from Committee on Style and Drafting: The committee recommends that these phrases be left as they appear in the adopted proposal, subject to the reservation expressed in Caveat No. 2, supra.

Section 5(A). On page 7, lines 3 and 4, the phrase "Subject to and not inconsistent with this constitution" is used. See reservation expressed in Caveat No. 2 under Section 4, supra.

Section 5(D). On page 9, line 18, after the word "provide" and before the word "the" insert the words "by law"

Section 5(E). Answer to Caveat from Committee on Style and Drafting: The committee agrees with the recommendation to remove the second sentence of this paragraph and place it in a separate section.

Section 5(G). On page 13, delete lines 1 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"(G) Parish Officials and School Board Not Affected. No home rule charter or plan of government shall contain any provision affecting a school board or the office of district attorney, sheriff, assessor, clerk of a district court, or coroner, which is inconsistent with this constitution or a law."

Section 7(A). On page 15, line 5 and 6, the phrase "Subject to and not inconsistent with this constitution" is used. See reservation expressed in Caveat No. 2 under Section 4, supra.

Section 10. On page 20, lines 4 and 5 the words "after the effective date of this constitution" were substituted for the words "effective date of the adoption of this constitution". See reservation expressed in Caveat No. 1 under Section 4, supra.

Section 15. On page 26, delete lines 4 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 15. The governing authority of a local governmental subdivision shall have general power over any agency heretofore or hereafter created by it, including, without limitation, the power to abolish the agency and require prior approval of any charge or tax levied, or bond issued by the agency."

Section 16. On page 27, line 30, after the word "which" and before the word "located" insert the words "the agency is"

Answer to Caveat from Committee on Style and Drafting: The committee thinks there is no need for a Caveat to the convention on this Section.

Section 17. On page 30, at the beginning of line 22, delete the word "districts" and insert in lieu thereof the word "commissions"

Answer to first Caveat from Committee on Style and Drafting: The committee thinks the question raised in the first Caveat warrants no action by either committee.

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Section 19. The committee recommends the insertion of the Section, page 33, left column, as it was adopted by the convention with the following changes:

- (1) On page 33, left column, at the beginning of line 1, change "Section 22." to "Section 19."
- (2) On page 33, left column, at the beginning of line 5, change "Section 22." to "Section 19."
- (3) On page 33, left column, line 6, after the word "with" delete "the provi-" and at the beginning of line 7, delete "sions of"

Caveat: On page 33, left column, lines 5 and 6 the phrase "Subject to and not inconsistent with [the provisions of] this constitution" is used. See reservation expressed in Caveat No. 2 under Section 4, supra.

Section 20. On page 34, line 11, after the word and punctuation "state," and before the word "with" delete the word "and" and insert in lieu thereof the word "or"

Section 21. On page 36, line 7, after the word "this" and before the word "shall" delete the word "Article" and insert in lieu thereof the word "Section"

Caveat: The committee thinks this is a substantive change and should be caveated to the convention as such.

Answer to second Caveat from Committee on Style and Drafting: The committee recommends that the question of the constitutionality of the provision restricting alien land ownership be caveated to the convention. The committee intends to raise this issue on the floor of the convention at the appropriate time.

Section 23. On page 38, lines 3 and 4, the phrase "Subject to and not inconsistent with this constitution" is used. See reservation expressed in Caveat No. 2 under Section 4, supra.

Section 27(A). On page 41, line 15, after the word "increased" and before the word "when" insert the word "in any parish"

Section 27(B). On page 42, line 3, after the word "is" and before the word "general" delete the words "not for" and insert in lieu thereof the words "for other than"

Section 27(D). On page 44, lines 9 and 10, the words "on the effective date of this constitution" are substituted for the words "on the date of adoption of this constitution". See reservation expressed in Caveat No. 1 under Section 4, supra.

Section 28(A). On page 45, line 20, after the word "increased" and before the word "when" insert the words "in any municipality"

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Answer to Caveat from Committee on Style and Drafting: The committee has no objection to including the words "or constitutional" on page 45, line 14, but thinks it is a substantive change and should be caveated to the convention.

Section 28(B). On page 46, line 3, after the word "is" and before the word "general" delete the words "not for" and insert in lieu thereof the words "for other than"

Section 29. On page 47, line 8, after the word and punctuation "state," delete the word "Whoever" and at the beginning of line 9, delete the word "pays" and insert in lieu thereof the words "Those who pay"

Section 32. On page 52, line 1, after "Section 32." and before the word "Taxes" delete the word "Special". On page 52, at the beginning of line 4, delete the word "special"

Caveat No. 1: The committee does not think this is a substantive change.

Caveat No. 2: On page 52, lines 7 and 8, the words "on the effective date of this constitution" are substituted for the words "when this constitution is adopted". See reservation expressed in Caveat No. 1 under Section 4, supra.

Section 36(A). On page 57, line 22, after the word "for" delete the comma "," and delete the word "held" and at the beginning of line 23 delete the words and punctuation "under this Section,"

Section 36(B). On page 59, line 30, after the word "election" and before the word "at" insert the punctuation and words ", if any,"

Caveat: The reason for this recommendation is refunding bonds at the same or a lower effective rate of interest need not be authorized at an election (see Section 34, supra.)

Section 39(A). On page 64, line 28, immediately after the word "Article" insert a period "." and delete the remainder of the line and delete line 29 in its entirety.

Caveat No. 1: The committee thinks this paragraph is self-operative and therefore these words as well as the sentence adopted (this provision shall be self-operative) are needless words. However, the committee thinks this change should be caveated to the convention.

Caveat No. 2: With respect to the use of the term "now" in Section 39 (page 64, left column, line 3) it was the intent of the committee that "now" meant the date of adoption of the proposal by the convention. The committee recommends consideration of a date certain such as January 1, 1974, or January 19,

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1974, the final date of the convention, be inserted as the effective date; otherwise, the committee feels the recommendation by the Committee on Style and Drafting to use the words "the effective date of this constitution" be used.

Section 40(B). On page 67, line 2, after the word "necessity" and before the word "additional" delete the word "for" and insert in lieu thereof the words "to raise"

Section 41(A). The committee does not object to changing "Article" to "Part III" on page 68, line 12, but recommends this change be caveated to the convention.

Section 41(B). On page 69, line 3, after the word "by" delete the words "the laws" and insert in lieu thereof the word "law"

Section 43(A). The committee recommends the insertion of Section 43(A), page 71, left column as it was adopted by the convention with the following changes:

- (1) On page 71, left column, line 5, after the word "any" and before the word "provision" delete the word "other" and insert in lieu thereof the word "contrary"
- (2) On page 71, left column, line 19, after the word and punctuation "commerce." add the following:
"If the district has no other funds or resources from which the payment can be made, it shall levy on all taxable property within the district a tax sufficient to pay for property used or destroyed to be used solely in the district where collected."
- (3) On page 71, left column, at the beginning of line 1, change "Section 49." to "Section 43."
- (4) On page 71, left column, at the beginning of line 4, change "Section 49." to "Section 43."

Section 43(B). On page 72, line 12, after the word "of" and before the word "property" insert the word "said"

Section 44. On page 73, line 1, after "Section 44." delete the word "Ports" and insert in lieu thereof the words "Port Commissions and Districts". On page 73, line 18, after the number "(2)" and

before the word "law" delete the word "By" and insert in lieu thereof the words "Only by"

Caveat: With respect to the use of the term "now" in Section 44 (page 73, left column, line 5) see Caveat No. 2 under Section 39(A), supra.

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Jan. 10 - 74

TO: Committee on Style and Drafting
FROM: Committee on Local and Parochial Government
RE: Report on Document No. XV, Committee Proposal No. 17

The Committee on Local and Parochial Government with the styling suggestions proposed by the Committee on Style and Drafting except as noted below:

Section 4.

Caveat No. 1: On page 6, lines 6 and 7, the phrase "when this constitution is adopted" were substituted for the words "when this constitution is adopted". Several members of the committee think this is a substantive change and recommend that further consideration be given this matter.

Caveat No. 2: On page 6, lines 10 and 11, the phrase "Except as is consistent with this constitution" is used. In other instances the phrase "Subject to and not inconsistent with this constitution" is used. The committee recommends deleting these phrases as needless words (in conformity with Local Rules 7, 13 and Elements, I, 13--omit needless words) in each instance unless some provision of the constitution is shown to be inconsistent.

Answer to Note from Committee on Style and Drafting: The committee recommends that these phrases be left as they appear in the adopted proposal, subject to the reservation expressed in Caveat No. 2, supra.

Section 7(A). On page 7, lines 3 and 4, the phrase "Subject to and not inconsistent with this constitution" is used. See reservation expressed in Caveat No. 2 under Section 4, supra.

Section 7(B). On page 7, line 6, the word "provided" is used. The committee recommends that the word "by law" be inserted after the word "provided".

Section 11(A). On page 11, line 1, the phrase "and not inconsistent with this constitution" is used. See reservation expressed in Caveat No. 2 under Section 4, supra.

Section 12. On page 12, delete lines 1 through 10, both margins, in their entirety and insert in lieu thereof the following:

"12. The judicial branch shall consist of a supreme court, a court of appeals, and a trial court. The judicial branch shall contain no provision affecting a judge, clerk, or the office of a justice, attorney, clerk, or clerk of a district court, or coroner, which is inconsistent with this constitution or a law."

Section 13(A). On page 13, line 1, the phrase "but not inconsistent with this constitution" is used. See reservation expressed in Caveat No. 2 under Section 4, supra.

Section 8. The committee recommends the insertion of the Section, page 18, left column, as it was approved by the convention with the following changes:

- (1) On page 18, left column, delete line 7 in its entirety and insert in lieu thereof the words "and the chairman of a city council."
- (2) The Section number on lines 1 and 4 needs to be changed to "Section 8."

Section 10. On page 20, lines 4 and 5, the words "after the effective date of this constitution" were substituted for

the words "effective date of the adoption of this constitution" and "after the date of the adoption of this constitution".

Section 11. On page 11, delete lines 4 through 10, both margins, in their entirety and insert in lieu thereof the following:

"Section 11. The governing authority of a local governmental subdivision shall have the power over any agency hereafter or hereafter created by it, including, without limitation, the power to establish, amend, and require prior approval of any charge or tax levied, or paid in connection with the agency."

Section 16. On page 23, line 1, after the word "with" and before the word "to" insert the word "all of" and on line 2, after the word "which" and before the word "located" insert the words "the agency, if

located in the territory of the agency, and if the agency is a governmental subdivision of the state."

Section 17. On page 24, at the beginning of line 2, delete the words "located" and insert in lieu thereof the words "located in the territory of the agency, and if the agency is a governmental subdivision of the state."

Answer to Note from Committee on Style and Drafting: The committee recommends that the phrase "located in the territory of the agency, and if the agency is a governmental subdivision of the state" be inserted after the word "located" in Section 16 and 17.

Section 19. The committee recommends the insertion of the Section, page 27, left column, as it was approved by the convention with the following changes:

- (1) On page 27, left column, at the beginning of line 1, change "Section 22," to "Section 11."
- (2) On page 27, left column, at the beginning of line 4, change "Section 22," to "Section 11."
- (3) On page 27, left column, line 7, after the word "and" delete "the provisions" and at the beginning of line 7, delete "provisions of"

Caveat: On page 27, left column, lines 5 and 6 the phrase "Subject to and not inconsistent with [the provisions of] this constitution" is used. See reservation expressed in Caveat No. 2 under Section 4, supra.

Section 20. On page 34, line 11, after the word and punctuation "state," and before the word "with" delete the word "and" and insert in lieu thereof the word "or".

Section 21. On page 36, line 7, after the word "and" and before the word "hall" delete the word "Article" and insert in lieu thereof the word "Section".

Caveat: The committee thinks this is a substantive change and should be caveated to the convention accordingly.

Answer to Note from Committee on Style and Drafting: The committee recommends that the phrase "or" be inserted after the word "state," in Section 20. The committee intends to raise this issue at the floor of the convention at the appropriate time.

Section 22. On page 38, lines 3 and 4, the phrase "and not inconsistent with this constitution" is used. See reservation expressed in Caveat No. 2 under Section 4, supra.

Section 27(A). On page 41, line 1, after the word "increased" and before the word "when" insert the word "in any part."

Section 23(A). On page 42, line 1, after the word "and" and before the word "general" delete the word "and" and insert in lieu thereof the word "or" after the word "and".

Section 23(B). On page 42, line 1, after the word "and" and before the word "general" delete the word "and" and insert in lieu thereof the word "or" after the word "and".

Section 24. On page 44, line 1, after the word "and" and before the word "general" delete the word "and" and insert in lieu thereof the word "or" after the word "and".

Answer to Note from Committee on Style and Drafting: The committee recommends that the phrase "or" be inserted after the word "state," in Section 20. The committee intends to raise this issue at the floor of the convention at the appropriate time.

Section 25(A). On page 46, line 1, after the word "and" and before the word "general" delete the word "and" and insert in lieu thereof the word "or" after the word "and".

Section 29. On page 47, line 1, after the word and punctuation "state," and before the word "and" at the beginning of line 9, delete the word "pays" and insert in lieu thereof the words "those who pay".

Section 32. On page 52, line 1 after "Section 32." and before the word "Taxes" delete the word "Special". On page 52, at the beginning of line 4, delete the word "Special"

Caveat No. 1: The committee does not think this is a substantive change.

Caveat No. 2: On page 52, line 1 and 2, the words "On the effective date of this constitution" are substituted for the words "when this constitution is adopted". See reservation expressed in Caveat No. 1 under Section 4, supra.

Section 36(A). On page 57, line 22, after the word "for" delete the comma "," and delete the word "held" and at the beginning of line 23 delete the words and punctuation "under this Section,"

Section 36(B). On page 59, line 30, after the word "election" and before the word "at" insert the punctuation and words ", if any,"

Caveat: The reason for this recommendation is refunding bonds at the same or a lower effective rate of interest need not be authorized at an election (see Section 34, supra.)

Section 39(A). On page 64, line 28, immediately after the word "Article" insert a period "." and delete the remainder of the line and delete line 29 in its entirety.

Caveat No. 1: The committee thinks this paragraph is self-operative and therefore these words as well as the sentence adopted (this provision shall be self-operative) are needless words. However, the committee thinks this change should be caveated to the convention.

Caveat No. 2: With respect to the use of the term "now" in Section 39 (page 64, left column, line 3) it was the intent of the committee that "now" meant the date of adoption of the proposed constitution. The committee recommends consideration of a date certain such as January 1, 1974, or January 19,

1974, the final date of the convention, be inserted in the effective date.

Section 41(A). On page 68, line 12, after the word "for" and before the word "additional" delete the word "for" and insert in lieu thereof the words "to raise"

Section 41(A). The committee does not object to changing "Article" to "Part III" on page 68, line 12, it recommends that change be caveated to the convention.

Section 41(B). On page 69, line 3, after the word "by" delete the words "the laws" and insert in lieu thereof the word "law"

Section 43(A). The committee recommends the insertion of Section 43(A), page 71, left column as it was adopted by the convention with the following changes:

- (1) On page 71, left column, line 5, after the word "other" and before the word "and" insert the word "other" and insert in lieu thereof the word "contrary"
- (2) On page 71, left column, line 19, after the word and punctuation "commerce," add the following:
"If the district has no other funds or resources from which the payment can be made, it shall levy on all taxable property within the district a tax sufficient to pay for property used or destroyed to be used in the district where collected."
- (3) On page 71, left column, at the beginning of line 1, change "Section 49." to "Section 43."
- (4) On page 71, left column, at the beginning of line 4, change "Section 49." to "Section 43."

Section 43(A). On page 72, line 12, after the word "of" and before the word "property" insert the word "said"

Section 44. On page 73, line 1, after "Section 44." delete the word "Part" and insert in lieu thereof the words "Part Committee District". On page 73, line 1, after the number "2" before the word "law" delete the word "By" and insert in lieu thereof the words "Only by"

Caveat: With respect to the use of the term "now" in Section 44 (page 73, left column, line 1) see Caveat No. 1 under Section 39(A), supra.

1/11/74

COMMITTEE PROPOSAL NO. 17: FIRST ENROLLEMENT

LOCAL GOVERNMENT

Styling Suggestions from Committee on Style and Drafting:

Comparative Presentation

SECTIONS ADOPTED BY CONVENTION

CHANGES RECOMMENDED BY COMMITTEE

- 1 ARTICLE VI. LOCAL GOVERNMENT
- 2 Section 1. Creation, Dissolu-
- 3 tion, and Merger of Parish-
- 4 es; Change of Parish Lines;
- 5 Change of Parish Seats;
- 6 Existing Parishes

- 1 ARTICLE VI. LOCAL GOVERNMENT
- 2
- 3 PART I. GENERAL PROVISIONS
- 4
- 5 Section 1. Parishes
- 6 Section 1. (A) Parishes and

7 Section 1. (A) The legisla-
8 ture may establish and organize
9 new parishes, dissolve and merge
10 parishes and change parish bound-
11 aries, if two-thirds of the elect-
12 ors in each of the parishes affect-
13 ed voting at an election held for
14 the purpose in each parish affect-
15 ed consent thereto.

16 (E) The governing authority
17 of a parish, may call an elec-
18 tion on the question of chang-
19 ing the location of the parish
20 seat. The election shall be
21 conducted in the manner provid-
22 ed by the general election laws
23 in the state, insofar as applic-
24 able. The location of a parish
25 seat shall be changed if two-
26 thirds of the total vote cast
27 at the election is in favor
28 thereof.

1 (C) All parishes and their
2 boundaries as established under
3 existing law are recognized and
4 ratified.

5
6

7 Boundaries Ratified. ⁽¹⁾ Parishes
8 and their boundaries as estab-
9 lished under existing law are
10 recognized and ratified.

11 (B) Creation; Dissolution;
12 Merger; Boundaries. The legis-
13 lature may establish and organize
14 new parishes, dissolve and merge
15 parishes, ⁽²⁾ and change parish
16 boundaries if approved by two-
17 thirds of the electors in each
18 parish affected voting thereon
19 at an election held for that
20 purpose. ⁽³⁾

21
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23
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SECTION 1 (C)

1 (C) Change of Parish Seat.
2 The governing authority of a
3 parish may call an election
4 on the question of changing ⁽⁵⁾
5 the parish seat. The parish ⁽⁶⁾
6 seat shall be changed if ap- ⁽⁷⁾

7
8

7 proved by two-thirds of the
8 electors voting thereon.

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Manual, Rule 20 and Elements, I, 2--commas in series.
- (3) Standardization of language.
- (4) Webster's, Rule 4.4.1--omit needless commas.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Ibid.; Elements, II, 15--parallelism.
- (7) Standardization of language.

Page 2

SECTION 3 - PARISHES

1 Section 3. Law or Enlarged
2 Parishes; Adjustment of
3 Assets and Liabilities
4 Section 3. When a parish is
5 enlarged or created from conti-
6 guous territory, it shall be
7 entitled to a just proportion
8 of the property and assets and
9 shall be liable for a just pro-
10 portion of the existing debts
11 and liabilities of the parish
12 or parishes from which the terri-
13 tory is taken.

1 (D) Adjustment of assets
2 and liabilities. When a
3 parish is enlarged or established (1)
4 from contiguous territory, it
5 shall be entitled to a just pro-
6 portion of the property and
7 assets and shall be liable for
8 a just proportion of the exist-
9 ing debts and liabilities of the
10 parish or parishes from which
11 the territory is taken.
12
13

Comment:

- (1) Formalization of language.

Page 3

Section 5. Municipalities.

1 Section 5. Municipalities;
 2 Incorporation, Consolidation,
 3 tion, Merger, and Government
 4 Section 5. The legislature
 5 shall provide by general law for
 6 the incorporation, consolidation,
 7 merger, and government of municipi-
 8 palities. No local or special law
 9 shall be enacted to create a muni-
 10 cipal corporation or to amend,
 11 modify, or repeal its charter.
 12 However, if a municipality is
 13 operating under a special legis-
 14 lative charter it may be amended,
 15 modified, or repealed by local
 16 or special law as long as such
 17 municipality continues to operate
 18 under such charter.

Comment:

- (1) Manual, Rules 5, 13, and Elements, II, 13--omit needless words.
- (2) Elements, V, 16--be clear.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Section 6. Parishes.

1 Section 6. Classification.
 2 Section 6. Except as provided
 3 in this constitution, the legis-
 4 lature may classify parishes or

Section 3.

1 Section 2. Municipalities.
 2 Section 2. The legislature
 3 shall provide by general law
 4 for the incorporation, consolida-
 5 tion, merger, and government of
 6 municipalities. No local or
 7 special law shall create a muni-
 8 cipal corporation or amend, modify,
 9 or repeal a municipal charter.
 10 However, an existing special
 11 legislative charter may be
 12 amended, modified, or repealed by
 13 local or special law.
 14
 15
 16
 17
 18

5 municipalities according to popu-
6 lation or on any other reasonable
7 basis related to the purpose of
8 this classification, and legisla-
9 tion may be limited in its effect
10 to any of such class or classes.

5 tion or on any other reasonable
6 basis related to the purpose of
7 the classification. ⁽¹⁰⁾ Legislation
8 may be limited in its effect to
9 any of such class or classes.
10

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; i.e., there are no other
provisions in this constitution.

(2) Ibid.; Manual, Rule 10--short sentences;
Manual, Rule 14--unrelated ideas in separate
sentences.

Page 5

Section 7 Repealed Section 4

1 Section 7. Existing Home Rule
2 Charters and Plans of Govern-
3 ment of Parishes and Muni-
4 cipalities Ratified
5 Section 7. Every plan of govern-
6 ment or home rule charter existing
7 or adopted when this constitution is
8 adopted shall remain in effect and
9 may be amended, modified, or repealed
10 as provided therein. Except as in-
11 consistent with the provisions of
12 this constitution, each local govern-
13 mental subdivision which has adopted
14 such a home rule charter or plan of
15 government shall retain the powers,
16 functions and duties in effect when

1 Section 4. Existing Home
2 Rule Charters and Plans
3 of Government
4 Section 4. Every home rule
5 charter ⁽¹⁾ or plan of government
6 existing or adopted when this
7 constitution is adopted
8 shall remain in effect and may be
9 amended, modified, or repealed
10 as provided therein. Except as
11 inconsistent with this constitu-
12 tion, each local governmental
13 subdivision which has adopted
14 such a home rule charter or plan
15 of government shall retain the
16 powers, functions, and duties in

17 this constitution is adopted. Each
18 of them, if its charter permits,
19 shall also enjoy the right to any
20 powers and functions granted to other
21 local governmental subdivisions.
22
23

17 effect when this constitution
18 is adopted. If its charter
19 permits, each of them also
20 shall have the right to powers
21 and functions granted to other
22 local governmental subdivisions.
23

Comment:

(1) Word placement changed to conform with title and with word placement in rest of Section.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Elements, II, 16--keep related words together.

(4) Elements, V, 7, 14--do not overstate, avoid fancy words.

(5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 8(A) BECOMES SECTION 5 (A)

1 Section 8. Home Rule Charter
2 Section 8. (A) Subject to and
3 not inconsistent with the provi-
4 sions of this constitution, any
5 local governmental subdivision
6 may draft, adopt, or amend a
7 charter of government to be
8 known as a home rule charter in
9 accordance with the provisions
10 of this Section. The governing
11 authority of any such local gov-
12 ernmental subdivision may appoint

1 Section 5. Home Rule Charter
2 Section 5. (A) Authority to
3 Adopt; Commission. Subject to and
4 not inconsistent with this con-
5 stitution, any local governmental
6 subdivision may draft, adopt, or
7 amend a home rule charter in ac-
8 cordance with this Section. The
9 governing authority of a local gov-
10 ernmental subdivision may appoint
11 a commission to prepare and pro-
12 pose a charter or an alternate

13 a commission to prepare and
14 propose a charter or alternate
15 charter, or may call an election
16 for the purpose of electing such
17 a commission.

13 charter, or it may call an election
14 ⁽¹⁾ to elect such a commission.
15
16
17

Comment:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Standardization of language.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Elements, V, 16--be clear.
- (6) Elements, II, 15--parallelism.
- (7) Manual, Rule 5--substitute word for phrase.

Page 7

SECTION 8 (E) Bec. to Section 5 (C)

1 (B) The governing authority
2 of any such local governmental
3 subdivision shall call an elec-
4 tion to elect a commission to
5 prepare and propose a charter or
6 alternate charter when presented
7 with a petition signed by not
8 less than ten percent of the
9 electors or ten thousand electors,
10 whichever is the lesser, who live

1 (B) Petition to Elect Com- ⁽¹⁾
2 mission. The governing authority
3 shall call an election to elect
4 such a ⁽²⁾ commission when presented
5 with a petition signed by not
6 less than ten percent of the
7 electors or ten thousand electors,
8 whichever is fewer, ⁽³⁾ who live
9 within the boundaries of the
10 affected subdivision, as certified

11 within the boundaries of the
12 affected subdivision, as certi-
13 fied by the registrar of voters.

11 by the registrar of voters.
12
13

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(2) Elements, V, 16--be clear.

(3) Elements, p. 45--less refers to quantity;
few, to number.

Page 8

SECTION 8 (C) BECOMES SECTION 5 (C)

1 (C) A home rule charter shall
2 be adopted, amended, or repealed
3 when approved by a majority of the
4 electors who vote on the proposal
5 at an election called for that
6 purpose.

1 (C) Adoption; Amendment; Re-
2 peal. A home rule charter shall
3 be adopted, amended, or repealed
4 when approved by a majority of
5 the electors voting thereon at an
6 election held for that purpose.⁽¹⁾

Comment:

(1) Standardization of language.

SECTION 8 (D) BECOMES SECTION 5 (D)

7 (D) Two or more local govern-
8 mental subdivisions situated within
9 the boundaries of one parish may
10 avail themselves of the provisions
11 of this Section, provided that a

7 (D) Adoption by Two or More
8 Local Governmental Subdivisions.
9 Two or more local governmental
10 subdivisions⁽¹⁾ within the boundaries
11 of one parish may adopt a home⁽²⁾

12 majority of the electors in each
13 affected local governmental subdi-
14 vision who vote in an election
15 held for that purpose vote in
16 favor thereof. The legislature
17 shall provide for the method of
18 appointment or election of a
19 commission to prepare and
20 propose such a charter consis-
21 tent with Paragraph (A) of this
22 Section. However, at least one
23 member of the commission shall
24 be elected or appointed from
25 each affected local governmental
26 subdivision. The legislature
27 shall provide the method by
28 which the electors of more than
29 one local governmental subdivi-
30 sion shall be authorized to

12 rule charter under this Section
13 if approved by a majority of the
14 electors in each affected local
15 governmental subdivision voting
16 thereon in an election held for
17 that purpose. ⁽³⁾ The legislature
⁽⁴⁾ ⁽³⁾
18 shall provide by law the method of
19 appointment or election of a
20 commission to prepare and propose a ⁽⁵⁾
21 charter consistent with Paragraph
22 (A) of this Section and ⁽⁶⁾ the method
23 by which the electors ⁽⁷⁾ may petition
⁽⁸⁾
24 for an election consistent with
25 Paragraph (B) of this Section.
26 However, at least one member of
27 the commission shall be elected
28 or appointed from each affected
29 local governmental subdivision. ⁽⁶⁾

30

13.13.10. § (3) Elements (13.13.10.10)

1 one parish may petition for an
2 election for such purpose con-
3 sistent with Paragraph (B) of
4 this Section.

1
2
3
4

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(2) Elements, V, 16--be clear.

(3) Standardization of language.

(4) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(5) Ibid.

(6) Elements, V, 16--be clear.

(7) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(8) Ibid.; Elements, II, 15--parallelism.

Page 10

SECTION 8 (E) Becomes SECTION 6 (E)

1 (E) A home rule charter adopted
2 pursuant to the provisions of this
3 Section shall provide for the
4 structure and organization, powers,
5 and functions for the government
6 of the local governmental subdivi-
7 sion, which may include the exer-
8 cise of any power and performance
9 of any function necessary, requi-
10 site, or proper for the management
11 of its affairs, not denied by
12 general law or inconsistent with
13 any provision of this constitution.
14 The legislature shall not pass
15 any law the effect of which changes,
16 modifies, or affects the structure
17 and organization and/or the parti-
18 cular distribution and redistri-

1 (E) Structure and Organiza-
2 tion; Powers; Functions. A
3 home rule charter adopted
4 ⁽¹⁾ under this Section shall pro-
5 vide ⁽²⁾ the structure and organ-
6 ization, powers, and functions
7 ⁽³⁾ of the government of the local
8 governmental subdivision,
9 which may include the exercise
10 of any power and performance
11 of any function necessary,
12 requisite, or proper for the
13 management of its affairs, not
14 denied by general law or in-
15 consistent with this consti-
16 tution.
17
18

19 bution of the powers and functions
20 of any local governmental subdivi-
21 sion which operates under a home
22 rule charter.

19
20
21
22

[Note:
Second half of
SECTION 8 (E).
Becomes SECTION 6]

Comment:

(1) Manual, Rule 5--substitute word for phrase;
Standardization of language.

(2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(3) Elements, V, 16--be clear; i.e., substitution
of preposition "of" for "for."

(4) Standardization of language.

Page 11

SECTION 8 (F) BECOMES SECTION 6 (F)

1 (F) A local governmental sub-
2 division adopting a home rule
3 charter under this Section shall
4 also enjoy such additional powers
5 and functions as are granted to
6 local governmental subdivisions
7 by other provisions of this
8 constitution, unless the exer-
9 cise of such powers and perfor-
10 mance of such functions is pro-
11 hibited by its charter.

1 (F) Additional Powers and
2 Functions. Except as prohibited
3 by its charter, ⁽¹⁾ a local governmental
4 subdivision adopting a home rule
5 charter under this Section shall
6 have ⁽²⁾ the additional powers and
7 functions ⁽³⁾ granted to local govern-
8 mental subdivisions by other pro-
9 visions of this constitution.
10
11

Comment:

(1) Manual, Rule 18--place exceptions first when
specific.

(2) Standardization of language.

(3) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

Page 12

SECTION 8 (G) J. Parsons

SECTION 8 (G)

1 (G) No home rule charter or
 2 plan of local government shall
 3 contain any provision inconsis-
 4 tent with this constitution or
 5 any law now or hereafter enacted
 6 which affects the offices of
 7 district attorney, sheriff,
 8 assessor, clerk of a district
 9 court, coroner, parish school
 10 board, or city school board.

1 (G) Parish Officials and
 2 School Boards Not Affected. No
 3 home rule charter or plan of
 4 government shall contain any
 5 provision ⁽¹⁾ affecting a school board
 6 or the offices of district attorney,
 7 sheriff, assessor, clerk of a
 8 district court, or coroner, which is
 9 inconsistent with this constitu-
 10 tion or law.

Comment:

(1) Elements, II, 16--keep related words together.

SECTION 8 H

11 (H) Notwithstanding any provi-
 12 sion of this Article to the con-
 13 trary, the courts and their officers
 14 may be established or affected
 15 only as provided in Article V of
 16 this constitution.

11 [NOTE:
 12 SECTIONS
 13 8 (H) and
 14 9 (C) are identical
 15 and became
 16 SECTION 27]
 17
 18

formerly second part of §(E) -

1
2
3
4
5
6 The legislature shall not pass
7 any law the effect of which changes,
8 modifies, or affects the structure
9 and organization and/or the parti-
10 cular distribution and redistri-
11 bution of the powers and functions
12 of any local governmental subdivi-
13 sion which operates under a home
14 rule charter.

1 Section 6. Home Rule Charter
2 or Plan of Government;
3 Action by Legislature Pro-
4 hibited

5
6 Section 6. The legislature
7 shall enact ⁽¹⁾ no law the effect of
8 which changes ⁽²⁾ or affects the
9 structure and organization ⁽³⁾ or the
10 particular distribution and redistri-
11 bution of the powers and func-
12 tions of any local governmental
13 subdivision which operates under
14 a home rule charter.

Comment:

(1) Elements, II, 11--positive form; Standardi-
zation of language.

(2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(3) Elements, p. 35--do not use and/or.

SECTION 9(a) Becomes SECTION 7 (1)

1 Section 9. Powers of Other
2 Local Governmental Subdi-
3 visions
4 Section 9. (A) Subject to
5 and not inconsistent with any
6 provision of this constitution,

1 Section 7. Powers of Other
2 Local Governmental Sub-
3 divisions
4 Section 7. (A) Powers and
5 Functions. Subject to and not
6 inconsistent with this consti-

7 the governing authority of any
8 other local governmental sub-
9 division may exercise any power
10 and perform any function
11 necessary, requisite, or proper
12 for the management of the affairs
13 of the local governmental sub-
14 division not denied by its
15 charter or by general law,
16 provided that a majority of
17 the electors in the affected local
18 governmental subdivision who vote
19 in an election held for that
20 purpose vote in favor of the
21 proposition that such governing
22 authority may exercise such
23 general powers. In the absence of
24 such a favorable vote, such local
25 governmental subdivision shall have
26 such powers as authorized by this
27 constitution or by law.

7 tion, the governing authority
8 of a local governmental subdivi-
9 sion which has no home rule
10 charter or plan of government⁽²⁾ may
11 exercise any power and perform any
12 function necessary, requisite, or
13 proper for the management of its⁽³⁾
14 affairs,⁽⁴⁾ not denied by its char-
15 ter or by general law, if a⁽⁵⁾
16 majority of the electors⁽⁵⁾
17 voting in an election held for
18 that purpose vote in favor of the
19 proposition that the governing⁽⁶⁾
20 authority may exercise such⁽⁷⁾
21 general powers. Otherwise, the
22 local governmental subdivision
23 shall have the powers authorized⁽⁸⁾ ⁽⁹⁾
24 by this constitution or by law.
25
26
27

P. 15

- Comments :
- (1) Standardization of language.
 - (2) Elements, V, 16--be clear.
 - (3) Manual, Rule 5--substitute word for phrase.
 - (4) Webster's, Rule 4.4.2--comma inserted to avoid ambiguity.
 - (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
 - (6) Manual, Rule 6--avoid hackneyed reference words.

- (7) Manual, Rule 5--substitute word for phrase.
- (8) Manual, Rule 6--avoid hackneyed reference words.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 9 (B) BECOMES SECTION 7 (1)

1 (B) Nothing contained in this
 2 Section shall be construed to
 3 affect the powers and functions
 4 of a parish or city school board
 5 and the offices of district
 6 attorney, sheriff, clerk of a
 7 district court, coroner, or
 8 assessor.

1 (B) Parish Officials and
 2 School Boards Not Affected.
 3 Nothing ⁽¹⁾ in this Section shall ⁽²⁾
 4 affect the powers and functions
 5 of a school board or the offices
 6 of district attorney, sheriff,
 7 assessor, clerk of a district
 8 court, or coroner. ⁽⁴⁾

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Ibid.

(3) Ibid.

(4) Elements, II, 15--parallelism; i.e., language arranged to conform with previous usage in Section 6(G).

SECTION 9 (C)

9 (C) Notwithstanding any provision
 10 of this Article to the contrary, the
 11 courts and their officers may be
 12 established or affected only as
 13 provided in Article V of this
 14 constitution.

[NOTE:

SECTIONS

8(H) and

9(C) are identical

and become

SECTION 27]

Section 11. Home Rule Parish;

Section 8. Home Rule Parish;

1 Section 11. Home Rule Parish;

1 Section 8. Home Rule Parish;

2 Incorporation of Cities

2 Incorporation of Cities,

3 Towns, and Villages

3 Towns, and Villages

4 Section 11. No parish plan of

4 Section 8. No parish plan of

5 government or home rule charter

5 government or home rule charter shall

6 shall prohibit the incorporation

6 prohibit the incorporation of a city,

7 of cities, towns, or villages as

7 town, or village as provided by

8 provided by general law.

8 general law.

Comment:

(1) Manual, Rule 12--singularization.

Section 12. Limitations of

Section 9. Limitations of

9 Section 12. Limitations of

9 Section 9. Limitations of

10 Local Governmental Subdi-

10 Local Governmental Subdi-

11 visions

11 visions

12 Section 12. (A) Local govern-

12 Section 9. (A) Limitations.

13 mental subdivisions shall not:

13 No local governmental subdivision

14 (1) define and provide for the

14 shall (1) define and provide for

15 punishment of a felony; or (2)

15 the punishment of a felony; or

16 except as may be provided by law,

16 (2) except as provided by law,

17 enact private or civil ordinances

17 enact an ordinance governing

18 governing civil relationships.

18 private or civil relationships.

Comment:

(1) Elements, II, 11--positive verb.

(2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(3) Manual, Rule 12--singularization

(4) Elements, V, 16--be clear.

SECTION 12 (B) Becomes SECTION 9 (B)

19 (B) Notwithstanding any pro-
20 vision of this Article, the
21 police power of the state shall
22 never be abridged.
23

19 (B) Police Power Not Abridged.
20 Notwithstanding any provision of
21 this Article, the police power
22 of the state shall never be
23 abridged.

Comment:

No Change

SECTION 12.1. Codification

SECTION 10. Codification of

1 Section 12.1. Codification
2 of Ordinances
3 Section 12.1. The governing
4 authority of each political
5 subdivision shall within two
6 years of the effective date of
7 the adoption of this constitu-
8 tion, cause a code to be pre-
9 pared containing all of the
10 ordinances of the political

1 Section 10. Codification of
2 Ordinances
3 Section 10. Within two years
4 after the effective date of this
5 constitution, ⁽¹⁾ the governing au-
6 thority of each political subdi-
7 vision shall ⁽²⁾ have a code prepared
8 containing all of its ⁽³⁾ general
9 ordinances. When the code is ⁽⁴⁾
10 prepared, ⁽⁵⁾ the governing authority ⁽⁶⁾

11 subdivision of general appli-
12 cation which are appropriate
13 for continuation as law. When
14 the code shall have been pre-
15 pared the governing authority
16 of the political subdivision
17 shall cause copies of the same
18 to be prepared and made avail-
19 able for public distribution.
20 All proposed ordinances of
21 general application adopted
22 after the approval of the code
23 shall be adopted as amendments
24 or additions to the code.

11 shall make ⁽⁷⁾copies available for
12 public distribution. All general ⁽⁸⁾
13 ordinances adopted after the
14 approval of the code shall be ⁽⁷⁾
15 amendments or additions to the
16 code.
17
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22
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24

Comment:

(1) Elements, II, 16--keep related words together.

(2) Manual, Rule 5--substitute word for phrase.

(3) Ibid.; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Manual, Rule 11--present tense.

(5) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.

(6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(7) Ibid.; Manual, Rule 5--substitute word for phrase.

(8) Ibid.

(9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Section 13. ~~Local Officials~~

Section 11.

1 Section 13. Local Officials
 2 Section 13. The electors of
 3 each local governmental subdivi-
 4 sion shall have the exclusive
 5 right to elect their governing
 6 authority. Nothing herein shall
 7 be construed to prohibit the
 8 election of the members of any
 9 governing authority on the basis
 10 of single member districts.

1 Section 11. Local Officials
 2 Section 11. The electors
 3 of each local governmental sub-
 4 division shall have the exclu-
 5 sive right to elect their
 6 governing authority. Nothing
 7 herein shall be construed to
 8 prohibit the election of the
 9 members from single-member
 10 districts.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(2) Manual, Rule 5--substitute word for phrase.

Section 14. ~~Local Officials; Compensation~~

Section 12.

1 Section 14. Local Officials;
 2 Compensation
 3 Section 14. The compensation
 4 or method of fixing the compen-
 5 sation of a local elected offi-
 6 cial of any local governmental
 7 subdivision which operates under
 8 a home rule charter or plan of
 9 government as provided in
 10 Sections 7 and 8 of this Article,

1 Section 12. Local Officials;
 2 Compensation
 3 Section 12. The compen-
 4 sation or method of fixing the
 5 compensation of an elected
 6 official of any local govern-
 7 mental subdivision which operates
 8 under a home rule charter or
 9 plan of government, ⁽²⁾ as provided
 10 in Sections 4 and 5 of this ⁽³⁾

11 shall be provided in its charter.
12 The compensation or method of
13 fixing the compensation of local
14 elected officials of any other
15 local governmental subdivision
16 shall be provided for by law.
17 Compensation of local officials
18 shall not be reduced during the
19 terms for which they are elected.
20

11 Article, shall be provided in
12 its charter. The compensation
13 or method of fixing the compen-
14 sation of an elected official⁽⁴⁾
15 of any other local governmental
16 subdivision shall be provided⁽⁵⁾
17 by law. Compensation of a
18 local official shall not be
19 reduced during the term for
20 which he is elected.⁽⁶⁾

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (2) Webster's, Rule 4.1.2--pair of commas to
set off modifying phrases.
- (3) Section numbers changed to conform to
suggested renumbering.
- (4) Standardization of language; Manual, Rule 12--
singularization.
- (5) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (6) Manual, Rule 12--singularization.

Section 15 (A) Vacancies

1 Section 15. Filling of
2 Vacancies; Appointment
3 Section 15. (A) Except as
4 otherwise provided in this
5 constitution, and except for the
6 office of assessor, a vacancy in
7 any local office filled by

Section 13 (A)

1 Section 13. Vacancies
2 Section 13. (A) Vacancy;
3 Appointment. Except as otherwise
4 provided by this constitution,⁽¹⁾
5 a vacancy in any local office
6 filled by election wholly within
7 the boundaries of a local govern-⁽²⁾

8	election wholly within the	8	mental subdivision or a school
9	boundaries of a local govern-	9	district shall be filled by ap-
10	mental subdivision or a parish	10	pointment by the particular
11	or city school district, shall	11	governing authority of the local
12	be filled by appointment by the	12	governmental subdivision or
13	governing authority of such	13	school district in which the
14	local governmental subdivision	14	vacancy occurs, until it is
15	or school district in which the	15	filled by election as provided
16	vacancy occurs, until it is	16	by law.
17	filled by election as provided	17	
18	by law.	18	

Comment:

- (1) Standardization of language.
- (2) Assessor has now been provided for elsewhere in constitution.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words
- (5) Elements, V, 16--be clear.
- (6) Manual, Rule 6--avoid hackneyed reference words.

Section 15 (b) Provision *Section 1 (1)*

1	(B) The provisions of this	1	(B) Exception. ⁽¹⁾ This Section
2	Section shall apply to all local	2	shall apply to each local govern-
3	governmental subdivisions unless	3	mental subdivision ⁽²⁾ unless other-
4	otherwise provided by the home	4	wise provided by its home ⁽³⁾
5	rule charter or the home rule	5	charter or plan of government. ⁽⁴⁾
6	plan of government of the affect-	6	
7	ed local governmental subdivisions.	7	

Comment:

- (1) Standardization of language.

(2) Manual, Rule 12--singularization.

(3) Manual, Rule 5--substitute a word for phrase.

(4) Standardization of language.

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SECTION 16 ~~Increases~~

~~Section 14~~

1 Section 16. Legislation Increas-
2 ing Financial Burden of
3 Political Subdivisions; Local
4 Approval

5 Section 16. No law requiring an
6 increase in expenditures for wages,
7 hours, working conditions, pension
8 and retirement benefits, vacation
9 or sick leave benefits of political
10 subdivision employees, except a law
11 providing for civil service, min-
12 imum wages, working conditions, and
13 retirement benefits for firemen and
14 municipal policemen, shall have
15 effect until approved by ordinance
16 enacted by the governing authority
17 of the political subdivision affect-
18 ed thereby or until the legislature
19 appropriates funds to the affected
20 political subdivision for that
21 purpose and only to the extent and
22 amount that such funds are provided.
23 Nothing in this Section shall be
24 construed as applying to parish and

1
2 Section 14. Increasing
3 Financial Burden of
4 Political Subdivisions
5 Section 14. No law requiring
6 increased expenditures for wages,
7 hours, working conditions, pension
8 and retirement benefits, vacation,
9 or sick leave benefits of poli-
10 tical subdivision employees,
11 except a law providing for civil
12 service, minimum wages, working
13 conditions, and retirement bene-
14 fits for firemen and municipal
15 policemen, shall become effec-
16 tive until approved by ordinance
17 enacted by the governing author-
18 ity of the affected political
19 subdivision or until the legis-
20 lature appropriates funds for
21 the purpose to the affected
22 political subdivision and only
23 to the extent and amount that
24 such funds are provided. This

25 municipal school boards.

26

25 Section shall not apply to a

26 school board. (6)

Comment:

- (1) Manual, Rule 5--substitute word for phrase.
- (2) Manual, Rule 20, Elements, I, 2--commas in series.
- (3) Formalization of language.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Elements, II, 16--keep related words together.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 12--singularization.

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Section 17 *Elements* *Section 15*

<p>1 Section 17. Governing Authorities of Local Governmental Subdivisions; Control Over Agencies They Create</p> <p>2 ties of Local Governmental</p> <p>3 Subdivisions; Control Over</p> <p>4 Agencies They Create</p> <p>5 Section 17. The governing authority of a local governmental subdivision shall have general power over any agency heretofore or hereafter created by it, including, without limitation, the power to abolish any such agency and to require prior approval of any charge or tax levied, or bond issued by such agency.</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p>	<p>Section 15. Local Governmental Subdivisions; Control Over Agencies</p> <p>Section 15. The governing authority of a local governmental subdivision shall have general power over any agency heretofore or hereafter created by it, including, without limitation, the power to abolish the agency and require prior approval of any charge or tax levied, or bond issued by the agency.</p>
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Comment:

- (1) Manual, Rule 6--avoid hackneyed reference words.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Section 13 (A) Consolidation

Section 16 (A) Consolidation

1 Section 13. Special Districts
 2 and Local Public Agencies;
 3 Consolidation, Merger, and
 4 Assumption of Debt

5 Section 18. (A) Any local
 6 governmental subdivision may conso-
 7 lidate and merge into itself any
 8 special district or local public
 9 agency, except a school district,
 10 situated and having jurisdiction
 11 entirely within the boundaries of
 12 such local governmental subdivi-
 13 sion. Upon such merger and conso-
 14 lidation the local governmental
 15 subdivision shall succeed to and
 16 be vested with all of the rights,
 17 revenues, resources, jurisdiction,
 18 authority, and powers of such special
 19 district or local public agency. No
 20 such merger and consolidation shall
 21 take effect unless a majority of
 22 the electors voting thereon in the
 23 local governmental subdivision as a
 24 whole and also a majority of the
 25 electors voting thereon in the
 26 affected special district vote in
 27 favor of such proposition. No such
 28 action involving a local public
 29 agency shall take effect unless a

1 Section 16. Special Districts
 2 and Local Public Agencies

3 Section 16. (A) Consolidation.
 4 A local governmental subdivision may
 5 consolidate and merge into itself
 6 any special district or local public
 7 agency, except a school district,
 8 situated and having jurisdiction ⁽¹⁾
 9 entirely within the boundaries of the
 10 local governmental subdivision. Upon
 11 the consolidation and merger, ⁽²⁾ the ⁽³⁾
 12 local governmental subdivision shall
 13 succeed to and be vested with all of the
 14 rights, revenues, resources, jurisd-
 15 iction, authority, and powers of ⁽⁴⁾
 16 the special district or local public
 17 agency. A consolidation and merger ⁽⁵⁾
 18 shall become effective only if
 19 approved by a majority of the elec-
 20 tors voting thereon in the local
 21 governmental subdivision as a whole
 22 and by a majority of the electors
 23 voting thereon in the affected spe-
 24 cial district. A local public agency ⁽⁶⁾
 25 shall be consolidated and merged only
 26 if approved by a majority of the
 27 electors voting thereon in an elec-
 28 tion held for that purpose in the
 29 local governmental subdivision in

30 majority of the electors voting
31 thereon in the local governmental
32 subdivision in which the local
33 public agency is located vote in
34 favor thereof in an election held
35 for that purpose.

30 which the agency is located.
31
32
33
34
35

Section 18 (B) Items Section 18 (B)

Comment:

- (1) Manual, Rule 6--avoid hackneyed reference words.
- (2) Manual, Rules 5, 13 and Elements, II, 13--avoid hackneyed reference words.
- (3) Webster's Rule 4.2.1--comma to separate introductory prepositional phrase.
- (4) Manual, Rule 6--avoid hackneyed reference words.
- (5) Elements, II, 11--put statements in positive form.
- (6) Standardization of language.
- (7) Elements, II, 11--put statements in positive form.

Section 18 (B) Items Section 18 (B)

1 (b) If the special district
2 or local public agency which is
3 consolidated and merged has any
4 outstanding indebtedness, the
5 authority provided for by this
6 Section shall not be exercised

1 (B) Assumption of Debt. If
2 the special district or local public
3 agency which is consolidated and
4 merged has outstanding indebtedness,
5 the authority provided by this Sec-
6 tion shall not be exercised unless

7 unless provision is made for the
8 assumption of such indebtedness
9 by the governing authority or
10 authorities of the local gov-
11 ernmental subdivisions involved.

7 provision is made for the assumption
8 of the ⁽³⁾indebtedness by the governing
9 authority ⁽⁴⁾of the local governmental
10 subdivision involved.

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (2) Ibid.
- (3) Manual, Rule 6--avoid hackneyed reference
words.
- (4) Manual, Rule 12--singularization.

Page 29

Section 19

Section 17

1 Section 19. Land Use, Zoning
2 and Historic Preservation
3 Section 19. Subject to uniform
4 legislatively established procedures,
5 local governmental subdivisions
6 shall have authority (1) to adopt
7 regulations for land use, zoning
8 and historic preservation, which
9 authority is declared to be a public
10 purpose; (2) to create commissions
11 and districts to implement same; (3)
12 to review decisions of any such
13 commissions; (4) and to adopt
14 standards for use, construction,
15 demolition and modification of areas

1 Section 17. Land Use;
2 Zoning; Historic
3 Preservation
4 Section 17. Subject to
5 uniform procedures established
6 by law, ⁽¹⁾a local governmental
7 subdivision ^{(2) (3)}may (1) adopt
8 regulations for land use,
9 zoning, and historic preser-
10 vation, which authority is
11 declared to be a public pur-
12 pose; (2) create commissions
13 and districts to implement
14 those regulations; ⁽⁴⁾(3) review
15 decisions of any such com-

16 and structures. Existing consti-
17 tutional authority for historic
18 preservation districts is retained.

19
20
21
22
23
24

16 mission; and (4) adopt stan-
17 ards for use, construction,
18 demolition, and modification
19 of areas and structures.
20 Existing constitutional autho-
21 rity for historic preservation
22 commissions is retained.

23
24

Comment:

- (1) Formalization of language
- (2) Manual, Rule 12--singularization
- (3) Standardization of language.
- (4) Elements, V, 16--be clear.
- (5) Ibid.

Page 30

1 Section 21. Industrial Areas
2 Section 21. The legislature may
3 authorize parishes to create and
4 define industrial areas within
5 their boundaries in accordance
6 with such procedures and subject
7 to such regulations as the legis-
8 lature shall determine. All
9 industrial areas so created here-
10 after shall include provisions

1 Section 18. Industrial
2 Areas
3 Section 18. (A) Authoriza-
4 tion. The legislature may authorize
5 parishes to create and define indus-
6 trial areas within their boundaries
7 in accordance with procedures and
8 subject to regulations which it de-
9 termines. An industrial area shall
10 not be a political subdivision of

11	for access by public road to any	11	the state.
12	and all entrances to the premises	12	
13	of each and every plant in such	13	
14	area which entrances are provided	14	
15	for use by employees of such	15	
16	company, or for use by employees	16	
17	of independent contractors	17	
18	working on such premises, or for	18	
19	delivery of materials or supplies,	19	
20	other than by rail or water trans-	20	
21	portation, to such premises. Where	21	
22	individual plants provide police	22	
23	protection this protection shall	23	
24	be confined to the premises of	24	
25	each individual plant located in	25	
26	the area. Industrial areas shall	26	
27	not be subdivisions of the state.	27	

Comment:

- (1) Manual, Rule 6--avoid hackneyed reference words.
- (2) Manual, Rule 11--present tense.
- (3) Manual, Rule 12--singularization.

7 of "Manual of Illinois Statutes 1910"

1 All industrial areas so created
 2 hereafter shall include provisions
 3 for access by public road to any
 4 and all entrances to the premises
 5 of each and every plant in such

1 (B) Access by Public Road;
 2 Police Protection. When an indus-
 3 trial area is so created, provision
 4 shall be made for access by public
 5 road to each entrance to the pre-

6 area which entrances are provided
 7 for use by employees of such
 8 company, or for use by employees
 9 of independent contractors
 10 working on such premises, or for
 11 delivery of materials or supplies,
 12 other than by rail or water trans-
 13 portation, to such premises. Where
 14 individual plants provide police
 15 protection this protection shall
 16 be confined to the premises of
 17 each individual plant located in
 18 the area.

6 mises of every plant in the area,
 7 which is provided for use by em-
 8 ployees of the ⁽²⁾ company, or for use
 9 by employees of independent con-
 10 tractors working on the ⁽²⁾ premises,
 11 or for delivery of materials or
 12 supplies, other than by rail or
 13 water transportation, to the ⁽²⁾ pre-
 14 mises. ⁽⁴⁾ Police protection provided
 15 by any plant in an industrial area
 16 shall be confined to the premises
 17 of that plant. ⁽⁴⁾
 18

Comment to Alternative:

- (1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
Manual, Rule 12--singularization;
Webster's, Rule 4.2.1--comma to set off intro-
ductory adverbial clause.
- (2) Elements, V, 16--be clear.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Elements, V, 16--be clear; Manual, Rules 5, 13
and Elements, II, 13--omit needless words.

Section 22 becomes Section 19

1 Section 22. Creation of
 2 Special Districts by
 3 the Legislature; Author-
 4 ity

5 Section 22. Subject to and

1 Section 19. Special
 2 Districts; Creation

5 Section 19. Subject to and

6 not inconsistent with the provi-
7 sions of this constitution, the
8 legislature by general law or by
9 local or special law may create
10 or authorize the creation of
11 special districts, boards,
12 agencies, commissions, and author-
13 ities of every type, define their
14 powers, and grant to the special
15 districts, boards, agencies, com-
16 missions, and authorities so
17 created such rights, powers, and
18 authorities as it deems proper,
19 including, but not limited to,
20 the power of taxation, the power
21 to incur debt and issue bonds.

(1)
6 not inconsistent with this
7 constitution, the legislature
8 by general law or by local or
9 special law may create or author-
10 ize the creation of special dis-
11 tricts, boards, agencies, commis-
12 sions, and authorities of every
13 type, define their powers, and
14 grant to the special districts,
15 boards, agencies, commissions,
16 and authorities so created such
17 rights, powers, and authorities as
18 it deems proper, including, but
19 not limited to, the power of taxa-
20 tion, the power to incur debt and
21 issue bonds.

Comment:

(1) Standardization of language.

1 Section 23. Intergovernmental
2 Cooperation
3 Section 23. Any political
4 subdivision may exercise and per-
5 form any of its authorized powers
6 and functions, including financing,
7 jointly or in cooperation with one
8 or more political subdivisions,
9 either within or without the state,
10 with the United States or agencies

1 Section 20. Intergov-
2 mental Cooperation
3 Section 20. Except as
4 otherwise provided by law, a
5 political subdivision may ex-
6 ercise and perform any authorized
7 power and function, including
8 financing, jointly or in cooper-
9 ation with one or more political
10 subdivisions, either within or

11 thereof, except as the legislature
12 shall provide otherwise by law.

11 without the state, or with the
12 United States or its agencies. ⁽¹¹⁾

Comment:

- (1) Standardization of language.
Manual, Rule 18--place exceptions first when specific.
- (2) Standardization of language.
- (3) Manual, Rule 12--singularization.
- (4) Manual, Rule 6--avoid hackneyed reference words.

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Standardization of language

1 Section 24. Assistance to
2 Local Industry by Political
3 cal Subdivisions; Deep-
4 Water Port Commission, or
5 Deep-Water Port, Harbor,
6 and Terminal Districts
7 Section 24. Subject to such
8 restrictions as it may impose,
9 the legislature may authorize
10 any political subdivision, deep-
11 water port commission, or deep-
12 water port, harbor, and terminal
13 district, in order (1) to induce
14 and encourage the location of or
15 addition to industrial enterprises
16 therein which would have economic
17 impact upon the area and thereby
18 the state, or (2) to provide for

Standardization of language

1 Section 21. Assistance to
2 Local Industry
3 Section 21. (A) 7. Singula-
4 tion. In order to (1) induce and
5 encourage the location of or addi-
6 tion to industrial enterprises
7 therein which would have economic
8 impact upon the area and thereby
9 the state, (2) provide for the
10 establishment and furnishing of
11 such industrial plant, or (3)
12 provide movable or immovable
13 property, or both, for pollution
14 control facilities, the legislature
15 may authorize, subject to restric-
16 tions it may impose, ⁽²⁾ any political
17 subdivision, deep-water port
18 commission, or deep-water

19 the establishment and furnishing
20 of such industrial plant, or (3)
21 to provide movable or immovable
22 property, or both, for pollution
23 control facilities: (a) to issue
24 bonds, subject to the approval
25 of the State Bond Commission, or
26 any successor thereto, and to use
27 the funds derived from the sale
28 thereof to acquire and improve
29 industrial plant sites and other
30 property necessary to the purposes
31 thereof; (b) to acquire, through
32 purchase, donation, exchange, and
33 subject to Article I, Section 4,
34 expropriation, and to improve
35
36
37
38

19 port, harbor, and terminal
20 district to
21 (a) issue bonds, subject to
22 approval by the State Bond
23 Commission or its successor,
24 and use the funds derived from
25 the sale of the bonds to acquire
26 and improve industrial plant
27 sites and other property
28 necessary to the purposes
29 thereof;
30 (b) acquire, through pur-
31 chase, donation, exchange, and
32 (subject to Article I, Section
33 4) expropriation, and
34 improve industrial plant
35 buildings and industrial plant
36 equipment, machinery, furnish-
37 ings, and appurtenances; and
38

Section 24 becomes Section 2. (1), (3), (-)

1 industrial plant buildings and
2 industrial plant equipment,
3 machinery, furnishings, and
4 appurtenances; and (c) to sell,
5 lease, lease-purchase, or
6 demolish all or any part of
7 the foregoing.

1 (c) sell, lease, lease-pur-
2 chase, or demolish all or any
3 part of the foregoing.
4 (B) Property Expropriated;
5 Sale to Aliens Prohibited. No
6 property expropriated under the
7 authority of this Section shall

8 No property expropriated
9 under the authority of this
10 Article shall ever, directly
11 or indirectly, be sold or
12 donated to any foreign power,
13 any alien, or any corporation
14 in which the majority of the
15 stock is controlled by any
16 foreign power, alien corporation,
17 or alien.

18 The provisions of this Section
19 shall not apply to school boards.

8 ever, directly or indirectly, be
9 sold or donated to any foreign
10 power, any alien, or any corpora-
11 tion in which the majority of the
12 stock is controlled by any foreign
13 power, alien corporation, or alien.

14 (C) Exception. This
15 Section shall not apply to a
16 school board.⁽⁷⁾

17

18

19

Comment:

- (1) Elements, II, 16--keep related words together.
- (2) Elements, II, 16--keep related words together.
- (3) Standardization of language.
- (4) Manual, Rule 6--avoid hackneyed reference words.
- (5) Elements, V, 16--be clear.
- (6) Ibid.
- (7) Standardization of language.

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SECTION 26 becomes SECTION 2.

1 Section 26. Uniform
2 Procedure for Calling,
3 Conducting, and Canvassing
4 the Returns of Certain
5 Special Elections
6 Section 26. When any election
7 is required to be held in any

1 Section 22. Procedure
2 for Certain Special
3 Elections
4 Section 22. When an election⁽¹⁾
5 is required⁽²⁾ in a political sub-
6 division under⁽³⁾ the provisions
7 of this constitution which

8 political subdivision pursuant
9 to the provisions of this consti-
10 tution which require submission
11 to the electors of any proposition
12 or question, the election shall
13 be called, conducted, and the
14 returns thereof canvassed, in
15 accordance with the procedures
16 established by law pertaining
17 to elections for incurring bonded
18 indebtedness and special taxes
19 relative to local finance, as
20 the same now exists or may here-
21 after be amended, or as may be
22 otherwise provided by the legis-
23 lature.

8 require submission to the electors
9 of a proposition or question, the
10 election shall be called, con-
11 ducted, and the returns thereof
12 canvassed, in accordance with
13 the procedures established by
14 the law then in effect pertaining
15 to elections for incurring bonded
16 indebtedness and special taxes
17 relative to local finance, or
18 as may be otherwise provided by
19 law.

Comment:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (3) Manual, Rule 5--substitute word for phrase.
- (4) Elements, V, 16--be clear.
- (5) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; Manual, Rule 11--
present tense.
- (6) Standardization of language.

SECTION 27 becomes

SECTION 23

1 Section 27. Acquisition of
 2 Property
 3 Section 27. Subject to and not
 4 inconsistent with any provision of
 5 this constitution and subject to
 6 such restrictions as the legisla-
 7 ture may provide by general law,
 8 political subdivisions may acquire
 9 property for any public purpose,
 10 including but not limited to
 11 acquisition by purchase, donation,
 12 expropriation, or exchange.

1 Section 23. Acquisition of
 2 Property
 3 Section 23. Subject to and not
 4 inconsistent with ⁽¹⁾this constitution
 5 and subject to ⁽²⁾restrictions pro-
 6 vided by ⁽³⁾general law, political sub-
 7 divisions may acquire property for
 8 any public purpose by purchase,
 9 donation, expropriation, ex-
 10 change, or otherwise. ⁽⁴⁾
 11
 12

Comment:

- (1) Standardization of language.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Standardization of language.
- (4) Manual, Rule 5--substitute word for phrase.

SECTION 28 becomes

SECTION 24

1 Section 28. Servitudes of Way;
 2 Acquisition by Prescription
 3 Section 28. The public, repre-
 4 sented by the various local govern-
 5 mental subdivisions, may acquire
 6 servitudes of way by prescription

1 Section 24. Servitudes of
 2 Way; Acquisition by Prescrip-
 3 tion
 4 Section 24. The public, repre-
 5 sented by ⁽¹⁾local governmental sub-
 6 divisions, may acquire servitudes

7 in the manner prescribed by law.

8

7 of way by prescription in the

8 manner prescribed by law.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

SECTION 29 becomes SECTION 25

8 Section 29. Prescription Against

9 State

10 Section 29. Prescription shall

11 not run against the state in any

12 civil matter, unless otherwise

13 provided in this constitution or

14 expressly by law.

8 Section 25. Prescription

9 Against State

10 Section 25. Prescription shall

11 not run against the state in any

12 civil matter, unless otherwise

13 provided in this constitution or

14 expressly by law.

Comment:

No change.

SECTION 8 (b)
and
SECTION 9 (c)

become

SECTION 26

3 Notwithstanding any provi-

4 sion of this Article to the con-

5 trary, the courts and their officers

6 may be established or affected

1 Section 26. Courts Not

2 Affected

3 Section 26. Notwithstanding

4 any provision of this Article, (1)

5 courts and their officers may be

6 established or affected only as

7 only as provided in Article V of
8 this constitution.

7 provided in Article V of this
8 constitution.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

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SECTION 31 (A) becomes SECTION 27 (A)

PART II. FINANCE

PART II. FINANCE

1 Section 31. Parish Tax
2 Limits; Increase; With-
3 drawal of Municipality
4 from Parish Taxing Authori-
5 ty
6 Section 31. (A) The govern-
7 ing authority of each parish may
8 levy an ad valorem tax for general
9 purposes, in an amount not to
10 exceed in any one year, four mills
11 on the dollar of assessed valuation.
12 However, in Orleans Parish the
13 limitation shall be seven mills
14 and in Jackson Parish the limita-
15 tion shall be five mills. Millage
16 rates may be increased in any
17 parish when approved by a majority

1 Section 27. Parish Ad
2 Valorem Tax
3 Section 27. (A) Parish
4 Tax for General Purposes; Millage
5 Limits; Increase. The governing
6 authority of a ⁽¹⁾ parish may levy
7 annually ⁽²⁾ an ad valorem tax for
8 general purposes ⁽³⁾ not to exceed
9 four mills on the dollar of
10 assessed valuation. However, in
11 Orleans Parish the limitation
12 shall be seven mills ⁽⁴⁾ and in
13 Jackson Parish the limitation
14 shall be five mills. Millage
15 rates may be increased in any parish
16 when approved by a majority of the
17 electors voting thereon in an ⁽⁵⁾

18 of the electors who vote in an
19 election held for that purpose.
20

18 election held for that purpose.
19
20

Comment:

- (1) See Webster's definitions--meaning in context identical; Manual, Rule 5--use short words.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Webster's, Rule 4.2.3--comma to separate clauses joined by coordinating conjunction.
- (5) Standardization of language.

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Section 31(B) becomes Section 21(C)

1 (B) When the millage increase
2 is for other than general purposes,
3 the proposition shall state the
4 specific purpose or purposes for
5 which the tax is to be levied, the
6 length of time the tax is to remain
7 in effect, and all proceeds of the
8 tax shall be used solely for the
9 purpose or purposes set forth in
10 the proposition.
11

1 (B) Millage Increase Not for
2 General Purposes. When the millage
3 increase is for other than general pur-
4 poses, the proposition shall state
5 the specific purpose or purposes
6 for which the tax is to be levied
7 and the length of time the tax is
8 to remain in effect. ⁽¹⁾ All proceeds
9 of the tax shall be used solely
10 for the purpose or purposes set
11 forth in the proposition.

Comment:

- (1) Manual, Rule 10--short sentences.

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Section 31 (C) becomes

Section 21 (C)

1 (C) The amount of the parish
 2 tax for general purposes which
 3 any parish, except the parish
 4 of Orleans, may levy, without
 5 a vote of the electors, on
 6 property located wholly within
 7 any municipality, which has a
 8 population in excess of one
 9 thousand inhabitants according
 10 to the last federal decennial
 11 census, or such other census
 12 as may be provided for by law,
 13 and which provides and maintains
 14 a system of street paving, shall
 15 not exceed one-half the tax levy
 16 for general purposes.

1 (C) Parish Tax in Municipality.
 2 The amount of the parish tax for
 3 general purposes which any parish,
 4 except ⁽¹⁾ Orleans Parish, may levy,
 5 without a vote of the electors,
 6 on property located wholly
 7 within any municipality which has ⁽²⁾
 8 a population in excess of one
 9 thousand inhabitants according
 10 to the last federal decennial ⁽³⁾
 11 census, or other census authorized ⁽⁴⁾
 12 by law, and which provides and
 13 maintain. a system of street
 14 paving, shall not exceed one-
 15 half the tax levy for general
 16 purposes.

Comment:

- (1) Manual, Rule 5--substitute word for phrase.
- (2) Webster's, Rule 4.4.1--omit needless commas.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Manual, Rule 5--substitute word for phrase.

Section 31 (D) becomes

Section 21 (D)

1 (D) This Section shall not
 2 be construed to repeal or
 3 affect the withdrawal of pro-
 4 perty in a municipality from

1 (D) Withdrawal from Parish
 2 Taxing Authority. This Section
 3 shall not ⁽¹⁾ affect the withdrawal
 4 of property in a municipality

5 parochial taxing jurisdiction,
6 in whole or in part, by a
7 provision of the legislative
8 charter of the municipality
9 in effect on the date of
10 adoption of this constitution.

5 from parish taxing authority⁽²⁾,
6 in whole or in part, by a pro-
7 vision of the legislative charter
8 of a municipality in effect on
9 the effective date⁽³⁾ of this
10 constitution.

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (2) Standardization of language.
- (3) Ibid.

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Section 32 (A) became Section 28 (A)

1 Section 31. Municipal Tax
2 Limited; increase
3 Section 32. (A) The governing
4 authority of each municipality
5 may levy an ad valorem tax for
6 general purposes, in an amount
7 not to exceed in any one year,
8 seven mills on the dollar
9 assessed valuation; provided
10 that where any municipality
11 is, by its charter or by law,
12 exempt from payment of parish
13 taxes or, under legislative
14 authority, maintains its own
15 public schools, it may levy
16 an annual tax not to exceed

1 Section 28. Municipal
2 Ad Valorem Tax
3 Section 28. (A) Municipal
4 Tax for General Purposes; Millage
5 Limits; Increase. The governing
6 authority of a municipality⁽¹⁾ may
7 levy annually an ad valorem⁽²⁾
8 tax for general purposes not to
9 exceed seven mills on the dollar
10 of assessed valuation. However,
11 if a municipality⁽¹⁾, by its charter
12 or by law, is exempt from pay-
13 ment of parish taxes or, under
14 legislative or constitutional⁽¹⁾
15 authority, maintains its own
16 public schools, it may levy an

17 ten mills of the dollar of
18 assessed valuation. Millage
19 rates may be increased in any
20 municipality when approved by
21 a majority of the electors
22 who vote in an election held
23 for that purpose.

17 annual tax not to exceed ten
18 mills on the dollar of assessed
19 valuation. Millage rates may be
20 increased in any municipality when
21 approved by a majority of the electors
22 voting thereon in an election held for
23 that purpose.

Comment:

- (1) Standardization of language; Elements II, 15--parallelism.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Webster's, Rule 4.4.1--omit needless commas.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Elements, II, 15--parallelism.
- (5) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (6) Elements, II, 16--keep related words together.
- (7) Elements, V, 16--be clear.
- (8) Ibid.
- (9) Standardization of language.

Section 52 (c) General Provision

1 (B) When the millage increase
2 is for other than general purposes,
3 the proposition shall state the
4 specific purpose or purposes for
5 which the tax is to be levied,
6 the length of time the tax is to
7 remain in effect, and all proceeds
8 of the tax shall be used so

1 (B) Millage Increase Not For
2 General Purposes. When the millage
3 increase is for other than general
4 purposes, the proposition shall state
5 the specific purpose or purposes
6 for which the tax is to be levied
7 and the length of time the tax is to
8 remain in effect. (1) All proceeds of

9 for the purpose or purposes set
10 forth in the proposition.
11

9 the tax shall be used solely for the
10 purpose or purposes set forth in the
11 proposition.

COMMENT:

(1) Manual, Rule 10 -short sentences; Elements, II,
15--parallelism.

SECTION 32 (C) becomes SECTION 29(C)

11 (C) This Section shall not
12 apply to the city of New Orleans.
13

11 (C) Exception. This
12 Section shall not apply to the
13 city of New Orleans.

Comment:

No change.

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SECTION 33 becomes SECTION 29

1 Section 33. Local Govern-
2 mental Subdivision; Oc-
3 cupational License Tax;
4 Limitations

5 Section 33. Local govern-
6 mental subdivisions may impose
7 an occupational license tax in
8 an amount not greater than that
9 imposed by the state. However,
10 those who pay municipal occupa-
11 tional license taxes shall be
12 exempt from parish occupation-
13 al license taxes to the extent
14 of the municipal tax. Local

1 Section 29. Local Governmental
2 Subdivisions; Occupational
3 License Tax

4 Section 29. ⁽¹⁾The governing
5 authority of a local governmental
6 subdivision may impose an occupa-
7 tional license tax ⁽²⁾not greater than
8 that imposed by the state. Those who
9 pay a municipal occupational
10 license tax shall be exempt from
11 a parish occupational license tax ⁽³⁾
12 in the amount ⁽⁴⁾of the municipal tax.
13 ⁽⁵⁾The governing authority of a local
14 governmental subdivision may impose ⁽⁶⁾

<p>15 governmental subdivisions may 16 impose an occupational license 17 tax in an amount greater than 18 that imposed by the state when 19 so authorized by an act passed 20 by at least a two-thirds vote 21 of the elected membership of 22 each house of the legislature.</p>	<p>15 an occupational license tax ⁽⁷⁾ greater 16 than that imposed by the state 17 when authorized by law enacted by ⁽⁸⁾ 18 the favorable vote of two-thirds ⁽¹⁰⁾ 19 of the elected members of each 20 house of the legislature. 21 22</p>
--	--

Comment:

- (1) Elements, V, 16--be clear.
- (2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (3) Manual, Rule 12--singularization.
- (4) Elements, V, 16--be clear.
- (5) Ibid.
- (6) Manual, Rule 12--singularization.
- (7) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words; Elements, II, 15--parallelism.
- (8) Ibid.
- (9) Standardization of language.
- (10) Ibid.

Section 34 (A) increase Section 30 (A) (1)

<p>1 Section 34. Local Governmental 2 Subdivisions and School 3 Boards; Sales Tax Author- 4 ized; Limitations; Exemp- 5 tions; Protection of 6 Existing Sales Tax Author- 7 izations and the Security</p>	<p>1 Section 30. Local Governmental 2 Subdivisions and School 3 Boards; Sales Tax 4 Section 30. (A) Sales Tax 5 Authorized. Except as otherwise 6 authorized in a home rule charter 7 as provided for in Section 4 of ⁽¹⁾</p>
---	--

8 of Outstanding Bonds

9 (A) Except as otherwise author-

10 ized in a home rule charter as

11 provided for in Section 7 of this

12 Article, any local governmental

13 subdivision or school board may

14 levy and collect a tax upon the

15 sale at retail, the use, the lease

16 or rental, the consumption and

17 storage for use or consumption of

18 tangible personal property and on

19 sales of services as defined by

20 law, if approved by a majority

21 of the electors who vote in an

22 election held for that purpose.

23 The rate thereof, when combined

24 with the rate of all other

25 presently imposed or future

26 sales and use taxes, exclusive

27 of state sales and use taxes,

28 levied and collected within any

29 local governmental subdivision,

30 shall not exceed three percent;

31 however, the legislature may by

32 general or special law, author-

33 ize the imposition of additional

34 sales and use taxes by local

35 governmental subdivisions or school

36 boards, upon approval by the

37 electors thereof as herein provided.

8 this Article, the governing

9 authority⁽¹⁾ of any local governmental

10 subdivision or school board may

11 levy and collect a tax upon the

12 sale at retail, the use, the lease

13 or rental, the consumption⁽²⁾ and⁽³⁾

14 the storage for use or consumption⁽⁴⁾,

15 of tangible personal property and

16 on sales of services as defined

17 by law, if approved by a majority

18 of the electors voting thereon in⁽⁵⁾

19 an election held for that purpose.

20 The rate thereof, when combined

21 with the rate of all other sales⁽⁶⁾

22 and use taxes, exclusive of state

23 sales and use taxes, levied and

24 collected within any local govern-

25 mental subdivision, shall not exceed

26 three percent.

27 (B) Additional Sales Tax

28 Authorized. However, the legis-

29 lature⁽⁷⁾ by general or by local or

30 special law, may authorize the

31 imposition of additional sales and

32 use taxes by local governmental

33 subdivisions or school boards, if

34 approved by a majority of the

35 electors voting thereon in an⁽⁸⁾

36 election held for that purpose.⁽⁹⁾

37 (C) Public Security. Nothing

Section 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Comment:

- (1) Section number changed to conform to re-numbering.
- (2) Elements, V, 16--be clear.
- (3) Manual, Rule 20 and Elements, I, 2--commas in series.
- (4) Webster's, Rule 4.4.2--comma inserted to prevent ambiguity.
- (5) Standardization of language.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) Standardization of language.
- (8) Ibid.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (10) Standardization of language.
- (11) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (12) Elements, V, 16--be clear.

Section 35 (1) becomes Section 31

1 (B) Except where local boards
2 connection therewith have been
3 authorized, the legislature may
4 uniformly exempt or exclude any
5 goods, tangible personal property,
6 or services from sales or use
7 taxes levied by local governmental
8 subdivisions, school boards, and
9 the state.

1 (U) Except where local boards
2 of Boards. Except where local
3 secured thereby (1) have been authorized,
4 the legislature may uniformly
5 exempt or exclude any goods, tangible
6 personal property, or services from
7 sales or use taxes levied by local
8 governmental subdivisions, school
9 boards, and the state.

10

10

Comment:

(1) Elements, V, 16--be clear.

P. 116

SECTION 35 becomes SECTION 31

1 Section 35. Political Sub-
2 divisions; Taxing Power;
3 Limitations
4 Section 35. Political sub-
5 divisions may exercise the power
6 of taxation, subject to such
7 limitations as may be elsewhere
8 provided in the constitution, under
9 authority granted to them by the
10 legislature for parish, municipal,
11 and local purposes, strictly public
12 in their nature. The provisions

1 Section 31. Political
2 Subdivisions; Taxing
3 Power
4 Section 31. A political
5 subdivision may exercise the power
6 of taxation, subject to limitations
7 elsewhere provided by this consti-
8 tution, under authority granted
9 by the legislature for parish,
10 municipal, and other local purposes,
11 strictly public in their nature.
12 This Section shall not affect

13 of this Section shall not apply to, 13 similar grants to political sub-
 14 nor affect, similar grants to such 14 divisions under self-operative⁽⁹⁾
 15 political subdivisions under other 15 sections of this constitution.
 16 sections of this constitution which 16
 17 are self-operative. 17
 18 18

Comment:

- (1) Manual, Rule 12--singularization.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Standardization of language.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Elements, V, 16--be clear.
- (7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (8) Manual, Rule 6--avoid hackneyed reference words.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 36 (A) Taxes Section 32

<p>1 Section 36. Special Taxes; Rati- 2 fied 3 Section 36. (A) Any special tax 4 being levied by any political subdi- 5 vision under prior laws or under the 6 1921 Louisiana Constitution, as 7 amended, when this constitution is</p>	<p>1 Section 32. Special Taxes; 2 Ratification 3 Section 32. Any 4 special tax being levied by a⁽¹⁾ 5 political subdivision under 6 prior legislative or constitu- 7 tional authority⁽²⁾ on the effective</p>
--	---

8 adopted is hereby confirmed and
9 ratified.

(3)
8 date of this constitution is (4)
9 ratified.

Comment:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (3) Standardization of language.
- (4) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

Section 36 (B) becomes SECTION 33

10 (B) For the purpose of acquiring,
11 constructing, improving, maintaining
12 and operating any work of public
13 improvement, any political subdivi-
14 sion may levy special taxes when
15 authorized by a majority of the
16 electors in the political subdivision
17 who vote in an election held for that
18 purpose.

10 Section 33. Special Taxes;
11 Authorization. For the purpose
12 of acquiring, constructing,
13 improving, maintaining, (1)
14 or operating any work of public improve-
15 ment, (2) a political subdivision may
16 levy special taxes when authorized
17 by a majority of the electors in
18 the political subdivision who
19 vote thereon in an election held
20 for that purpose. (3)

Comment:

- (1) Elements, V, 16--be clear.
- (2) Standardization of language.
- (3) Ibid.

Section 38 Deleted Name

1 Section 38. Bonds of Political
2 Subdivisions; General Obliga-
3 tions
4 Section 38. The full faith and
5 credit of every political subdivi-
6 sion is hereby pledged to the pay-
7 ment of general obligation bonds
8 issued by it under this constitu-
9 tion or the terms of the statute
10 or proceedings pursuant to which
11 they are issued. The governing
12 authority of the issuing politi-
13 cal subdivision shall levy and
14 collect or cause to be levied
15 and collected on all taxable
16 property in the political subdivi-
17 sion ad valorem taxes fully
18 sufficient to pay principal and
19 interest and redemption premiums,
20 if any, on such bonds as they
21 mature.

becomes

SECTION 34 (A)

See p. 55

SECTION 39 becomes SECTION 34(A)

1 Section 39. Taxpayer Authoriza-
2 tion of Political Subdivision
3 Bonds
4 Section 39. Subject to the

1 Section 34. Political
2 Subdivisions; General
3 Obligation Bonds
4 Section 34. (A) Authori-

5 approval of the State Bond Commis-
6 sion or any successor thereto,
7 general obligation bonds may be
8 issued only after authorization by
9 a vote of a majority of the electors
10 who vote on the proposition at an
11 election in the political subdivi-
12 sion issuing such bonds. Bonds to
13 refund outstanding indebtedness at
14 the same or at a lower effective
15 rate of interest, even though payable
16 solely from ad valorem taxes, need
17 not be so authorized at an election
18 if the indebtedness refunded is paid
19 or cancelled at the time of the
20 delivery of the refunding bonds, or
21 if money, or securities made eligi-
22 ble for such purpose by law, are
23 deposited in escrow in an adequate
24 amount, with interest, to be utilized
25 solely for the purpose of retiring
26 the refunded indebtedness or bonds and
27 paying interest thereon and redemption
28 premiums, if any, to the time of
29 retirement.

5 zation. Subject to approval by ⁽¹⁾
6 the State Bond Commission or its ⁽²⁾
7 successor, general obligation
8 bonds may be issued only after
9 authorization by a majority of
10 the electors voting ⁽³⁾ on the pro-
11 position at an election in the
12 political subdivision issuing
13 the bonds. Bonds to refund ⁽⁴⁾
14 outstanding indebtedness at the
15 same or at a lower effective
16 rate of interest, even though
17 payable solely from ad valorem
18 taxes, need not be authorized ⁽⁵⁾
19 at an election if the indebted-
20 ness refunded is paid or can-
21 celled at the time of the deliv-
22 ery of the refunding bonds, or
23 if money, or securities made
24 eligible for such purpose by
25 law, are deposited in escrow
26 in an adequate amount, with
27 interest, to be utilized solely
28 to retire the refunded indebt- ⁽⁶⁾
29 edness or bonds and to pay ⁽⁷⁾
30 interest thereon and redemption
31 premiums, if any, to the time
32 of retirement.

Section 39 becomes Section 34(A)

Comment:

- (1) Standardization of language.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Standardization of language.
- (4) Manual, Rule 6--avoid hackneyed reference words.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Manual, Rule 5--substitute word for phrase.
- (7) Elements, II, 15--parallelism.

Section 38 becomes Section 34(B)

1 Section 38. Bonds of Political 2 Subdivisions; General Obliga- 3 tions 4 Section 38. The full faith and 5 credit of every political subdivi- 6 sion is hereby pledged to the pay- 7 ment of general obligation bonds 8 issued by it under this constitu- 9 tion or the terms of the statute 10 or proceedings pursuant to which 11 they are issued. The governing 12 authority of the issuing politi- 13 cal subdivision shall levy and 14 collect or cause to be levied	1 (B) Full Faith and Credit. 2 The full faith and credit of 3 a political subdivision is 4 hereby pledged to the payment 5 of general obligation bonds 6 issued by it under this consti- 7 tution or the statute or pro- 8 ceedings pursuant to which they 9 are issued. The governing 10 authority of the issuing poli- 11 tical subdivision shall levy 12 and collect or cause to be 13 levied and collected on all 14 taxable property in the poli-
---	---

15 and collected on all taxable
16 property in the political subdivi-
17 sion ad valorem taxes fully
18 sufficient to pay principal and
19 interest and redemption premiums,
20 if any, on such bonds as they
21 mature.

15 tical subdivision ad valorem
16 taxes ⁽²⁾ sufficient to pay prin-
17 cipal and interest and redemp-
18 tion premiums, if any, on such
19 bonds as they mature.
20
21

SECTION 38 becomes SECTION 34(1)

Comment:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

SECTION 40 becomes SECTION 35

1 Section 40. Limitation on
2 Bonded Indebtedness of
3 Political Subdivisions
4 Section 40. The legislature
5 shall fix the limitation on bond-
6 ed indebtedness payable solely
7 from ad valorem taxes levied by
8 political subdivisions.

1 Section 35. Limitations on
2 Bonded Indebtedness
3 Section 35. The legislature
4 shall fix the limitation on bonded
5 indebtedness payable solely from
6 ad valorem taxes levied by political
7 subdivisions.
8

Comment:

No Change.

SECTION 41 (A) becomes SECTION 36 (A)

1 Section 41. Limited Time for
2 Contesting Bonds of Poli-
3 tical Subdivisions
4 Section 41. (A) For a period
5 of sixty days from the promulga-
6 tion of the result of any elec-
7 tion held for the purpose of
8 incurring or assuming debt,
9 issuing bonds, or levying a tax,
10 any person in interest shall have
11 the right to contest the legality
12 of such election, the bond issue
13 provided for, or the tax author-
14 ized, for any cause after which
15 time no one shall have any cause
16 or right of action to contest the
17 regularity, formality, or legali-
18 ty of said election, tax provi-
19 sions, or bond authorization, for
20 any cause whatsoever. If the
21 validity of any election, tax,
22 debt assumption, or bond issue
23 authorized or provided for, held
24 under the provisions of this
25 Section, is not raised within the
26 sixty days herein proscribed, the
27 authority to incur or assume debt,
28 levy the tax, or issue the bonds,
29 the legality thereof, and the

1 Section 36. Contesting
2 Political Subdivision
3 Bonds
4 Section 36. (A) Contesting
5 Election; Time Limit. For ⁽¹⁾
6 sixty days after ⁽²⁾ promulgation of
7 the result of an ⁽³⁾ election held
8 ⁽⁴⁾ to incur or assume debt, issue
9 bonds, or levy a tax, any person
10 ⁽⁵⁾ in interest may contest the legal-
11 ⁽⁶⁾ ity of the election, the bond
12 issue provided for, or the tax
13 ⁽⁷⁾ authorized, for any cause. After
14 that time no one shall have any
15 cause or right of action to con-
16 test the regularity, formality,
17 ⁽⁸⁾ or legality of the election, tax
18 provisions, or bond authorization,
19 for any cause whatsoever. If the
20 validity of any election, tax,
21 debt assumption, or bond issue
22 ⁽⁹⁾ authorized or provided for
23 is not raised within the sixty
24 ⁽⁹⁾ days, the authority to incur or
25 assume debt, levy the tax, or
26 issue the bonds, the legality
27 thereof, and the taxes and other
28 revenues necessary to pay the
29 same shall be conclusively pre-

30	taxes and other revenues necessary	30	sumed to be valid, and no court
31	to pay the same shall be conclusive-	31	shall have authority to inquire
32	ly presumed to be valid, and no	32	into such matters.
33	court shall have authority to inquire	33	
34	into such matters.	34	

SECTION 41 (A) becomes SECTION 30 (A)

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Manual, Rule 3--make time periods clear.
- (3) Standardization of language.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Standardization of language.
- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (8) Manual, Rule 6--avoid hackneyed reference words.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 41 (B) becomes SECTION 30 (B)

1	(B) Every ordinance or resolu-	1	(B) Contesting Ordinance
2	tion authorizing the issuance of	2	or Resolution; Time Limit.
3	bonds or other debt obligation	3	Every ordinance or resolution
4	by a political subdivision shall	4	authorizing the issuance of
5	be published at least once in the	5	bonds or other debt obligation
6	official journal of the political	6	by a political subdivision

7 subdivision, or if there is none,
8 then in a newspaper having general
9 circulation therein. For a period
10 of thirty days from the date of
11 the publication any person in
12 interest may contest the legality
13 of the ordinance or resolution and
14 of any provision therein made for
15 the security and payment of the
16 bonds. After this time, no one
17 shall have any cause of action to
18 test the regularity, formality,
19 legality, or effectiveness of the
20 ordinance or resolution, and provi-
21 sions thereof for any cause what-
22 ever; and after this time it shall
23 be conclusively presumed that every
24 legal requirement for the issuance
25 of the bonds or other debt obliga-
26 tion, including all things pertain-
27 ing to the election, if any, at
28 which the bonds or other debt obli-
29 gations were authorized, has been
30 complied with, and no court shall
31 have authority to inquire into any
32 such matters after the lapse of
33 this thirty days.

7 shall be published at least
8 once in the official journal of
9 the political subdivision or, ⁽¹⁾ if
10 there is none, ⁽²⁾ in a newspaper
11 having general circulation there-
12 in. For thirty days after the ⁽³⁾
13 date of publication, ⁽⁴⁾ any person ⁽⁵⁾
14 in interest may contest the
15 legality of the ordinance or
16 resolution and of any provision
17 therein made for the security
18 and payment of the bonds. After
19 that time, ⁽⁶⁾ no one shall have
20 any cause of action to test the
21 regularity, formality, legality,
22 or effectiveness of the ordinance
23 or resolution, and provisions
24 thereof for any cause whatever.
25 Thereafter, ⁽⁷⁾ it shall be conclu-
26 sively presumed that every legal
27 requirement for the issuance of
28 the bonds or other debt obli-
29 gation, including all things per-
30 taining to the election, if any,
31 at which the bonds or other
32 debt obligation were author-
33 ized, ⁽⁸⁾ has been complied with.
34 No court shall have author-
35 ity to inquire into any of
36 these matters after the ⁽⁹⁾ ⁽¹⁰⁾
37 thirty days.

SECTION 41 (B) becomes SECTION 34(A)

Comment:

- (1) Webster's, Rule 4.1--pair of commas to set off supplementary clause.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Manual, Rule 3--make time periods clear.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words
- (5) Webster's, Rule 4.2.1--comma to separate introductory prepositional phrase.
- (6) Elements, V, 16--be clear.
- (7) Manual, Rule 5--substitute word for phrase.
- (8) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (9) Manual, Rule 6--avoid hackneyed reference words.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

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SECTION 42(A) becomes SECTION 37(A)

1 Section 42. Local Improvement 2 Assessments 3 Section 42. (A) The legislature 4 shall provide by general law or by 5 local or special law the procedures 6 by which political subdivisions 7 levy and collect local or special 8 assessments on real property, for 9 the purpose of acquiring, construct- 10 ing, or improving works of public 11 improvement.	1 Section 37. Local Improve- 2 ment Assessments 3 Section 37. (A) Authori- 4 zation. The legislature shall 5 provide by general law or by 6 local or special law the proce- 7 dures by which a political 8 subdivision may ⁽¹⁾ levy and collect 9 local or special assessments on 10 real property ⁽²⁾ for the purpose 11 of acquiring, constructing, or
--	--

12

12 improving works of public im-

13

13 provement.

Comment:

(1) Elements, V, 16--be clear; Manual, Rule 12--singularization.

(2) Webster's, Rule 4.4.1--omit needless commas.

SECTION 42 (B) becomes SECTION 37 (B)

1 (B) Certificates of indebt-
2 edness may be issued to cover
3 the cost of any such public im-
4 provement which shall be secured
5 by the pledge of the local or
6 special assessments levied there-
7 for, and may be further secured by
8 the pledge of the full faith and
9 credit of the political subdivi-
10 sion.
11

1 (B) Certificates of Indebt-
2 edness; Security. Certificates
3 of indebtedness may be issued to
4 cover the cost of any such public
5 improvement. (1) They shall be
6 secured by the pledge of the local
7 or special assessments levied
8 therefor and may be further secured
9 by the pledge of the full faith
10 and credit of the political sub-
11 division.

Comment:

(1) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(2) Webster's, Rule 4.4.1--omit needless commas.

SECTION 42 (C) becomes SECTION 37 (C)

11 (C) The provisions of this
12 Section shall not apply to school
13 boards.

11 (C) Exception. This
12 Section shall not apply
13 to a school board. (1)

Comment:

(1) Standardization of language.

SECTION 43 (A) becomes SECTION 38(A)

1 Section 43. Revenue-Producing
2 Property
3 Section 43. (A) The legislature
4 may authorize political subdivi-
5 sions to issue bonds or other
6 debt obligations for the purpose
7 of constructing, acquiring, extend-
8 ing, or improving any revenue-
9 producing public utility or work
10 of public improvement. The bonds
11 or other debt obligations may be
12 secured by mortgage on the lands,
13 buildings, machinery, and equip-
14 ment or by the pledge of the income
15 and revenues of such public utility
16 or work of public improvement and
17 shall not be a charge upon the
18 other income and revenues of the
19 political subdivision.
20

1 Section 38. Revenue-
2 Producing Property
3 Section 38. (A) Authori-
4 zation. The legislature may
5 authorize political subdivi-
6 sions to issue bonds or other
7 debt obligations to ⁽¹⁾ construct,
8 acquire, extend, or improve
9 any revenue-producing public
10 utility or work of public im-
11 provement. The bonds or other
12 debt obligations may be secured
13 by mortgage on the lands, build-
14 ings, machinery, and equipment or
15 by the pledge of the income and
16 revenues of the ⁽²⁾ public utility
17 or work of public improvement.⁽³⁾
18 They shall not be a charge upon
19 the other income and revenues
20 of the political subdivision.

Comment:

- (1) Manual, Rule 5--substitute word for phrase.
- (2) Manual, Rule 6--avoid hackneyed reference words.
- (3) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

SECTION 43 (B) becomes SECTION 38 (B)

1 (B) The provisions of this
2 Section shall not apply to
3 school boards.

1 (B) Exception. This
2 Section shall not apply to a
3 school board. (1)

Comment:

(1) Standardization of language.

SECTION 44 (A) becomes SECTION 39 (A)

PART III. LEVEE DISTRICTS

PART III. LEVEE DISTRICTS

1 Section 44. Levee Districts
2 Section 44. (A) Levee dis-
3 tricts as now organized and
4 constituted shall continue to
5 exist, except that:
6 (1) The legislature may pro-
7 vide for the consolidation, divi-
8 sion, or reorganization of exist-
9 ing levee districts or create new
10 levee districts. However, the
11 members of the boards of com-
12 missioners of districts hereto-
13 fore or hereafter created shall
14 be appointed or elected from resi-
15 dents of such district, as provi-
16 ded by law;

17 (2) Any levee district whose
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1 Section 39. Levee Dis-
2 tricts
3 Section 39. (A) Retention;
4 Reorganization; Consolidation.
5 Levee districts as organized
6 and constituted on January 1,
7 1974 shall continue to exist,
8 except that
9 (1) The legislature may pro-
10 vide by law for the consolidation, divi-
11 sion, or reorganization of
12 existing levee districts or may (3)
13 create new levee districts. How-
14 ever, the members of the board (4)
15 of commissioners of a district (4)
16 heretofore or hereafter created
17 shall be appointed or elected

18 flood control responsibilities
19 are limited to and which is
20 situated entirely within the
21 boundaries of one parish may
22 be merged and consolidated into
23 such parish under the terms and
24 conditions and in the manner
25 provided in Section 18 of this
26 Article. This provision shall
27 be self-operative.

28
29

18 from among ⁽⁵⁾ residents of the ⁽⁶⁾
19 district, as provided by law.
20 (2) A ⁽⁷⁾ levee district whose
21 flood control responsibilities
22 are limited to and which is
23 situated entirely within one ⁽⁸⁾
24 parish may be consolidated and
25 merged into such parish under the
26 terms and conditions and in the
27 manner provided in Section 16 of ⁽⁹⁾
28 this Article. ⁽¹⁰⁾

29

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SECTION 44(A) becomes SECTION 37(A)

Comment:

- (1) Elements, V, 16--be clear.
- (2) See Webster's, Rule 6.1 on uses of colon.
- (3) Elements, II, 15--parallelism.
- (4) Manual, Rule 12--singularization.
- (5) Elements, V, 16--be clear.
- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Standardization of language.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (9) Section numbers changed to conform with suggested renumbering.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 44 (B) becomes SECTION 39 (B)

1 (B) No action taken here-
2 under shall impair the obli-
3 gation of any outstanding
4 bonded indebtedness or of any
5 other contract of such levee
6 district.

1 (B) Obligation of Contract.
2 Affirmed. No action taken under ⁽¹⁾ this
3 Section shall impair the obligation
4 of ⁽²⁾ outstanding bonded indebtedness
5 or of any other contract of a ⁽³⁾ levee
6 district.

Comment:

- (1) Manual, Rule 6--avoid hackneyed reference words.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Manual, Rule 6--avoid hackneyed reference words.

SECTION 45 (A) becomes SECTION 40 (A)

1 Section 45. District Taxes;
2 Increase in Tax to Raise
3 Additional Funds
4 Section 45. (A) For the
5 purpose of constructing and
6 maintaining levees, levee
7 drainage, flood protection,
8 hurricane flood protection, and
9 for all other purposes incident-
10 al thereto, the governing au-
11 thority of each district, may
12 levy annually a tax not to
13 exceed five mills on the asses-
14 sed valuation, except the Board

1 Section 40. Levee District
2 Taxes
3 Section 40. (A) District Tax;
4 Millage Limit. For the purpose
5 of constructing and maintaining
6 levees, levee drainage, flood
7 protection, hurricane flood pro-
8 tection, and for all other purposes
9 incidental thereto, the governing
10 authority of a levee district ⁽¹⁾
11 may levy annually a tax not to
12 exceed five mills, ⁽²⁾ except the
13 Board of Levee Commissioners of
14 the Orleans Levee District which

15 of Levee Commissioners of the
16 Orleans Levee District which
17 may levy annually a tax not to
18 exceed two and one-half mills
19 on the assessed valuation of all
20 taxable property situated within
21 the alluvial portions of said
22 district subject to overflow.

15 may levy annually a tax not to
16 exceed two and one-half mills,
17 on the dollar of the assessed
18 valuation of all taxable pro-
19 perty situated within the
20 alluvial portions of the district
21 subject to overflow.
22

Comment:

- (1) Webster's, Rule 4.4.1--omit needless commas.
- (2) Elements, V, 16--be clear.

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SECTION 45 (B) becomes SECTION 40(B)

1 (B) Should the necessity
2 to raise additional funds
3 arise in any levee district
4 for any of the purposes here-
5 in set forth, or for any
6 other purpose related to its
7 authorized powers and func-
8 tions which may be specified
9 by the legislature, the tax
10 herein authorized may be
11 increased. However, before
12 taking effect, the necessity
13 for the increase and the rate
14 thereof shall be submitted to

1 (B) Millage Increase. If the
2 necessity to raise additional funds
3 ⁽¹⁾arises in any levee district for
4 ⁽²⁾any purpose set forth in Paragraph
5 ⁽³⁾(A), or for any other purpose
6 related to its authorized powers
7 and functions as ⁽⁴⁾specified by the
8 legislature, the tax may be in-
9 ⁽⁵⁾creased. However, the necessity
10 and the rate of the increase
11 shall be submitted to the elect-
12 ors of the district, and the
13 tax increase shall take effect
14 only if approved by a major-

15 the electors of such district
16 and no increase in taxes shall
17 occur unless a majority of the
18 electors in such district who
19 vote in the election herein-
20 above provided for vote in
21 favor thereof.

15 ity of the electors voting
16 thereon in an election held
17 for that purpose. ⁽⁶⁾
18
19
20
21

COMMENT:

- (1) Manual, Rule 11--indicative mood.
- (2) Manual, Rule 12--singularization.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words
- (6) Standardization of language; Elements, II, 11--put statements in positive form; Manual, Rules 5, 13, and Elements, II, 13--omit needless words.

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SECTION 46 (A) becomes SECTION 41 (A)

1 Section 46. Bond Issues
2 Section 46. (A) Subject
3 to the approval of the State
4 Bond Commission or any suc-
5 cessor thereto, the govern-
6 ing body of any levee district
7 may fund the avails of said
8 taxes or other revenues into

1 Section 41. Bond Issues
2 Section 41. (A) Author-
3 ization. Subject to approval
4 by the State Bond Commission or
5 its successor, the governing
6 authority of a levee district
7 may fund the proceeds of its
8 taxes or other revenues into

9 bonds, or other evidences of
10 indebtedness, the proceeds
11 thereof to be used for the
12 purposes mentioned in this
13 Article or for the funding or
14 payment of any outstanding in-
15 debtedness.

9 bonds or other evidences of in-
10 debtedness. Proceeds thus
11 derived shall be used for the
12 purposes mentioned in Part III^(p)
13 of this Article or for the fund-
14 ing or payment of any outstanding
15 indebtedness.

Comment:

- (1) Standardization of language.
- (2) Ibid.
- (3) Ibid.
- (4) Elements, V, 16--be clear.
- (5) Ibid.
- (6) Ibid.

SECTION 46 (B) becomes 4 (B)

1 (B) Bonds issued under
2 the authority of the fore-
3 going provision shall be sold
4 in accordance with applicable
5 provisions of the Louisiana
6 Revised Statutes relating to
7 the issuance of bonds by levee
8 districts.

1 (B) Sale. Bonds issued under
2 the authority of Paragraph (A)⁽¹⁾ shall
3 be sold as provided by law⁽²⁾
4 concerning the issuance of bonds
5 by levee districts.
6
7
8

Comment:

- (1) Manual, Rule 6--avoid hackneyed reference words.
- (2) Standardization of language.

SECTION 48 becomes SECTION 42:

1 Section 48. Cooperation with
2 Federal Government
3 Section 48. All governing
4 authorities of levee districts
5 which have been, or may be
6 created, are authorized to
7 cooperate with the federal
8 government in the construction
9 and maintenance of the levees
10 in this state, on such terms
11 and conditions as may be
12 provided by the federal authori-
13 ties and accepted by the levee
14 districts.

1 Section 42. Cooperation with
2 Federal Government
3 Section 42. The governing
4 authority of any levee district⁽¹⁾
5 may⁽²⁾ cooperate with the federal
6 government in constructing and
7 maintaining⁽³⁾ levees in this state,
8 under terms and conditions provided
9 by the federal authorities and
10 accepted by the governing authority.⁽⁴⁾
11
12
13
14

Comment:

- (1) Manual, Rule 12--singularization.
- (2) Standardization of language.
- (3) Manual, Rule 5--substitute word for phrase.
- (4) Elements, V, 16--be clear.

SECTION 49(A) becomes 43 (A)

1 Section 49. Compensation for
2 Property Used or Destroy-
3 ed; Tax
4 Section 49. (A) Notwithstand-
5 ing any other provision of this
6 constitution, lands and improve-

1 Section 43. Compensation
2 for Property Used or
3 Destroyed; Tax
4 Section 43. (A) Notwith-
5 standing⁽¹⁾ any contrary provision
6 of this constitution, lands and

7 ments thereon hereafter actually
8 used or destroyed for levees or
9 levee drainage purposes shall be
10 paid for as provided by law; and
11 provided further, nothing con-
12 tained in this Paragraph with
13 respect to compensation for lands
14 and improvements shall apply to
15 batture or to property the con-
16 trol of which is vested in the
17 state or any political subdivi-
18 sion thereof for the purpose of
19 commerce.

7 improvements thereon hereafter
8 actually used or destroyed for
9 levees or levee drainage purposes
10 shall be paid for as provided by
11 law. However, nothing contained
12 in this Paragraph with respect
13 to compensation for lands and
14 improvements shall apply to
15 batture or to property the
16 control of which is vested in
17 the state or any political sub-
18 division for the purpose of
19 commerce. If the district has
20 no other funds or resources from
21 which the payment can be made,
22 it shall levy on all taxable
23 property within the district
24 a tax sufficient to pay for
25 property used or destroyed to
26 be used solely in the district
27 where collected.

Comment:

- (1) Standardization of language.
- (2) Elements, V, 16--be clear.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Manual, Rule 6--avoid hackneyed reference words.
- (6) Webster's, Rule 4.4.1--omit needless commas.
- (7) Manual, Rule 5, 13 and Elements, II, 13--omit needless words.

(8) Manual, Rule 6--avoid hackneyed reference words.

(9) Manual, Index 5, 13 and Elements, II, 13--omit needless words.

SECTION 49 (B)

1 (B) If the district has no 1
2 other funds or resources out of 2
3 which such payment can be made, 3
4 it shall levy, on all taxable 4
5 property situated within the 5
6 district, a tax sufficient to 6
7 pay for said property so used 7
8 or destroyed to be used solely 8
9 in the district where collected. 9

Consolidated into
SECTION 43 (F)

SECTION 49 (C) becomes SECTION 43 (B)

10 (C) Nothing contained in
11 this Section shall prevent the
12 appropriation of said property
13 before payment.

10 (B) Appropriation. Nothing⁽¹⁾
11 in this Section shall prevent
12 the appropriation of such property⁽²⁾
13 before payment.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Standardization of language.

SECTION 50 becomes SECTION 44

PART IV. PORTS

PART IV. PORT COMMISSIONS

AND DISTRICTS

1 Section 50. Ports

2 Section 50. All deep-water

3 port commissions and all deep-

4 water port, harbor, and terminal

5 al districts as they are now

6 organized and constituted,

7 including their powers and

8 functions, structure and or-

9 ganization, and territorial

10 jurisdiction, are ratified and

11 confirmed and shall continue

12 to exist, except that:

13 (A) The legislature may

14 grant additional powers and

15 functions to any such commis-

16 sion or district and may create

17 new port commissions or port,

18 harbor, and terminal districts;

19 (B) The legislature may conso-

20 lidate or abolish any such com-

21 mission or district or may dim-

22 inish, reduce, or withdraw from

23 any such commission or district

24 any of its powers and functions

25 and may affect the structure and

26 organization, distribution, and

27 redistribution of the powers

1 Section 44. Port Commi-

2 sions and Districts

3 Section 44. All deep-

4 water port commissions and all

5 deep-water port, harbor, and

6 terminal districts as ⁽¹⁾organized

7 and constituted on January 1, ⁽⁷⁾

8 1974, including their powers

9 and functions, structure and

10 organization, and territorial

11 jurisdiction, are ratified

12 and confirmed and shall con-

13 tinue to exist, except that ⁽²⁾

14 (1) The legislature

15 may grant additional powers

16 and functions to any such commission

17 or district and may create new

18 port commissions or port, harbor,

19 and terminal districts.

20 (2) Only by law enacted

21 by the favorable vote of two-

22 thirds of the elected members of

23 each house, ⁽³⁾ may the legislature

24 consolidate or abolish any such

25 commission or district or diminish,

26 reduce, or withdraw from any such

27 commission or district any of its

28 and functions of any such com-
29 mission or district, including
30 additions or reductions of its
31 territorial jurisdiction, only
32 by act passed by a favorable
33 vote of at least two-thirds of
34 the elected membership of each
35 house;

28 powers and functions and affect the
29 structure and organization, distri-
30 bution, and redistribution of the
31 powers and functions of any such
32 commission or district, including
33 additions to or reductions of its
34 territorial jurisdiction.
35

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SECTION 50 becomes SECTION 44

1 (C) The legislature shall
2 make provisions with respect to
3 the membership of the herein
4 provided commissions. Once the
5 membership is established it
6 may be changed only upon a two-
7 thirds vote of the elected mem-
8 bers of each house of the legis-
9 lature.

1 (3) The legislature shall
2 enact laws with respect to the
3 membership of the commissions
4 provided in this Section.⁽⁶⁾ Once
5 the law with respect to member-
6 ship is enacted,⁽⁷⁾ it may be changed
7 only by the favorable vote of⁽⁹⁾
8 two-thirds of the elected members
9 of each house.

Comment:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) See Webster's, Rule 6.1 on uses of colon.
- (3) Standardization of language; Webster's, Rule 4.2.1--commas after introductory prepositional phrases.
- (4) Elements, II, 15--parallelism.
- (5) Standardization of language.

- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Elements, V, 16--be clear.
- (8) Webster's, Rule 4.2.1--comma to separate introductory clause.
- (9) Standardization of language.

SECTION 51 becomes SECTION 45

PART V. DEFINITIONS

PART V. DEFINITIONS

1 Section 51. Terms Defined
 2 Section 51. As used in this
 3 Article:
 4 (1) "Local governmental sub-
 5 division" means any parish or
 6 municipality;
 7 (2) "Political subdivision"
 8 means parishes and municipali-
 9 ties, and any other unit of
 10 local government, including
 11 school boards and special
 12 districts, authorized by law
 13 to perform governmental func-
 14 tions;
 15 (3) "Municipality" means
 16 all incorporated cities, towns,
 17 and villages;
 18 (4) "Governing authority"
 19 means the body which exercises
 20 the legislative functions of

1 Section 45. Terms Defined
 2 Section 45. As used in
 3 this Article:
 4 (1) "Local governmental
 5 subdivision" means any parish
 6 or municipality.
 7 (2) "Political subdivision"
 8 means a parish, municipality, and
 9 any other unit of local government,
 10 including a school board and a
 11 special district⁽¹⁾, authorized by
 12 law to perform governmental
 13 functions.
 14 (3) "Municipality" means an⁽²⁾
 15 incorporated city, town, or village.
 16 (4) "Governing authority"
 17 means the body which exercises
 18 the legislative functions of the
 19 political subdivision.
 20 (5) "General law" means a

21 the political subdivision;
22 (5) "General law" means a
23 law of statewide concern enacted
24 by the legislature which is uni-
25 formly applicable to all persons
26 or to all political subdivisions
27 in the entire state or which is
28 uniformly applicable to all
29 persons or to all political sub-
30 divisions within the same class.
31 (6) "General obligation bond"
32 means those bonds, the principal
33 and interest of which are secured
34 by and payable from ad valorem
35 taxes levied without limitation
36 as to rate or amount;

21 law of statewide concern enacted
22 by the legislature which is
23 uniformly applicable to all
24 persons or to all political sub-
25 divisions in the state or which
26 is uniformly applicable to all
27 persons or to all political
28 subdivisions within the same class.

29 (6) "General obligation
30 bonds" means those bonds, the
31 principal and interest of which
32 are secured by and payable from
33 ad valorem taxes levied without
34 limitation as to rate or amount.

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SECTION 51 becomes SECTION 45

1 (7) "Deep-water port commis-
2 sions and deep-water port, harbor,
3 and terminal districts" mean
4 those commissions or districts
5 within whose territorial juris-
6 diction exist facilities capable
7 of accommodating vessels of at
8 least twenty-five feet of draft
9 and of engaging in foreign
10 commerce.

1 (7) "Deep-water port
2 commissions" and "deep-water
3 port, harbor, and terminal
4 districts" mean those commissions
5 or districts within whose ter-
6 ritorial jurisdiction exist
7 facilities capable of accommodating
8 vessels of at least twenty-five
9 feet of draft and of engaging in
10 foreign commerce.

Comment:

- (1) Manual, Rule 12--singularization.
- (2) Ibid.
- (3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (4) "bond" pluralized; verb pluralized for agreement.
- (5) Quotation marks changed to encompass only titles; verbs pluralized for agreement.

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COMMITTEE PROPOSAL NO. 17: FIRST ENROLLMENT

Changes recommended by Committee on Local and Parochial Government and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTIONS AS ADOPTED:
INCORPORATING CHANGES
RECOMMENDED BY COMMITTEE
ON STYLE AND DRAFTING

FURTHER CHANGES RECOMMENDED
BY BOTH COMMITTEES TO CLARIFY
POSSIBLE AMBIGUITIES

1	Section 32. Special Taxes;	1	Section 32. Taxes; Ratifi-
2	Ratification	2	cation
3	Section 32. Any special tax	3	Section 32. Any ⁽¹⁾ tax being
4	being levied by a political	4	levied by a political subdivi-
5	subdivision under prior legisla-	5	sion under prior legislative
6	tive or constitutional authority	6	or constitutional authority on
7	on the effective date of this	7	the effective date of this
8	constitution is ratified.	8	constitution is ratified.

CAVEAT: The word "special" is proposed to be omitted, on the recommendation of the local government committee. The style and drafting committee is informed by that

substantive committee that a "special tax" is a word of imprecise meaning, and that it was intended in this Section to include all specially authorized taxes additional to the general taxes authorized for political subdivisions without special authorization. However, reference in the following section (33) to "special taxes" for specified purposes might create an ambiguity by seeming to limit the continued local taxes to those mentioned in Section 33.

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DOCUMENT VII

COMMITTEE PROPOSAL NO. 21: FIRST ENROLLMENT

Staff Styling Suggestions: Comparative Presentation

<u>PROPOSAL AS ENROLLED</u>	<u>SUGGESTED CHANGES</u>
	ARTICLE V. JUDICIAL BRANCH
1 ARTICLE V. JUDICIAL BRANCH	1 Section 1. Judicial
2 Section 1. Judicial Power	2 Power
3 Section 1. The judicial	3 Section 1. The judicial
4 power shall be vested in a	4 power shall be vested in a
5 supreme court, courts of appeal,	5 supreme court, courts of appeal,
6 district courts, and other courts	6 district courts, and other
7 authorized by this constitution.	7 courts authorized by this
8	8 Article. ⁽¹⁾
9	9

Comment:

(1) Elements, V, 16--be clear.

Section 2.

1 Section 2. Habeas Corpus, 1
2 Needful Writs, Orders 2
3 and Process 3
4 Section 2. A judge may 4
5 issue writs of habeas corpus 5
6 and all other needful writs, 6
7 orders and process in aid of 7
8 the jurisdiction of his court. 8
9 Exercise of this authority by 9
10 a judge of the supreme court 10
11 or court of appeal is subject 11
12 to review by the whole court. 12
13 The power to punish for con- 13
14 tempt of court shall be limi- 14
15 ted by law. 15
16 16

1 Section 2. Habeas Corpus, 1
2 Needful Writs, Orders 2
3 and Process; Contempt 3
4 Section 2. A judge may 4
5 issue writs of habeas corpus 5
6 and other needful writs, orders, ⁽¹⁾ (2)
7 and process in aid of the juris- 7
8 diction of his court. Exer- 8
9 cise of this authority by a 9
10 judge of the supreme court or 10
11 a court of appeal is subject ⁽³⁾
12 to review by the whole court. 12
13 The power to punish for con- 13
14 tempt of court shall be 14
15 limited by law. 15
16 16

Comment:

(1) Manual, Rules 5, 13; Elements, II, 13--
omit needless words.

(2) Manual, Rule 20; Elements, I, 2--commas in
series.

(3) Elements, II, 15--parallelism.

Section 3.

1 Section 3. Supreme Court;
2 Composition; Judgments;
3 Terms
4 Section 3. The supreme court
5 shall be composed of a chief justice
6 and six associate justices, four of
7 whom must concur to render judg-
8 ment. The term of a judge of the
9 supreme court shall be ten years.

10

1 Section 3. Supreme Court;
2 Composition; Judgments;
3 Terms
4 Section 3. The supreme
5 court shall be composed of a
6 chief justice and six associate
7 justices, four of whom must
8 concur to render judgment.
9 The term of a supreme court
10 judge shall be ten years.

Comment:

(1) Manual, Rule 5--substitute word for phrase.

3

Section 4.

1 Section 4. Supreme Court;
2 Districts
3 Section 4. The state shall
4 be divided into at least six supreme
5 court districts, with at least one
6 judge elected from each. The pres-
7 ent districts and the number of
8 judges assigned to each are retained,
9 subject to change by a two-thirds
10 vote of the elected members of each
11 house of the legislature.

12

[692]

1 Section 4. Supreme
2 Court; Districts
3 Section 4. The state
4 shall be divided into at least
5 six supreme court districts,
6 and at least one judge shall
7 be elected from each. The
8 districts and the number of
9 judges assigned to each on the
10 effective date of this consti-
11 tution are retained, subject
12 to change by two-thirds vote

13

14

13 of the elected members of each
14 house of the legislature.

Comment:

(1) Elements, V, 16--be clear.

(2) Ibid.

(3) Manual, Rules 5, 13; Elements, II, 13--
omit needless words.

4

Section 5.
(A) (B) (C) + (D)

1 Section 5. Supreme Court;
2 Supervisory, Original, and
3 Appellate Jurisdiction; Rule-
4 Making Power; Assignment of
5 Judges

6 Section 5. (A) The supreme
7 court has general supervisory juris-
8 diction over all other courts. It
9 may establish procedural and admini-
10 strative rules not in conflict with
11 law. It may assign a sitting or
12 retired judge to any court.

13 (B) The supreme court has
14 exclusive original jurisdiction of
15 disciplinary proceedings against
16 members of the bar.

17 (C) Except as otherwise pro-
18 vided in this constitution, the

1 Section 5. Supreme
2 Court; Supervisory,
3 Original, and Appellate
4 Jurisdiction; Rule-
5 Making Power; Assign-
6 ment of Judges

7 Section 5. (A) Super-
8 visory Jurisdiction; Rule-
9 Making Power; Assignment of
10 Judges. The supreme court has
11 general supervisory jurisdic-
12 tion over all other courts.

13 It may establish procedural
14 and administrative rules not
15 in conflict with law and may
16 assign a sitting or retired
17 judge to any court.

18 (B) Original Jurisdiction.

19 supreme court's jurisdiction in
20 civil cases extends to both the
21 law and the facts. In criminal
22 matters, its appellate jurisdic-
23 tion extends only to questions of
24 law.

25 (D) In addition to appeals
26 provided for elsewhere in this
27 constitution, the following cases
28 shall be appealable to the supreme
29 court:

30 (1) A case in which a law or
31 ordinance has been declared un-
32 constitutional;

33 (2) Cases in which the defen-
34 dant has been convicted of a felony
35 or in which a fine exceeding five

5

19 The supreme court has exclu-
20 sive original jurisdiction of
21 disciplinary proceedings
22 against members of the bar.

23 (C) Scope of Review.

24 Except as otherwise provided
25 ⁽²⁾ by this constitution, the
26 jurisdiction of the supreme
27 court ⁽³⁾ in civil cases extends
28 ⁽⁴⁾ to both law and facts. In
29 criminal matters, its appellate
30 jurisdiction extends only to
31 questions of law.

32 (D) Appellate Jurisdiction.

33 In addition to appeals provided
34 for elsewhere in this consti-
35 ⁽⁵⁾ tution, a case shall be

1 hundred dollars or imprisonment
2 exceeding six months has been actu-
3 ally imposed.

4 (E) Subject to the provisions
5 of Paragraph (C), the supreme court
6 has appellate jurisdiction over all
7 issues involved in any civil action
8 properly before it.

9 (F) In all criminal cases not

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1 appealable to the supreme
2 court if ⁽⁶⁾ (1) a law or ordinance
3 has been declared unconstitu-
4 tional; ⁽⁶⁾ (2) the defendant has
5 been convicted of a felony or
6 a fine ⁽⁷⁾ exceeding five hundred
7 dollars or imprisonment exceed-
8 ing ⁽⁸⁾ six months actually has been
9 imposed.

Section 5.
(D) (E) & (F)

10 provided for in subsection (D) (2)
11 of this Section an accused shall
12 have a right of appeal or review,
13 as provided by law.

10 (E) Other Criminal Cases;
11 Review. In all criminal cases
12 not provided for in Paragraph ⁽⁹⁾
13 (D) (2) of this Section, a defen-
14 ⁽¹⁰⁾ dant has a right of appeal or
15 review, as provided by law.

16 (F) Appellate Jurisdic-
17 tion; Civil Cases; Extent.
18 Subject to the provisions in ⁽¹¹⁾
19 Paragraph (C), the supreme court
20 has appellate jurisdiction over
21 all issues involved in any civil
22 action properly before it.

Comment:

- (1) Manual, Rules 5, 13; Elements, II, 13--omit needless words.
- (2) Standardization of language.
- (3) Formalization of language.
- (4) Manual, Rules 5, 13; Elements, II, 13--omit needless words.
- (5) Manual, Rule 5--substitute word for phrase.

6

SECTION 5.
(D) (E) +(F)

- (6) Manual, Rules 5, 13; Elements, II, 13--omit needless words.
- (7) Ibid.
- (8) Elements, II, 16--keep related words together.
- (9) Standardization of language.
- (10) Manual, Rule II--present tense; Elements, II, 15--parallelism.
- (11) Standardization of language.

7

Section 6.

1 Section 6. Supreme Court;
2 the Chief Justice
3 Section 6. (A) When a vacancy
4 in the office of chief justice
5 occurs, the judge oldest in point of
6 service on the court, shall succeed
7 to the office.
8 (B) The chief justice is the
9 chief administrative officer of
10 the judicial system of the state,
11 subject to rules adopted by the
12 court.

Comment:

(1) Sentence arranged to conform with suggested language of Section 12.

8

1 Section 6. Supreme Court;
2 Chief Justice
3 Section 6. The judge
4 oldest in point of service on
5 the supreme court shall be
6 chief justice. ⁽¹⁾ He is the
7 chief administrative officer of
8 the judicial system of the state
9 subject to rules adopted by the
10 court.
11
12

Section 7.

1 Section 7. Supreme Court;
2 Judicial Administrator,
3 Clerks and Staff
4 Section 7. The supreme court
5 has authority to select a judicial
6 administrator, its clerks, and other

1 Section 7. Supreme Court;
2 Judicial Administrator,
3 Clerks, and Staff
4 Section 7. The supreme
5 court may ⁽¹⁾ select a judicial
6 administrator, its clerks, and

7 personnel, and prescribe their
8 duties.

7 other personnel and pre-
8 scribe their duties.

Comment:

(1) Standardization of language.

(2) See Elements, I, 4--omit comma when subject
common to two verbs and connective is "and".

9

Section 8.

1 Section 8. Courts of Appeal;
2 Panels; Number Necessary
3 to Decision; Terms
4 Section 8. The state shall
5 be divided into at least four
6 circuits, with one court of appeal
7 in each circuit. Each court shall
8 sit in panels of at least three
9 judges selected according to
10 rules adopted by the court. A
11 majority of the judges sitting
12 in a case must concur to render
13 judgment. However, when the
14 judgment of the district court
15 is to be modified or reversed,
16 and one judge dissents, the case
17 shall be reargued, before a
18 panel of at least five judges,
19 prior to rendition of judgment,
20 and a majority must concur to
21 render judgment. The term of a

1 Section 8. Court of
2 Appeal; Panels; Terms;
3 Decisions
4 Section 8. The state
5 shall be divided into at least
6 four circuits, with one court
7 of appeal in each.⁽¹⁾
8 Each court shall sit in panels
9 of at least three judges se-
10 lected according to rules
11 adopted by the court. The term
12 of a court of appeal judge shall
13 be ten years.⁽²⁾ A majority of
14 the judges sitting in a case
15 must concur to render judgment.
16 However, when a judgment of a⁽³⁾
17 district court is to be modified
18 or reversed and one judge dis-
19 sents, the case shall be re-
20 argued before a panel of at
21 least five judges prior to⁽⁴⁾

22 court of appeal judge shall be
23 ten years.
24

22 rendition of judgment, and a
23 majority must concur to render
24 judgment.

Comment:

(1) Manual, Rules 5, 13 and Elements II, 13-- omit needless words; Elements II, 15--parallelism.

(2) Sentence placement changed to unitize subject matter.

(3) Elements, V, 16-- be clear--indefinite article more suitable here than definite article.

(4) Webster's, Rule 4.1.2.1-- clause or phrase essential to main idea of sentence not set off by commas.

10

Section 9.

1 Section 9. Courts of Appeal;
2 Circuits and Districts
3 Section 9. Each circuit
4 shall be divided into at least
5 three districts, with at least
6 one judge elected from each.
7 After January 1, 1975, no judge
8 shall be elected at large from
9 within the circuit. The present
10 circuits and districts and the
11 number of judges as elected in
12 each circuit are retained, sub-
13 ject to change by two-thirds
14 vote of the elected members in
15 each house of the legislature.

1 Section 9. Court of
2 Appeal; Circuits and
3 Districts
4 Section 9. Each circuit
5 shall be divided into at least
6 three districts, and at least
7 one judge shall be elected from
8 each. After January 1, 1975,
9 no judge shall be elected at
10 large from within the circuit.
11 The circuits and districts
12 and the number of judges as
13 elected in each circuit on the
14 effective date of this consti-
15 tution are retained, subject to

16
17
18

16
17
18

change by two-thirds vote of
the elected members of each
house of the legislature.

Comment:

- (1) Elements, V, 16--be clear.
- (2) Standardization of language.
- (3) Ibid.

11

SECTION 10.
(A) + (B)

1 Section 10. Courts of
2 Appeal; Appellate and
3 Supervisory Jurisdiction
4 Section 10. (A) Except in
5 those cases appealable to the
6 supreme court and as otherwise
7 provided in this constitution, a
8 court of appeal has appellate
9 jurisdiction of all civil cases
10 decided within its circuit. It
11 has appellate jurisdiction of
12 all matters appealed from the
13 family and juvenile courts,
14 except criminal prosecutions
15 of persons other than juveniles.
16 It has supervisory jurisdiction
17 over all cases in which an
18 appeal would lie to that court.

1 Section 10. Court of
2 Appeal; Appellate and
3 Supervisory Jurisdic-
4 tion
5 Section 10. (A) Except in⁽¹⁾
6 cases appealable to the supreme⁽²⁾
7 court and except as otherwise⁽³⁾
8 provided by this constitution,
9 a court of appeal has appellate⁽⁴⁾
10 jurisdiction of all (1) civil
11 cases decided within its circuit;⁽⁵⁾
12 and (2) matters appealed from⁽⁶⁾
13 family and juvenile courts,
14 except criminal prosecutions
15 of persons other than juveniles.
16 It has supervisory jurisdiction
17 over cases in which appeal would⁽⁷⁾
18 lie to it.⁽⁸⁾⁽⁹⁾

19 (B) Except as limited to
20 questions of law by this consti-
21 tution or as provided by law in
22 the case of review of admini-
23 strative agency determinations,
24 its appellate jurisdiction
25 extends to law and facts.
26

19 (B) Except as limited to
20 questions of law by this con-
21 stitution, ⁽¹⁰⁾ or as provided by
22 law in ⁽¹¹⁾ the review of adminis-
23 trative agency determinations,
24 appellate jurisdiction ⁽¹²⁾ of the
25 court of appeal extends to law
26 and facts.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Elements, II, 15--parallelism.

(3) Standardization of language.

(4) Numbers added to follow form of Section 5 (D).

(5) Manual, Rules 5, 13 and Elements, II, 13-- omit needless words.

(6) Ibid.

(7) Ibid.

(8) Ibid.

12

SECTION 10
(A) + (B)

(9) Manual, Rule 5--substitute word for phrase.

(10) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.

(11) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(12) Elements, V, 16--be clear.

13

Section 11.

1 Section 11. Courts of
2 Appeal; Certification
3 to Supreme Court;
4 Determination

5 Section 11. A court of
6 appeal may certify any question
7 of law before it to the supreme
8 court, whereupon the supreme
9 court may give its binding
10 instruction, or consider and
11 decide the case upon the whole
12 record.

1 Section 11. Court of
2 Appeal; Certification
3 to Supreme Court;
4 Determination

5 Section 11. A court of
6 appeal may certify any question
7 of law before it to the supreme
8 court, and the supreme court
9 may give its binding in-
10 struction or decide the case
11 upon the whole record.
12

Comment:

(1) Manual, Rule 5--use short words.

(2) Webster's, Rule 4.1.2.1--clause or phrase essential to main idea of sentence not set off by commas.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Section 12.

1 Section 12. Courts of
2 Appeal; Chief Judge;
3 Duties

4 Section 12. There shall be
5 a chief judge of each court of
6 appeal who shall be the judge
7 oldest in point of service on

1 Section 12. Court of
2 Appeal; Chief Judge;
3 Duties

4 Section 12. The judge
5 oldest in point of service on
6 each court of appeal shall be
7 chief judge of that court, and

8 the court and who shall admini-
9 ster the court subject to rules
10 adopted by the court.

8 shall administer the court sub-
9 ject to rules adopted by it. (1)
10

Comment:

(1) Manual, Rule 8--rewrite "there is".

15

Section 13.

1 Section 13. Courts of
2 Appeal; Clerks and Staff
3 Section 13. Each court of
4 appeal has authority to select
5 its clerk and other personnel
6 and prescribe their duties.
7

1 Section 13. Court of
2 Appeal; Clerks and
3 Staff
4 Section 13. Each court
5 of appeal may select its clerk
6 and other personnel and
7 prescribe their duties.

Comment:

(1) Standardization of language.

16

Section 14.

1 Section 14. District
2 Courts; Judicial Districts
3 Section 14. The state shall
4 be divided into judicial districts,
5 each composed of one or more
6 parishes and served by one or
7 more district judges.
8

1 Section 14. District
2 Courts; Judicial
3 Districts
4 Section 14. The state
5 shall be divided into judicial
6 districts, each composed of
7 at least one ⁽¹⁾ parish and served
8 by at least one ⁽¹⁾ district judge.

Comment:

(1) Manual, Rule 12--singularization.

Section 15.
(A) & (B)

1 Section 15. Courts;
2 Continued; Jurisdiction;
3 Judicial Districts Changes;
4 Terms
5 Section 15. (A) The district,
6 parish, magistrate, city, family,
7 and juvenile courts existing at
8 the time of the adoption of this
9 constitution are retained. The
10 legislature may abolish or merge

1 Section 15. Courts;
2 Retention; Jurisdic-
3 tion; Judicial Districts
4 Changes; Terms
5 Section 15. (A) Court
6 Retention; Trial Courts of
7 Limited Jurisdiction. The
8 district, family, juvenile,
9 parish, city, and magistrate ⁽¹⁾
10 courts existing on the effec-

11 trial courts of limited or special-
12 ized jurisdiction subject to
13 the limitations in Sections 16
14 and 21 of this Article. The
15 legislature may establish trial
16 courts of limited jurisdiction
17 which shall have parishwide
18 territorial jurisdiction and
19 subject matter jurisdiction which
20 shall be uniform throughout the
21 state. The office of city mar-
22 shal is continued until such time
23 as the city court he serves is
24 abolished by the legislature.

25 (B) The judicial districts
26 existing at the time of the adop-
27 tion of this constitution are retained.
28 The legislature, by a majority vote of
29 the elected members of each house,
30 with approval in a referendum in each
31 district and parish affected, may es-
32 tablish, divide, or merge judicial dis-
33 tricts, subject to the limitations of
34 of Section 21 of this Article.

35 (C) The term of a district and

11 tive date of this constitution⁽²⁾
12 are retained. Subject to the
13 limitations in Sections 16 and
14 21 of this Article,⁽³⁾ the legis-
15 lature may abolish or merge
16 trial courts of limited or
17 specialized jurisdiction. The
18 legislature may establish trial
19 courts of limited jurisdiction
20 with parishwide territorial
21 jurisdiction and subject
22 matter jurisdiction which shall
23 be uniform throughout the state.
24 The office of city marshal is
25 continued until the city court
26 he serves is abolished.⁽⁵⁾⁽⁶⁾

27 (B) Judicial Districts.
28 The judicial districts exist-
29 ing on the effective date of
30 this constitution⁽⁷⁾ are retained.
31 Subject to the limitations in
32 Section 21 of this Article,⁽⁸⁾ the
33 legislature⁽⁹⁾ may establish,
34 divide, or merge judicial
35 districts with approval in a

Section 15.
(C) + (D)

1 parish judges shall be six years.

2 (D) The legislature may

1 referendum in each district
2 and parish affected.

3 increase or decrease the number of
4 judges in any judicial district
5 by a two-thirds vote of the elected
6 membership of each house.

3 (C) Term. The term of a
4 district, parish, or city court ⁽¹¹⁾
5 judge shall be six years.

6 (D) Number of Judges. The
7 legislature may change the num-
8 ber of judges in any judicial
9 district by two-thirds vote of ⁽¹²⁾
10 the elected members ⁽¹³⁾ of each
11 house. ⁽¹⁴⁾

SECTION 15.
(A) + (B)

Comment:

- (1) Names of courts arranged in proper hierarchy.
- (2) Standardization of language.
- (3) Manual, Rule 18--place exceptions first.
- (4) Manual, Rule 5--Substitute word for phrase.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Ibid.
- (7) Standardization of language.
- (8) Manual, Rule 18--place exceptions first.
- (9) Manual, Rules 5,13 and Elements, II, 13--omit needless words.
- (10) Elements, II,16--keep related words together.
- (11) "city court" added to this section to allow elimination of Section 15.1 as enrolled.
- (12) Manual, Rule 5--substitute word for phrase.
- (13) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (14) Standardization of language.

SECTION 15.1

1	Section 15.1. City Court	1
2	Judges; Terms	2
3	Section 15.1. A judge of	3
4	a city court shall be elected for	4
5	the same term as a district court	5
6	judge.	6

- deleted & transferred to Section 15 -

SECTION 16.
(A) & (B)

Comment:

- (1) Standardization of language.
- (2) Elements, V, 16--be clear.
- (3) Standardization of language.
- (4) See Harbrace College Handbook, Rule 17d(4)--avoid needless colons.
- (5) Manual, Rules 5, 13 and Elements II, 13--omit needless words.
- (6) Standardization of language.
- (7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (8) Ibid.
- (9) Elements, V, 16--be clear.

1 Section 16. District
2 Courts; Original Juris-
3 diction

4 Section 16. (A) Unless other-
5 wise authorized by this constitu-
6 tion, a district court shall have
7 original jurisdiction in all civil
8 and criminal matters. It shall
9 have exclusive original juris-
10 diction: of felony cases and of
11 cases involving: the title to
12 immovable property; the right to
13 office or other public position;
14 civil or political rights; pro-
15 bate and succession matters; the
16 state, a political corporation,
17 or a succession, as a party
18 defendant, regardless of the
19 amount in dispute; and the ap-
20 pointment of receivers or liquid-
21 ators to corporations or partner-
22 ships.

23 (B) A district court shall
24 have appellate jurisdiction as
25 provided by law.
26
27

1 Section 16. District
2 Court; Original Juris-
3 diction; Appellate
4 Jurisdiction

5 Section 16. (A) Original
6 Jurisdiction. Except as other-
7 wise authorized by this Arti-
8 cle, ⁽²⁾ a district court shall
9 have original jurisdiction of ⁽³⁾
10 all civil and criminal matters.
11 It shall have exclusive origi-
12 nal jurisdiction of ⁽⁴⁾ felony
13 cases and of cases involving ⁽⁴⁾
14 ⁽⁵⁾ title to immovable property;
15 the right to office or other
16 public position; civil or poli-
17 tical rights; probate and
18 succession matters; the state,
19 a political subdivision, ⁽⁶⁾ or a
20 succession, as a defendant; ⁽⁷⁾ ⁽⁸⁾
21 and the appointment of re-
22 ceivers or liquidators for ⁽⁹⁾
23 corporations or partnerships.

24 (B) Appellate Jurisdic-
25 tion. A district court shall
26 have appellate jurisdiction as
27 provided by law.

Section 17.

1 Section 17. District
2 Courts; Chief Judge
3 Section 17. Each district
4 court shall elect from its mem-
5 bers a chief judge who shall
6 exercise, for the term designated
7 by the court, the administrative
8 functions as prescribed by rule
9 of court.

1 Section 17. District
2 Court; Chief Judge
3 Section 17. Each district
4 court shall elect from its
5 members a chief judge who shall
6 exercise, for a ⁽¹⁾ term designated
7 by the court, the administrativ
8 functions ⁽²⁾ prescribed by rule of
9 court.

Comments:

(1) Elements, V, 16--be clear--indefinite article preferred in context.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

23

Section 18.

1 Section 18. Juvenile Courts;
2 Jurisdiction
3 Section 18. Notwithstanding
4 any provision of this Article to
5 the contrary, the juvenile and
6 family courts shall have such
7 jurisdiction as the legislature
8 shall provide by law.

1 Section 18. Juvenile
2 Courts; Jurisdiction
3 Section 18. ⁽¹⁾ Juvenile and
4 family courts shall have ⁽²⁾ juris-
5 diction as ⁽³⁾ provided by law.
6
7
8

Comments:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Manual, Rule 6--avoid hackneyed reference words.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

24

Section 19.

Section 19. Mayors' Courts;
Justices of the Peace;
Continued
Section 19. Mayors' courts and
justice of the peace courts
existing at the time of the
adoption of this constitution
are continued subject to change
by the legislature.

1 Section 19. Mayor's
2 Court; Justice of the
3 Peace; Continuation
4 Section 19. A mayor's
5 court or a justice of the
6 peace court existing on the
7 effective date of this consti-
8 tution is continued, subject
9 to change by the legislature.

Comment:

- (1) Manual, Rule 12--Singularization.
- (2) Standardization of language.
- (3) Manual, Rule 12--singularization.

25

Section 21.

Section 21. Judges; Term of
Office or Compensation May
Not Be Decreased
Section 21. No judge's term of
office or compensation shall be
decreased during the term for
which he is elected.

1 Section 21. Judges; No
2 Decrease in Term of
3 Office or Compensation
4 Section 21. The term of
5 office, retirement benefits,⁽¹⁾
6 and compensation of a judge⁽²⁾
7 shall not be decreased during
8 the term for which he is
9 elected.

Comment:

- (1) Formalization of language.
- (2) "retirement benefits" moved from Section 34 to Section 21 to group together similar provisions relating to the protections for judges.

26

Section 22.
(A) + (B)

Section 22. Judges; Election;
Vacancy in Office

Section 22. (A) Except as
otherwise provided in this
Section all judges shall be
elected. Election of judges shall
be at the regular congressional
election.

(B) A newly-created judgeship
or a vacancy in the office of
any judge shall be filled by a
special election which shall be
called by the governor, and held
within six months of the day on
which the vacancy occurs or the
judgeship is established, except
when the vacancy occurs in the
last six months of an existing
term. Until the vacancy is
filled, the supreme court shall
appoint a person meeting the
qualifications, other than
domicile, for the office, to
serve at its pleasure, who shall
be ineligible as a candidate for
election to the judgeship at
the election to fill the vacancy
or the newly created judicial
office. For service as an

Section 22. Judges;
Election; Vacancy in
Office

Section 22. (A) Election.
Except as otherwise provided
⁽¹⁾ in this Section, all judges
shall be elected. Election ⁽²⁾
shall be at the regular con-
gressional election.

(B) Vacancy. A newly-
created judgeship or a vacancy
in the office of a judge ⁽³⁾ shall
be filled by special election ⁽⁴⁾
⁽⁵⁾ called by the governor and
held within six months after ⁽⁶⁾
the day on which the vacancy
occurs or the judgeship is
established, except when the
vacancy occurs in the last
six months of an existing
term. Until the vacancy is
filled, the supreme court shall
appoint a person meeting the
qualifications for the office, ⁽⁷⁾
other than domicile, to serve
at its pleasure. ⁽⁸⁾ The appointee
shall be ineligible as a candi-
⁽⁹⁾ date at the election to fill the
vacancy or the newly-created

30 appointed judge, the person
31 appointed to fill the vacancy,
32 other than a retired judge, shall
33 not be eligible for retirement
34 benefits provided for the
35 elected judiciary.

30 judicial office. No person
31 serving as an appointed judge,⁽¹⁰⁾
32 other than a retired judge,
33 shall be eligible for retire-⁽¹¹⁾
34 ment benefits provided for
35 the elected judiciary.

SECTION 2-100,

1 (C) A judge serving on the date
2 of adoption of this constitution
3 shall continue in office for the
4 term to which elected and shall
5 serve through December thirty-first
6 of the last year of his term or, if
7 the last year of his term is not
8 in the even-numbered year of a
9 regular congressional election,
10 then through December thirty-
11 first of the following year. The
12 election for the next term in the
13 office will be held in the year
14 in which the term expires as
15 provided above.

1 (C) End of Term. A judge
2 serving on the effective date
3 of this constitution shall⁽¹²⁾ shall⁽¹³⁾
4 serve through December thirty-
5 first of the last year of his
6 term or, if the last year of
7 his term is not in the year of⁽¹⁴⁾
8 a regular congressional elec-
9 tion, then through December
10 thirty-first of the following
11 year. The election for the
12 next term shall be held in the⁽¹⁵⁾
13 year in which the term expires,⁽¹⁶⁾
14 as provided above.
15

Comment:

(1) Webster's, Rule 4.2.1.--comma sets off introductory adverbial clause.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

- (3) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Ibid.
- (6) Manual, Rule 3--make clear the first and last days of a time period.
- (7) Elements, II, 16--keep related words together.
- (8) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (10) Ibid.
- (11) Elements, II, 11--put statements in positive form.
- (12) Standardization of language.
- (13) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (14) Ibid.
- (15) Ibid.; Standardization of language.
- (16) Webster's, Rule 4.4.2--comma to aid clarity.

Section 23.
(A) + (B)

Section 23. Retirement of
 2 Judges
 3 Section 23. (A) Within two
 4 years after the effective date of
 5 this constitution, the legisla-
 6 ture shall provide for a retire-
 7 ment system for judges which shall
 8 apply to a judge taking office

1 Section 23. Retirement
 2 of Judges
 3 Section 23. (A) Retire-
 4 ment System. Within two years
 5 after the effective date of
 6 this constitution, the legis-
 7 tature shall provide for a
 8 retirement system for judges

9 after the effective date of the
10 statute enacting the system
11 and to which a judge in office
12 at the time of its adoption may
13 elect to join with credit for
14 all prior years of judicial
15 service without contribution
16 therefor; provided, however, a
17 judge in office or retired at
18 the time of adoption of this
19 constitution, shall not have
20 diminished any retirement bene-
21 fits or judicial service rights,
22 nor shall the benefits to which
23 his surviving spouse is entitled,
24 be reduced.

25 (B) A judge shall not remain
26 in office beyond his seventieth
27 birthday, except as otherwise
28 provided in this Section.
29

9 which shall apply to a judge
10 taking office after the effec-
11 tive date of the law enacting⁽¹⁾
12 the system and in which a⁽³⁾
13 judge in office at that time⁽²⁾
14 may elect to become a member,⁽³⁾
15 with credit for all prior years
16 of judicial service and⁽⁴⁾
17 without contribution therefor.
18 ⁽⁵⁾The retirement benefits and
19 judicial service rights of a
20 judge in office or retired on
21 the effective date of this
22 constitution shall not be⁽⁶⁾
23 diminished, nor shall the bene-
24 fits to which a ⁽⁷⁾surviving
25 spouse is entitled be reduced.
26 (B) Mandatory Retirement.
27 Except as otherwise provided
28 in this Section,⁽⁸⁾ a judge shall
29 not remain in office beyond
30 his seventieth birthday.

SECTION 23
(A) + (B)

Comment:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Formalization of language; Elements, II, 12--specific language.

- (4) Elements, V, 16--be clear.
- (5) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (6) Standardization of language.
- (7) Elements, V, 16--be clear.
- (8) Manual, Rule 18--place exceptions first.

Section 24.

1 Section 24. Judges; Qualifi-
 2 cations; Practice of Law
 3 Prohibited
 4 Section 24. A judge of the
 5 supreme court, court of appeal,
 6 district court, family court,
 7 parish court, or court having
 8 solely juvenile jurisdiction shall
 9 have been admitted to the practice
 10 of law in this state for at least
 11 five years prior to his election,
 12 shall have been domiciled in the
 13 respective district, circuit,
 14 or parish for at least two years
 15 immediately preceding election,
 16 and shall not practice law.
 17
 18

1 Section 24. Judges;
 2 Qualifications; Prac-
 3 tice of Law Prohibited
 4 Section 24. A judge of
 5 the supreme court, a ⁽¹⁾ court of
 6 appeal, district court, family
 7 court, parish court, or court
 8 having solely juvenile jurisd-
 9 diction shall have been ad-
 10 mitted to the practice of law
 11 in this state for at least
 12 five years prior to his
 13 election, and shall have
 14 been domiciled in the
 15 respective district, circuit,
 16 or parish for the two years ⁽²⁾
 17 preceding election. ⁽³⁾ He
 18 shall not practice law
 19 while in office. ⁽⁴⁾

Comment:

- (1) Elements, II, 12--use specific language.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Manual, Rule 10--short sentences; Rule 4--unrelated ideas in separate sentences.

(4) Elements, V, 16--be clear.

Section 25.
(A) & (B)

1 Section 25. Judiciary Com-
2 mission; Composition;
3 Terms; Vacancy; Grounds for
4 Removal; Powers

5 Section 25. (A) The Judiciary
6 Commission shall consist of one
7 court of appeal judge and two
8 district court judges selected
9 by the supreme court; two attorneys
10 admitted to the practice of law
11 for at least ten years and one
12 attorney admitted to the practice
13 of law for at least three years
14 but not more than ten years who
15 are not judges, active or retired,
16 nor public officials other than
17 notaries public, selected by the
18 Louisiana Conference of Court
19 of Appeal Judges' Association or
20 its successor; and three citizens,
21 not lawyers, judges active or
22 retired, nor public officials,

1 Section 25. Judiciary
2 Commission; Composi-
3 tion; Terms; Vacancy;
4 Grounds for Removal;
5 Powers

6 Section 25. (A) Composi-
7 tion. The judiciary commission⁽¹⁾
8 shall consist of
9 ⁽²⁾
10 (1) one court of appeal
11 judge and two district court
12 judges selected by the supreme
13 court;
14 (2) two attorneys ad-
15 mitted to the practice of law
16 for at least ten years and one
17 attorney admitted to the prac-
18 tice of law for at least three
19 years but not more than ten
20 years, selected by the
21 Louisiana Conference of Court
22 of Appeal Judges' Association^{(3) (4)}
or its successor. They shall

23 appointed by the Louisiana
24 District Judges' Association or
25 its successor.

26 (B) A member of the commission
27 shall serve a four-year term and
28 shall not be eligible to succeed
29 himself.

30 (C) A member's term shall termi-
31 nate when he loses the status
32 causing his appointment or when
33 any event occurs which would have
34 made him ineligible for appointment.

35 (D) When a vacancy occurs, a

32

23 not be judges, active or re-
24 tired, or public officials,
25 other than notaries public; and

26 (3) three citizens, not
27 lawyers, judges active or re-
28 tired, or public officials,
29 selected by the Louisiana
30 District Judges' Association
31 or its successor.

32 (B) Term; Vacancy. A
33 member of the commission shall
34 serve a four-year term and
35 shall be ineligible to

Section 25.C

1 successor shall be appointed for
2 a four-year term by the authority
3 which appointed his predecessor.

4 (E) On recommendation of the
5 Judiciary Commission, the supreme
6 court may censure, suspend with
7 or without salary, remove from
8 office, or retire involuntarily a
9 judge for willful misconduct
10 relating to his official duty,
11 willful and persistent failure
12 to perform his duty, persistent
13 and public conduct prejudicial to
14 the administration of justice

[716]

1 succeed himself. His term
2 shall end upon the occurrence
3 of any event which would have
4 made him ineligible for appoint
5 ment. When a vacancy occurs,
6 a successor shall be appointed
7 for a four-year term by the
8 authority which appointed his
9 predecessor.

10 (C) Powers. On recom-
11 mendation of the judiciary
12 commission, the supreme court
13 may censure, suspend with or
14 without salary, remove from

15 that brings the judicial office
16 into disrepute, conduct while
17 in office which would constitute
18 a felony, or conviction of a
19 felony. On recommendation of
20 the Judiciary Commission, the
21 supreme court may disqualify a
22 judge from exercising any judi-
23 cial function, without loss of
24 salary, during the pendency of
25 the proceedings in the supreme
26 court. On recommendation of the
27 Judiciary Commission, the supreme
28 court may retire involuntarily a
29 judge for disability that
30 seriously interferes with the
31 performance of his duties and
32 that is, or is likely to become,
33 of a permanent character. The
34 supreme court shall make rules
35 implementing this section and

15 office, or retire involuntarily
16 a judge for willful misconduct
17 relating to his official duty,
18 willful and persistent failure
19 to perform his duty, persistent
20 and public conduct prejudicial
21 to the administration of justice
22 that brings the judicial office
23 into disrepute, conduct while
24 in office which would constitute
25 a felony, or conviction of a
26 felony. On recommendation of
27 the judiciary commission, the
28 supreme court may disqualify
29 a judge from exercising any
30 judicial function, without loss
31 of salary, during pendency of
32 proceedings in the supreme
33 court. On recommendation of
34 the judiciary commission, the
35 supreme court may retire

13

Section 25. (D)

1 providing for confidentiality
2 and privilege of commission pro-
3 ceedings.
4 (F) Action against a judge
5 under this Section shall not pre-
6 clude disciplinary action against

1 involuntarily a judge for
2 disability that seriously
3 interferes with the perfor-
4 mance of his duties and that
5 is or is likely to become
6 permanent. The supreme court

7 him with respect to his license
8 to practice law.

7 shall make rules implementing
8 this Section and providing for
9 confidentiality and privilege
10 of commission proceedings.

11 (D) Other Disciplinary
12 Action. Action against a
13 judge under this Section shall
14 not preclude disciplinary (12,
15 action against him concerning
16 his license to practice law.

Comment:

(1) See Manual, Rules 22 - 26--lower case title when not official.

(2) Enumeration suggested for readability.

(3) Elements, II, 15--parallelism.

(4) Manual, Rule 10--short sentences.

(5) Elements, II, 15--consistent usage.

(6) Elements, II, 11--positive form.

(7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(8) Ibid.

(9) Ibid.

(10) Webster's, Rule 4.1.2.1--clause or phrase essential to main idea of sentence not set off by commas.

(11) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(12) Manual, Rule 5--substitute word for phrase.

Section 26.

1 Section 26. Department of
2 Justice; Composition;
3 Attorney General; Election
4 and Assistants

5 Section 26. There shall be a
6 department of justice consisting
7 of an attorney general, a first
8 assistant attorney general, and
9 other necessary assistants and
10 staff. The attorney general
11 shall be elected for a term of
12 four years at the state general
13 election, and the assistants
14 shall be appointed by the
15 attorney general to serve at his
16 pleasure.

Comment:

(1) Provisions relative to Department of Justice and Attorney General which duplicate provisions in Executive Branch Article deleted.

35

Section 27.

1 Section 27. Attorney General;
2 Powers and Duties; Vacancy

3 Section 27. (A) The attorney
4 general shall be the state's
5 chief legal officer. As may be
6 necessary for the assertion or

1 Section 26. Department
2 of Justice; Assistants
3 Section 26. The attorney
4 general shall appoint a first
5 assistant attorney general
6 and other necessary assistants
7 and staff to serve at his
8 pleasure.
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1 Section 27. Attorney
2 General; Powers and
3 Duties (1) (2)
4 Section 27. As necessary
5 for the assertion or protection
6 of the rights and interests of

7 protection of the rights and
8 interests of the state, the
9 attorney general shall have
10 authority to:

11 (1) institute and prosecute
12 or intervene in any civil
13 actions or proceedings;

14 (2) advise and assist, upon
15 request of a district attorney,
16 in the prosecution of a crimi-
17 nal case; and

18 (3) for cause when authorized
19 by the court of original juris-
20 diction in which any proceeding
21 or affidavit is pending, sub-
22 ject to judicial review, super-
23 cede any attorney representing
24 the state in any civil or crimi-
25 nal action.

26 He shall have such other
27 powers and perform such other
28 duties as may be authorized by
29 this constitution or provided
30 by statute.

Comment:

(1) Provision relative to attorney general which duplicates provision in Executive Branch Article deleted.

(2) Manual, Rules 5, 13 and Elements, II, 13-- omit needless words.

(3) Standardization of language.

7 the state, the attorney general
8 may ⁽³⁾

9 (1) institute and prose-
10 cute or intervene in any civil
11 action or proceeding; ⁽⁴⁾

12 (2) advise and assist,
13 upon request of a district
14 attorney, in the prosecution
15 of a criminal case; and

16 (3) for cause, ⁽⁵⁾ when
17 authorized by the court of
18 original jurisdiction in which
19 any proceeding or affidavit is
20 pending and subject to judicial
21 review, supersede any attorney
22 representing the state in any
23 civil or criminal action.

24 He shall have ⁽⁸⁾ other powers
25 and perform other duties ⁽⁹⁾ autho-
26 rized by this constitution or
27 provided by law. ⁽¹⁰⁾

Section 27

- (4) Manual, Rule 12--singularization.
- (5) Webster's Rule 4.2.1--commas set off introductory expressions.
- (6) Elements, V, 16--be clear.
- (7) Preferred spelling of "supersede."
- (8) Manual, Rule 6--avoid hackneyed reference words.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (10) Standardization of language.

37

Section 28. (A) + (B)

1 Section 28. District
2 Attorney; Election;
3 Qualifications; Assistants
4 Section 28. In each judicial
5 district a district attorney
6 shall be elected by the quali-
7 fied electors of the district
8 for a term of six years. He
9 shall have been admitted to the
10 practice of law in the state for
11 at least five years prior to
12 his election and shall have
13 resided in the district for
14 the two years immediately pre-
15 ceding election. A district
16 attorney may select such as-

1 Section 28. District
2 Attorney; Election;
3 Qualifications;
4 Assistants; Powers
5 Section 28. (A) Election;
6 Qualifications; Assistants.
7 In each judicial district a
8 district attorney shall be
9 elected for a term of six
10 years. He shall have been
11 admitted to the practice of
12 law in the state for at least
13 five years prior to his election
14 and shall have resided in the
15 district for the two years⁽¹⁾
16 preceding election. A district

17 sistants as may be authorized
18 by law and other personnel.

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17 attorney may select assistants⁽³⁾
18 as authorized by law,⁽⁴⁾ and⁽⁵⁾
19 other personnel.
20 (B) Powers. Except as
21 otherwise provided by this⁽⁶⁾
22 constitution, a district
23 attorney, or his designated
24 assistant, shall have charge
25 of every criminal prosecution
26 by the state in his district,
27 be the representative of the⁽⁷⁾
28 state before the grand⁽⁸⁾
29 jury in his district, and
30 be the legal advisor to⁽⁹⁾
31 the grand jury. He shall
32 perform other duties⁽¹⁰⁾ provided⁽¹¹⁾
33 by law.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Id.

11

Section 28
(A) + (B)

(3) Manual, Rule 6--avoid hackneyed reference words.

(4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(5) Webster's, Rule 4.4.2--comma added for clarity.

(6) Standardization of language.

- (7) Elements, II, 15--parallelism.
- (8) Elements, II, 16--keep related words together.
- (9) Elements, II, 15--parallelism; Elements, V, 16--be clear
- (10) Manual, Rule 6--avoid hackneyed reference words.
- (11) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Section 29.

1 Section 29. Defense of
 2 Criminal Prosecution; Removal
 3 Section 29. No district
 4 attorney or assistant district
 5 attorney shall appear, plead or
 6 in any way defend, or assist in
 7 defending any criminal prosecu-
 8 tion or charge. A violation shall
 9 be cause for removal.

1 Section 29. Defense of
 2 Criminal Prosecution;
 3 Removal
 4 Section 29. No district
 5 attorney or assistant district
 6 attorney shall appear,
 7 plead,⁽¹⁾ or in any way defend⁽²⁾
 8 or assist in defending
 9 any criminal prosecution or
 10 charge. A violation of this
 11 Section shall be cause for
 12 removal.

Comment :

(1) Manual, Rule 20 and Elements, I, 2--commas in series.

(2) Webster's, Rule 4.4.1--no comma between closely related grammatical sequences.

Section 30.

1 Section 30. Sheriff; Duties;
2 Tax Collector
3 Section 30. In each parish, a
4 sheriff shall be elected for a
5 term of four years. He shall be
6 the chief law enforcement officer
7 in the parish, except as other-
8 wise provided by this constitu-
9 tion, and shall execute court
10 orders and process. He shall
11 be the collector of state and
12 parish ad valorem taxes and
13 such other taxes and licenses
14 as provided by law.
15 This section shall not apply
16 to the Parish of Orleans.

1 Section 30. Sheriff;
2 Duties; Tax Collector
3 Section 30. In each
4 parish a sheriff shall be
5 elected for a term of four
6 years. He shall be the chief
7 law enforcement officer in the
8 parish, except as otherwise
9 provided by this constitution,
10 and shall execute court orders
11 and process. He shall be the
12 collector of state and parish
13 ad valorem taxes and other
14 taxes and license fees pro-
15 vided by law. This Section
16 shall not apply to the parish
17 of Orleans.

Comment :

(1) Webster's, Rule 4.4.1--no comma between closely related grammatical sequences.

(2) Manual, Rule 6--avoid hackneyed reference words.

(3) Elements, V, 16--be clear.

.11

Section 31. (A) + (B)

1 Section 31. Clerks; Elections;
2 Powers and Duties; Deputies;
3 Office Hours

1 Section 31. Clerk;
2 Election; Powers and
3 Duties; Deputies;

4 Section 31. (A) In each parish,
5 a clerk of the district court
6 shall be elected by the quali-
7 fied electors of the parish for
8 a term of four years. He shall
9 be ex officio notary public and
10 parish recorder of conveyances,
11 mortgages, and other acts and
12 shall have such other duties
13 and powers as may be prescribed
14 by law. The clerk may appoint
15 deputies with such duties and
16 powers as may be prescribed by
17 law and he may appoint, with
18 the approval of the district
19 judges, minute clerks with such
20 duties and powers as may be
21 prescribed by law.

22 (B) The legislature shall
23 establish statewide uniform
24 office hours for all clerks
25 of district courts.

Office Hours

4 Office Hours
5 Section 31. (A) Powers
6 and Duties; Deputies. In
7 each parish a clerk of the dis-
8 trict court shall be elected⁽¹⁾⁽²⁾
9 for a term of four years. He
10 shall be ex officio notary
11 public and parish recorder of
12 conveyances, mortgages, and
13 other acts and shall have⁽³⁾
14 other duties and powers pro-
15 vided by law. The clerk may
16 appoint deputies with duties⁽⁴⁾
17 and powers provided by law and,⁽⁵⁾
18 with the approval of the
19 district judges,⁽⁵⁾ he may appoint
20 minute clerks⁽⁶⁾ with the duties
21 and powers provided by law.

22 (B) Office Hours. The
23 legislature shall establish
24 uniform statewide office hours⁽⁷⁾
25 for clerks of district courts.⁽⁸⁾

Comment :

(1) Webster's, Rule 4.4.1--no comma between closely related grammatical sequences.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Manual, Rule 6--avoid hackneyed reference words.

(4) Standardization of language.

(5) Webster's, Rule 4.1.1--commas to set off parenthetical expression.

- (6) Elements, II, 16--keep related words together.
- (7) Ibid.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Section 32.

1 Section 32. Coroner; Election;
 2 Term; Qualifications;
 3 Duties
 4 Section 32. In each parish,
 5 a coroner shall be elected for
 6 a term of four years. He shall
 7 be a licensed physician and
 8 possess such other qualifications
 9 and perform such duties as are
 10 provided by law; however, the
 11 requirement that he be a
 12 licensed physician shall not ap-
 13 ply to any parish in which there
 14 is no licensed physician who will
 15 accept the office.

1 Section 32. Coroner;
 2 Election; Term;
 3 Qualifications; Duties
 4 Section 32. In each
 5 parish⁽¹⁾ a coroner shall be
 6 elected for a term of four
 7 years. He shall be a licensed
 8 physician and possess the⁽²⁾
 9 other qualifications and per-
 10 form the⁽²⁾ duties⁽³⁾ provided by
 11 law.⁽⁴⁾ However, the requirement
 12 that he be a licensed physician
 13 shall be inapplicable in any⁽⁵⁾
 14 parish in which no licensed
 15 physician will accept the⁽⁶⁾
 16 office.

Comment :

(1) Webster's, Rule 4.4.1--no comma between closely related grammatical sequences.

(2) Manual, Rule 6--avoid hackneyed reference words.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(5) Elements, II, 11--put statements in positive form.

(6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Section 33.

1 Section 33. Vacancies
2 Section 33. When a vacancy
3 occurs in the following offices,
4 the duties of the office, until
5 it is filled by election as
6 provided by law, shall be as-
7 sumed by: in the case of sheriff,
8 the chief criminal deputy; dis-
9 trict attorney, the first as-
10 sistant; clerk of a district
11 court, the chief deputy; coroner,
12 the chief deputy. If there is
13 no such person to assume the
14 duties at the time of the
15 vacancy, the governing authority
16 or authorities of the parish or
17 parishes concerned shall appoint
18 a qualified person to assume the
19 duties of the office until
20 filled by election.
21
22
23

1 Section 33. Vacancies
2 Section 33. When a
3 vacancy occurs in the following
4 offices, the duties of the
5 office, until it is filled
6 by election as provided by
7 law, shall be assumed by the
8 persons herein designated: ^{(1) (2)}
9 ^{(3) (4)} (1) sheriff, by the chief
10 criminal deputy; (2) district
11 attorney, by the first assis-
12 tant; (3) clerk of a district
13 court, by the chief deputy;
14 (4) coroner, by the chief
15 deputy. If there is no such
16 person to assume the duties
17 ⁽⁵⁾ when the vacancy occurs, the
18 governing authority or autho-
19 rities of the parish or
20 parishes concerned, shall
21 appoint a qualified person
22 to assume the duties of the
23 office until filled by
24 election.

Comment :

- (1) Elements, V, 16--be clear.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Enumeration suggested for readability.
- (4) Elements, II, 15--parallelism.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

44

Section 34.

1 Section 34. Reduction of
2 Salaries and Benefits Pro-
3 hibited
4 Section 34. No attorney
5 general, judge, district
6 attorney, sheriff, coroner, or
7 clerk of the district court
8 shall have his salary or retire-
9 ment benefits diminished during
10 his term of office.

1 Section 34. Reduction
2 of Salaries and
3 Benefits Prohibited
4 Section 34. The salary
5 and retirement benefits of no
6 attorney general, dis-
7 trict attorney, sheriff,
8 coroner, or clerk of the
9 district court shall be
10 diminished during his term
11 of office. (1)

Comment :

- (1) Sentence rearranged to conform with construction and to parallel content of Section 21; protection of judges moved to Section 21.

45

Section 35.

1 Section 35. Orleans Parish
2 Courts, Officials; Continued

3 Section 35. Except for pro-
4 visions relating to terms of
5 office as provided elsewhere in
6 this Article and notwithstanding
7 any other provision of this
8 constitution to the contrary,
9 the following courts and officers
10 in Orleans Parish are continued,
11 subject to change by a vote of
12 a majority of the elected mem-
13 bers of each house of the legis-
14 lature: the civil and criminal
15 district courts, the city, muni-
16 cipal, traffic and juvenile
17 courts, the clerks of the civil
18 and criminal district courts,
19 the civil and criminal sheriffs,
20 the constables and the clerks
21 of the first and second city
22 courts, the register of con-
23 veyances, and the recorder of
24 mortgages.

1 Section 35. Orleans
2 Parish Courts, Offi-
3 cials; Continued

4 Section 35. Except for
5 provisions relating to terms
6 of office as provided elsewhere
7 in this Article, ⁽¹⁾ and notwith-
8 standing any other contrary ⁽²⁾
9 provision of this constitution,
10 the following courts and offi-
11 cers in Orleans Parish are
12 continued, subject to change
13 by law: ⁽³⁾ the civil and criminal
14 district courts, the city,
15 municipal, traffic and juvenile
16 courts, the clerks of the civil
17 and criminal district courts,
18 the civil and criminal sheriffs
19 the constables and the clerks
20 of the first and second city
21 courts, the register of con-
22 veyances, and the recorder of
23 mortgages.
24

Comment:

(1) Webster's, Rule 4.2.1--comma sets off intro-
ductory adverbial clause.

(2) Manual, Rule 5--substitute word for phrase.

(3) Ibid.

Section 36.
(A) + (B)

1 Section 36. Jurors;
2 Qualifications; Exemptions
3 Section 36. (A) A citizen of
4 the state, who is domiciled with-
5 in the parish in which he is to
6 serve as a juror and who has
7 reached the age of majority, is
8 eligible to serve as a juror.
9 The legislature may provide
10 additional qualifications.
11 (B) The supreme court by rule
12 shall provide for exemption of
13 jurors.

1 Section 36. Jurors;
2 Qualifications;
3 Exemptions
4 Section 36. (A) Quali-
5 fications. A citizen of the
6 state who has reached the
7 age of majority is eligible
8 to serve as a juror within
9 the parish in which he is
10 domiciled. ⁽¹⁾ The legislature
11 may provide additional quali-
12 fications.
13 (B) Exemptions. The
14 supreme court shall provide
15 by rule ⁽²⁾ for exemption of
16 jurors.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Elements, II, 16--keep related words together.

47

Section 37.
(A) + (B)

1 Section 37. Grand Jury
2 Section 37. (A) There shall
3 be a grand jury or grand juries
4 in each parish whose qualifica-
5 tions, duties and responsibilities

1 Section 37. Grand Jury;
2 Right to Counsel
3 Section 37. (A) Grand
4 Jury. There shall be a
5 grand jury or grand juries in

6 shall be provided by law. The
7 secrecy of the proceedings, in-
8 cluding the identity of the
9 witnesses appearing, shall be
10 provided for by law.

11 (B) Except as otherwise pro-
12 vided in this constitution, a
13 district attorney, or his desig-
14 nated assistant, shall have
15 charge of every criminal prose-
16 cution by the state in his
17 district, shall be the repre-
18 sentative of the state in his
19 district before the grand jury,
20 and its legal advisor. He shall
21 perform such other duties as
22 may be provided by law.

23 (C) At all stages of grand
24 jury proceedings, anyone
25 testifying in such proceedings
26 shall have the right to the
27 advice of counsel while testify-
28 ing.

Comment:

(1) Webster's, Rule 4.1.2--commas to set off
appositional phrase.

(2) Manual, Rule 20 and Elements, I, 2--commas in
series.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit
needless words.

(4) Ibid.

(5) Ibid.

6 each parish, ⁽¹⁾ whose qualifica-
7 tions, duties, ⁽²⁾ and responsi-
8 bilities shall be provided by
9 law. The secrecy of the pro-
10 ceedings, including the iden-
11 tity of witnesses, ⁽³⁾ shall be
12 provided by law. ⁽⁴⁾

13 (B) Right to Counsel.
14 A person testifying at any
15 stage in grand jury proceed-
16 ings shall have the right to
17 the advice of counsel while
18 testifying. ⁽⁵⁾

COMMITTEE ON STYLE AND DRAFTING

Staff Draft (November 2, 1973)

Proposed Notes and Caveats to the Judiciary Article proposal:

Section 5(E), (as suggested); Section 5(F), (as enrolled)

NOTE: Section 5(E) may be considered for ultimate placement in the Declaration of Rights Article.

Section 8

CAVEAT: The amendment that was adopted was phrased in terms of at least five judges hearing the reargument. Presumably, the number five was chosen since no court of appeal presently has fewer than five judges. But, does this have the effect of requiring a court of appeal to have a minimum of five judges? If a new court of appeal is established, could it have less than five judges? If a special court for criminal appeals were to be created, would the five judge figure apply?

Would substitution of "en banc" for "before a panel of at least five judges" be better?

Section 22(B)

CAVEAT: The construction used may create uncertainty in the situation that arises when a vacancy occurs in the last six months of a term. Is the governor prevented from calling a special election, or is the calling of such an election permissive on his part? If the former was intended, the paragraph could be rephrased as follows:

"...and held within six months after the day on which the vacancy occurs or the judgeship is established. When a vacancy occurs in the last six months of an existing term, no election shall be held."

Section 22(C)

NOTE: This may be suitable for eventual placement in the schedule Provisions.

Section 24

CAVEAT: To be consistent with the Legislative and Executive Articles, the qualification might read "two years preceding qualification as a candidate" instead of "two years preceding election."

Section 26

NOTE: Deleted are those statements which are repeated in Section 8 of the Executive Article concerning the attorney general.

NOTE: Ultimately, all the provisions regarding the attorney general should be grouped together in the same article, either Executive or Judiciary.

CAVEAT: Section 13 of the Executive Article provides that first assistant to statewide elected officials are subject to confirmation by the Senate. The language used in Section 26 may be construed to mean that the first assistant attorney general need not be since it rephrases existing constitutional provisions that do not require confirmation. A conflict between the two articles may exist and should be resolved.

Section 28

CAVEAT: Add a caveat to Section 24, regarding qualification as a candidate, rather than prior to his election.

Section 34

NOTE: The reference to judges has been transferred to Section 21.

Section 37(B), (as suggested); Section 37(C), (as enrolled)

NOTE: This provision may be suitable for eventual transfer to the Bill of Rights.

Committee on Style and Drafting

Caveats to the Judiciary Article
(adopted on meeting of November 27, 1973)

Section 8

CAVEAT: The floor amendment that was adopted was phrased in terms of at least five judges hearing the reargument. Presumably, that number was chosen since no court of appeal presently has fewer than five judges. But, does this have the effect of requiring a court of appeal to have a minimum of five judges? If a new court of appeal is established, could it have less than five judges? To avoid the 5-judge requirement, the relevant part of Section 8 could be reworded to state:

"However, when a judgment of a district court is to be modified or reversed and one judge dissents, the case shall be reargued en banc or before a panel of at least five judges prior to rendition of judgment, and a majority must concur to render judgment."

Section 9

CAVEAT: As adopted by the convention, Section 9 includes the sentence, "After January 1, 1975, no judge shall be elected at large from within the circuit." Subsequently, the convention adopted Delegate Proposal J2 which restates the section without that sentence. In accord with Rule 49, the Committee on Style and Drafting must report the inconsistency to the convention floor.

If the latest expression of the convention is to be adopted, Delegate Proposal J2 as styled would be adopted as Section 9, as follows:

Each circuit shall be divided into at least three districts, and at least one judge shall be elected from each. The circuits and districts and the number of judges as elected in each circuit on the effective date of this constitution are retained, subject to change by the favorable vote of two-thirds of the elected members of each house of the legislature.

Section 10

CAVEAT TO JUDICIARY COMMITTEE: Jurisdiction is over "matters" appealed from the family and juvenile courts and over "civil cases" decided within the circuit. It may be that the term "cases" is more limited than the term "matters."

Article VII, Section 29 of the 1921 Constitution speaks of "matters appealed from the family and juvenile courts", "all civil and probate matters", and "all civil matters involving more than one hundred dollars."

It may be advisable to amend Section 10 to phrase the jurisdiction in terms of "civil matters decided within its circuit."

Section 16

CAVEAT TO JUDICIAL COMMITTEE: As adopted, the reference is to a "political organization" as a defendant. In the local and parishal government article, technically defined terms are used, "local governmental subdivision" referring to "any parish or municipality," and "political subdivision" referring to "a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions."

Perhaps clarity would be fostered by using one of the defined terms.

Section 16

CAVEAT: The exception is "as otherwise authorized by this constitution." Since it appears that references to courts and the power to create courts is restricted to Article V, it may be advisable to change the phrase to read, "Except as otherwise authorized by this Article".

Section 19

CAVEAT: The styled section continues the use of the phrase "subject to change by the legislature." An alternative is use of the phrase "subject to change by law."

Section 23

CAVEAT TO JUDICIARY COMMITTEE: As adopted, the section pro-

vides that judges "shall not practice law." As styled, the text reads, "He shall not practice law while in office."

If it is clear that the reference in the styled version of "judges" is to a man while he is sitting on the bench (i.e. not while he has that status) and not afterwards, it may not be necessary to add the phrase "while in office."

Section 27

CAVEAT: As it reads, the section states the residency and practice requirements in terms of time periods "prior to his election" and "two years preceding election." In the legislative and executive articles, the references are usually to time periods preceding qualification as a candidate. For consistency, it may be advisable to revise this section to refer to the time of qualification, instead of election.

Section 32

CAVEAT: As adopted, the section protects the salary and retirement benefits of the named officials during their term of office. It does not specify that their terms of office cannot be reduced.

Section 33

CAVEAT: Since a law requires approval by a "majority of the elected members of each house of the legislature," that phrase in the section could be replaced by "change by law."

Adopted 11/29/73

DOCUMENT XIV

COMMITTEE PROPOSAL NO. 21: FIRST ENROLLMENT

JUDICIAL BRANCH

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE V. JUDICIAL BRANCH
2 Section 1. Judicial Power
3 Section 1. The judicial
4 power shall be vested in a
5 supreme court, courts of appeal,

1 ARTICLE V. JUDICIAL BRANCH
2 Section 1. Judicial
3 Power
4 Section 1. The judicial
5 power is ⁽¹⁾vested in a supreme

6 district courts, and other courts
7 authorized by this constitution.
8
9

6 court, courts of appeal,
7 district courts, and other
8 courts authorized by this
9 Article.⁽²⁾

Comment:

- (1) Manual, Rule 11 -- present tense.
- (2) Elements, V, 16 -- be clear.

1

Section 2.

1 Section 2. Habeas Corpus,
2 Needful Writs, Orders
3 and Process
4 Section 2. A judge may
5 issue writs of habeas corpus
6 and all other needful writs,
7 orders and process in aid of
8 the jurisdiction of his court.
9 Exercise of this authority by
10 a judge of the supreme court
11 or court of appeal is subject
12 to review by the whole court.
13 The power to punish for con-
14 tempt of court shall be limi-
15 ted by law.
16

1 Section 2. Habeas Corpus,
2 Needful Writs, Orders
3 and Process; Contempt
4 Section 2. A judge may
5 issue writs of habeas corpus (1)
6 and all other needful writs, orders,
7 and process in aid of the juris-
8 diction of his court. Exer-
9 cise of this authority by a
10 judge of the supreme court or of
11 a court of appeal is subject
12 to review by the whole court.
13 The power to punish for con-
14 tempt of court shall be
15 limited by law.
16

Comment:

- (1) Manual, Rule 20; Elements, I, 2 -- commas in series.
- (2) Elements, II, 15 -- parallelism.

2

Section 3.

1 Section 3. Supreme Court;
2 Composition; Judgments;
3 Terms

4 Section 3. The supreme court
5 shall be composed of a chief justice
6 and six associate justices, four of
7 whom must concur to render judg-
8 ment. The term of a judge of the
9 supreme court shall be ten years.

1 Section 3. Supreme Court;
2 Composition; Judgments;
3 Terms

4 Section 3. The supreme
5 court shall be composed of a
6 chief justice and six associate
7 justices, four of whom must
8 concur to render judgment.
9 The term of a supreme court
10 judge⁽¹⁾ shall be ten years.

Comment:

(1) Manual, Rule 5--substitute word for phrase.

3

Section 4.

1 Section 4. Supreme Court;
2 Districts

3 Section 4. The state shall
4 be divided into at least six supreme
5 court districts, with at least one
6 judge elected from each. The pres-
7 ent districts and the number of
8 judges assigned to each are retained,
9 subject to change by a two-thirds
10 vote of the elected members of each
11 house of the legislature.

1 Section 4. Supreme
2 Court; Districts

3 Section 4. The state
4 shall be divided into at least
5 six supreme court districts,
6 and at least one judge shall
7 be elected from each. The
8 districts and the number of
9 judges assigned to each on the
10 effective date of this consti-
11 tution⁽²⁾ are retained, subject
12 to change by the favorable vote⁽³⁾
13 of two-thirds of the elected mer

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15

14 bers of each house of the
15 legislature.

Comment:

- (1) Elements, V, 16--be clear.
- (2) Ibid.
- (3) Standardization of language.

Section 5.
(A) (B) (C) + (D)

1 Section 5. Supreme Court;
2 Supervisory, Original, and
3 Appellate Jurisdiction; Rule-
4 Making Power; Assignment of
5 Judges

6 Section 5. (A) The supreme
7 court has general supervisory juris-
8 diction over all other courts. It
9 may establish procedural and admini-
10 strative rules not in conflict with
11 law. It may assign a sitting or
12 retired judge to any court.

13 (B) The supreme court has
14 exclusive original jurisdiction of
15 disciplinary proceedings against
16 members of the bar.

17 (C) Except as otherwise pro-
18 vided in this constitution, the
19 supreme court's jurisdiction in

1 Section 5. Supreme Court;
2 Jurisdiction; Rule-
3 Making Power; Assign-
4 ment of Judges

5 Section 5. (A) Super-
6 visory Jurisdiction; Rule-
7 Making Power; Assignment of
8 Judges. The supreme court has
9 general supervisory jurisdiction
10 over all other courts. It may
11 establish procedural and adminis-
12 trative rules not in conflict with
13 law and may assign a sitting or
14 retired judge to any court.

15 (B) Original Jurisdiction.
16 The supreme court has exclusive
17 original jurisdiction of discip-
18 linary proceedings against a member
19 of the bar.

20 civil cases extends to both the
21 law and the facts. In criminal
22 matters, its appellate jurisdic-
23 tion extends only to questions of
24 law.

25 (D) In addition to appeals
26 provided for elsewhere in this
27 constitution, the following cases
28 shall be appealable to the supreme
29 court:

30 (1) A case in which a law or
31 ordinance has been declared un-
32 constitutional;

33 (2) Cases in which the defen-
34 dant has been convicted of a felony
35 or in which a fine exceeding five

5

1 hundred dollars or imprisonment
2 exceeding six months has been actu-
3 ally imposed.

4 (E) Subject to the provisions
5 of Paragraph (C), the supreme court
6 has appellate jurisdiction over all
7 issues involved in any civil action
8 properly before it.

9 (F) In all criminal cases not

20 (C) Scope of Review.

21 Except as otherwise provided by ⁽³⁾
22 this constitution, the jurisdic-
23 tion of the supreme court in civil
24 cases extends to both ⁽⁴⁾ law and
25 ⁽⁵⁾ facts. In criminal matters, its
26 appellate jurisdiction extends
27 only to questions of law.

28 (D) Appellate Jurisdiction.

29 In addition to other ⁽⁶⁾ appeals
30 provided by ⁽⁶⁾ this constitution, a
31 ⁽⁷⁾ case shall be appealable to the
32 supreme court if (1) ⁽⁸⁾ a law or
33 ordinance has been declared un-
34 ⁽⁸⁾ constitutional; (2) the defendant
35 has been convicted of a felony or

Section 5.
(D) (E) + (F)

⁽⁹⁾
1 a fine exceeding five hundred
2 dollars or imprisonment exceeding
3 ⁽¹⁰⁾ six months actually has been
4 imposed.

5 (E) Other Criminal Cases;
6 Review. In all criminal cases ⁽¹¹⁾
7 not provided in Paragraph (D) (2)
8 of this Section, a defendant has ⁽¹²⁾
9 a right of appeal or review, as

10 provided for in subsection (D) (2)
11 of this Section an accused shall
12 have a right of appeal or review,
13 as provided by law.

10 provided by law.

11 (F) Appellate Jurisdiction;
12 Civil Cases; Extent. Subject to
13 the provisions in Paragraph (C),
14 the supreme court has appellate
15 jurisdiction over all issues in-
16 volved in a civil action properly
17 before it.

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Comment:

- (1) Manual, Rules 5, 13; Elements, 11, 13 -- omit needless words.
- (2) Manual, Rule 11 -- singularization
- (3) Standardization of language.
- (4) Formalization of language.
- (5) Manual, Rules 5, 13; Elements, II, 13 -- omit needless words.

6

SECTION 5.
(D) (E) + (F)

- (6) Manual, Rule 5 -- substitute word for phrase; standardization of language.
- (7) Manual, Rule 5 -- substitute word for phrase; Manual, Rule 11 -- singularization.
- (8) Manual, Rules 5, 13; Elements, II, 13 -- omit needless words.
- (9) Ibid.
- (10) Elements, II, 16 -- keep related words together.

- (11) Standardization of language.
- (12) Manual, Rule II -- present tense; Elements, II, 15 -- parallelism.
- (13) Standardization of language.

7

Section 6.

1 Section 6. Supreme Court;
 2 the Chief Justice
 3 Section 6. (A) When a vacancy
 4 in the office of chief justice
 5 occurs, the judge oldest in point of
 6 service on the court, shall succeed
 7 to the office.
 8 (B) The chief justice is the
 9 chief administrative officer of
 10 the judicial system of the state,
 11 subject to rules adopted by the
 12 court.

1 Section 6. Supreme Court;
 2 Chief Justice
 3 Section 6. The judge
 4 oldest in point of service on
 5 the supreme court shall be
 6 chief justice. ⁽¹⁾ He is the
 7 chief administrative officer of
 8 the judicial system of the state,
 9 subject to rules adopted by the
 10 court.
 11
 12

Comment:

(1) Sentence arranged to conform with suggested language of Section 12.

Section 7.

1 Section 7. Supreme Court;
2 Judicial Administrator,
3 Clerks and Staff
4 Section 7. The supreme court
5 has authority to select a judicial
6 administrator, its clerks, and other
7 personnel, and prescribe their
8 duties.

1 Section 7. Supreme Court;
2 Personnel
3 Section 7. The supreme
4 court may ⁽¹⁾ select a judicial
5 administrator, its clerks, and
6 other personnel ⁽²⁾ and prescribe
7 their duties.
8

Comment:

(1) Standardization of language.

(2) See Elements, I, 4--omit comma when subject common to two verbs and connective is "and".

9

Section 8. (A), (B) & (C)

1 Section 8. Courts of Appeal;
2 Panels; Number Necessary
3 to Decision; Terms
4 Section 8. The state shall
5 be divided into at least four
6 circuits, with one court of appeal
7 in each circuit. Each court shall
8 sit in panels of at least three
9 judges selected according to

1 Section 8. Courts of Appeal;
2 Circuits; Panels; Judgments;
3 Terms
4 Section 8. (A) Circuits; Panels.
5 The state shall be divided into at
6 least four circuits, with one court
7 of appeal in each. ⁽¹⁾ Each court shall
8 sit in panels of at least three
9 judges selected according to rules

10 rules adopted by the court. A
11 majority of the judges sitting
12 in a case must concur to render
13 judgment. However, when the
14 judgment of the district court
15 is to be modified or reversed,
16 and one judge dissents, the case
17 shall be reargued, before a
18 panel of at least five judges,
19 prior to rendition of judgment,
20 and a majority must concur to
21 render judgment. The term of a
22 court of appeal judge shall be
23 ten years.
24

10 adopted by the court.

11 (B) Judgments. A majority of
12 the judges sitting in a case must
13 concur to render judgment. However,
14 when a ⁽²⁾ judgment of a ⁽²⁾ district court
15 is to be modified or reversed ⁽³⁾ and
16 one judge dissents, the case shall
17 be reargued ⁽³⁾ before a panel of at
18 least five judges ⁽³⁾ prior to rendition
19 of judgment, and a majority must
20 concur to render judgment.

21 (C) Terms. The term of a
22 court of appeal judge shall be ten
23 years.
24

Comment:

(1) Manual, Rules 5, 13 and Elements II, 13-- omit
needless words; Elements II, 15--parallelism.

(2) Elements, V, 16 -- be clear--indefinite article
more suitable here than definite article.

(3) Webster's, Rule 4.1.2.1 -- clause or phrase
essential to main idea of sentence not set off by
commas.

Section 9.

1 Section 9. Courts of Appeal;
2 Circuits and Districts
3 Section 9. Each circuit
4 shall be divided into at least
5 three districts, with at least

1 Section 9. Courts of
2 Appeal; Circuits and
3 Districts
4 Section 9. Each circuit
5 shall be divided into at least

6 one judge elected from each.
7 After January 1, 1975, no judge
8 shall be elected at large from
9 within the circuit. The present
10 circuits and districts and the
11 number of judges as elected in
12 each circuit are retained, sub-
13 ject to change by two-thirds
14 vote of the elected members in
15 each house of the legislature.
16
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6 three districts, and at least ⁽¹⁾
7 one judge shall be ⁽¹⁾ elected from
8 each. After January 1, 1975,
9 no judge shall be elected at
10 large from within the circuit.
11 The circuits and districts
12 and the number of judges as
13 elected in each circuit on the
14 effective date of this consti-
15 tution ⁽²⁾ are retained, subject to
16 change by the favorable vote of
17 two-thirds of the elected members ⁽³⁾
18 of each house of the legislature.

Comment:

- (1) Elements, V, 16--be clear.
- (2) Standardization of language.
- (3) Ibid.

11

Section 10.
(A) + (B)

1 Section 10. Courts of
2 Appeal; Appellate and
3 Supervisory Jurisdiction
4 Section 10. (A) Except in
5 those cases appealable to the
6 supreme court and as otherwise
7 provided in this constitution, a
8 court of appeal has appellate

[742]

1 Section 10. Courts of
2 Appeal; Jurisdiction
3 Section 10. (A) Jurisdiction.
4 Except in cases ⁽¹⁾ appealable to the
5 supreme court and except ⁽²⁾ as other-
6 wise provided ⁽³⁾ by this constitution,
7 a court of appeal has appellate
8 jurisdiction of all ⁽⁴⁾ (1) civil

9 jurisdiction of all civil cases
10 decided within its circuit. It
11 has appellate jurisdiction of
12 all matters appealed from the
13 family and juvenile courts,
14 except criminal prosecutions
15 of persons other than juveniles.
16 It has supervisory jurisdiction
17 over all cases in which an
18 appeal would lie to that court.

19 (B) Except as limited to
20 questions of law by this consti-
21 tution or as provided by law in
22 the case of review of admini-
23 strative agency determinations,
24 its appellate jurisdiction
25 extends to law and facts.
26

9 cases decided within its circuit
10 and ⁽⁵⁾ (2) matters appealed from ⁽⁶⁾
11 family and juvenile courts, ex-
12 cept criminal prosecutions of
13 persons other than juveniles. It
14 has supervisory jurisdiction over
15 ⁽⁷⁾ cases in which an appeal would lie
16 to it. ⁽⁸⁾

17 (B) Scope of Review. Except
18 as limited to questions of law by
19 this constitution, ⁽⁹⁾ or as provided
20 by law in the review of adminis-
21 trative agency determinations,
22 ⁽¹⁰⁾ appellate jurisdiction ⁽¹¹⁾ of a court
23 of appeal extends to law and facts
24
25
26

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Elements, II, 15--parallelism.

(3) Standardization of language.

(4) Numbers added to follow form of Section 5 (D).

(5) Manual, Rules 5, 13 and Elements, II, 13-- omit needless words.

(6) Ibid.

(7) Ibid.

SECTION 10
(A) + (B)

- (8) Manual, Rule 5--substitute word for phrase.
- (9) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (11) Elements, V, 16--be clear.

Section 11.

1 Section 11. Courts of
 2 Appeal; Certification
 3 to Supreme Court;
 4 Determination
 5 Section 11. A court of
 6 appeal may certify any question
 7 of law before it to the supreme
 8 court, whereupon the supreme
 9 court may give its binding
 10 instruction, or consider and
 11 decide the case upon the whole
 12 record.

1 Section 11. Courts of
 2 Appeal; Certification
 3 Section 11. A court of
 4 appeal may certify any question
 5 of law before it to the supreme
 6 court, ⁽¹⁾ and the supreme court then ⁽²⁾
 7 may give its binding instruction ⁽³⁾
 8 ⁽⁴⁾ or decide the case upon the whole
 9 record.
 10
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Comment:

- (1) Manual, Rule 5--use short words.
- (2) Elements, V, 16--be clear.
- (3) Webster's, Rule 4.1.2.1--clause or phrase essential to main idea of sentence not set off by commas.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Section 12.

1 Section 12. Courts of
2 Appeal; Chief Judge;
3 Duties

4 Section 12. There shall be
5 a chief judge of each court of
6 appeal who shall be the judge
7 oldest in point of service on
8 the court and who shall admini-
9 ster the court subject to rules
10 adopted by the court.

1 Section 12. Courts of
2 Appeal; Chief Judge

3
4 Section 12. The judge
5 oldest in point of service on
6 each court of appeal shall be
7 chief judge of that court and
8 shall administer the court sub-
9 ject to rules adopted by it. ⁽¹⁾
10

Comment:

(1) Manual, Rule 8--rewrite "there is".

15

Section 13.

1 Section 13. Courts of
2 Appeal; Clerks and Staff

3 Section 13. Each court of
4 appeal has authority to select
5 its clerk and other personnel
6 and prescribe their duties.
7

1 Section 13. Courts of
2 Appeal; Personnel

3 Section 13. Each court of
4 appeal may ⁽¹⁾ select its clerk and
5 other personnel and prescribe
6 their duties.
7

Comment:

(1) Standardization of language.

16

[745]

Section 14.

1 Section 14. District
2 Courts; Judicial Districts
3 Section 14. The state shall
4 be divided into judicial districts,
5 each composed of one or more
6 parishes and served by one or
7 more district judges.
8

1 Section 14. District
2 Courts; Judicial
3 Districts
4 Section 14. The state
5 shall be divided into judicial
6 districts, each composed of
7 at least one parish and served
8 by at least one district judge.

Comment:

(1) Manual, Rule 12--singularization.

Section 15.
(A) & (B)

1 Section 15. Courts;
2 Continued; Jurisdiction;
3 Judicial Districts Changes;
4 Terms
5 Section 15. (A) The district,
6 parish, magistrate, city, family,
7 and juvenile courts existing at
8 the time of the adoption of this
9 constitution are retained. The
10 legislature may abolish or merge
11 trial courts of limited or special-
12 ized jurisdiction subject to
13 the limitations in Sections 16
14 and 21 of this Article. The

1 Section 15. Courts;
2 Retention; Jurisdic-
3 tion; Judicial Districts
4 Changes; Terms
5 Section 15. (A) Court
6 Retention; Trial Courts of
7 Limited Jurisdiction. The
8 district, family, juvenile,
9 parish, city, and magistrate⁽¹⁾
10 courts existing on the effec-
11 tive date of this constitution⁽²⁾
12 are retained. Subject to the
13 limitations in Sections 16 and
14 ⁽³⁾20 of this Article, the legis-⁽⁴⁾

15 legislature may establish trial
16 courts of limited jurisdiction
17 which shall have parishwide
18 territorial jurisdiction and
19 subject matter jurisdiction which
20 shall be uniform throughout the
21 state. The office of city mar-
22 shal is continued until such time
23 as the city court he serves is
24 abolished by the legislature.

25 (B) The judicial districts
26 existing at the time of the adop-
27 tion of this constitution are retained.
28 The legislature, by a majority vote of
29 the elected members of each house,
30 with approval in a referendum in each
31 district and parish affected, may es-
32 tablish, divide, or merge judicial dis-
33 tricts, subject to the limitations of
34 of Section 21 of this Article.

35 (C) The term of a district and

15 lature may abolish or merge
16 trial courts of limited or
17 specialized jurisdiction. The
18 legislature may establish trial
19 courts of limited jurisdiction
20 with parishwide territorial
21 jurisdiction and subject
22 matter jurisdiction which shall
23 be uniform throughout the state.
24 The office of city marshal is
25 continued until the city court
26 he serves is abolished.

27 (B) Judicial Districts.
28 The judicial districts exist-
29 ing on the effective date of
30 this constitution are retained.
31 Subject to the limitations in
32 Section 20 of this Article, the
33 legislature may establish,
34 divide, or merge judicial
35 districts with approval in a

Section 15.
(C) + (D)

1 parish judges shall be six years.
2 (D) The legislature may
3 increase or decrease the number of
4 judges in any judicial district

1 referendum in each district
2 and parish affected.
3 (C) Term. The term of a
4 district, parish, or city court

5 by a two-thirds vote of the elected
6 membership of each house.
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5 judge shall be six years.
6 (D) Number of Judges. The
7 legislature may change the num-
8 ber of judges in any judicial
9 district by the favorable vote of
10 two-thirds of the elected members
11 of each house.

SECTION 15.
(A) + (B)
(C) + (D)

Comment:

- (1) Names of courts arranged in proper hierarchy.
- (2) Standardization of language.
- (3) Section number changed to conform to renumbering.
- (4) Manual, Rule 18--place exceptions first.
- (5) Manual, Rule 5--Substitute word for phrase.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) Ibid.
- (8) Standardization of language.
- (9) Manual, Rule 18--place exceptions first.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (11) Elements, II, 16--keep related words together.
- (12) "city court" added to this section to allow elimination of Section 15.1 as enrolled.
- (13) Manual, Rule 5--substitute word for phrase.
- (14) Standardization of language.

SECTION 15.1

1 Section 15.1. City Court
2 Judges; Terms
3 Section 15.1. A judge of
4 a city court shall be elected for
5 the same term as a district court
6 judge.

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- deleted &
transferred to
Section 15 -

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Section 16. (A) + (B)

1 Section 16. District
2 Courts; Original Juris-
3 diction
4 Section 16. (A) Unless other-
5 wise authorized by this constitu-
6 tion, a district court shall have
7 original jurisdiction in all civil
8 and criminal matters. It shall
9 have exclusive original juris-
10 diction: of felony cases and of
11 cases involving: the title to
12 immovable property; the right to
13 office or other public position;
14 civil or political rights; pro-
15 bate and succession matters; the
16 state, a political corporation,
17 or a succession, as a party

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1 Section 16. District Courts;
2 Jurisdiction
3 Section 16. (A) Original
4 Jurisdiction. Except as otherwise
5 authorized by this constitution, a
6 district court shall have original
7 jurisdiction⁽²⁾ of all civil and crimi-
8 nal matters. It shall have exclu-
9 sive original jurisdiction⁽³⁾ of
10 felony cases and of cases involving⁽³⁾
11 title to immovable property; the
12 right to office or other public
13 position; civil or political rights
14 probate and succession matters; the
15 state, a political corporation, or
16 a succession, as a defendant;⁽⁵⁾ and⁽⁶⁾
17 the appointment of receivers or

18 defendant, regardless of the
19 amount in dispute; and the ap-
20 pointment of receivers or liquid-
21 ators to corporations or partner-
22 ships.

23 (B) A district court shall
24 have appellate jurisdiction as
25 provided by law.
26
27

(7)
18 liquidators for corporations or
19 partnerships.

20 (B) Appellate Jurisdiction.
21 A district court shall have appel-
22 late jurisdiction as provided by
23 law.
24
25
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21

SECTION 16.
(A) + (B)

Comment:

- (1) Standardization of language.
- (2) Standardization of language.
- (3) See Harbrace College Handbook, Rule 17d(4)--avoid needless colons.
- (4) Manual, Rules 5, 13 and Elements II, 13--omit needless words.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Ibid.
- (7) Elements, V, 16--be clear.

Section 17.

1 Section 17. District
2 Courts; Chief Judge
3 Section 17. Each district
4 court shall elect from its mem-
5 bers a chief judge who shall
6 exercise, for the term designated
7 by the court, the administrative
8 functions as prescribed by rule
9 of court.

1 Section 17. District
2 Courts; Chief Judge
3 Section 17. Each district
4 court shall elect from its
5 members a chief judge who shall
6 exercise, for a ⁽¹⁾ term designated
7 by the court, the administrative
8 functions ⁽²⁾ prescribed by rule of
9 court.

Comments:

(1) Elements, V, 16--be clear--indefinite article preferred in context.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

23

Section 18.

1 Section 18. Juvenile Courts;
2 Jurisdiction
3 Section 18. Notwithstanding
4 any provision of this Article to
5 the contrary, the juvenile and
6 family courts shall have such
7 jurisdiction as the legislature
8 shall provide by law.

1 Section 18. Juvenile
2 Courts; Jurisdiction
3 Section 18. Notwithstandir
4 any contrary provision of this
5 Article, ⁽¹⁾ juvenile and family
6 courts shall have jurisdiction
7 ⁽²⁾ as provided by law.
8

Comments:

(1) Standardization of language.

(2) Manual, Rules 5, 13, and Elements, II, 13--omit needless words.

(3) Manual, Rule 6--avoid hackneyed reference words.

(4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

24

Section 19.

1 Section 19. Mayors' Courts;
2 Justices of the Peace;
3 Continued
4 Section 19. Mayors' courts and
5 justice of the peace courts
6 existing at the time of the
7 adoption of this constitution
8 are continued subject to change
9 by the legislature.

1 Section 19. Mayors' Courts;
2 Justice of the Peace
3 Courts
4 Section 19. Mayors' courts
5 and justice of the peace courts
6 existing on the effective date⁽¹⁾
7 of this constitution are continued,
8 subject to change by the legisla-
9 ture.

Comment:

(1) Standardization of language.

25

SECTION 21

becomes

Section 20

1 Section 21. Judges; Term of
2 Office or Compensation May
3 Not Be Decreased
4 Section 21. No judge's term of
5 office or compensation shall be
6 decreased during the term for
7 which he is elected.
8
9

1 Section 20. Judges;
2 Decrease in Terms and
3 Compensation Prohibited
4 Section 20. The term of
5 office,⁽¹⁾ retirement benefits,⁽²⁾
6 and compensation of a judge
7 shall not be decreased during
8 the term for which he is
9 elected.

Comment.

(1) Formalization of language.

(2) "retirement benefits" moved from Section 34 to Section 21 to group together similar provisions relating to the protections for judges.

26

SECTION 22
(A) + (B) become

Section 21.
(A) + (B)

1 Section 22. Judges; Election;
2 Vacancy in Office
3 Section 22. (A) Except as
4 otherwise provided in this
5 Section all judges shall be
6 elected. Election of judges shall
7 be at the regular congressional
8 election.

9 (B) A newly-created judgeship
10 or a vacancy in the office of
11 any judge shall be filled by a
12 special election which shall be
13 called by the governor, and held
14 within six months of the day on
15 which the vacancy occurs or the
16 judgeship is established, except
17 when the vacancy occurs in the
18 last six months of an existing
19 term. Until the vacancy is
20 filled, the supreme court shall
21 appoint a person meeting the
22 qualifications, other than
23 domicile, for the office, to
24 serve at its pleasure, who shall
25 be ineligible as a candidate for
26 election to the judgeship at
27 the election to fill the vacancy

1 Section 21. Judges;
2 Election; Vacancy
3 Section 21. (A) Election.
4 Except as otherwise provided
5 in this Section, ⁽¹⁾ all judges
6 shall be elected. Election ⁽²⁾
7 shall be at the regular con-
8 gressional election.

9 (B) Vacancy. A newly-
10 created judgeship or a vacancy
11 in the office of a judge ⁽³⁾ shall
12 be filled by ⁽⁴⁾ special election
13 ⁽⁵⁾ called by the governor and
14 held within six months after ⁽⁶⁾
15 the day on which the vacancy
16 occurs or the judgeship is
17 established, except when the
18 vacancy occurs in the last
19 six months of an existing
20 term. Until the vacancy is
21 filled, the supreme court shall
22 appoint a person meeting the
23 qualifications for the office, ⁽⁷⁾
24 other than domicile, to serve
25 at its pleasure. ⁽⁸⁾ The appointee
26 shall be ineligible as a candi-
27 ⁽⁹⁾ date at the election to fill the

28 or the newly created judicial
29 office. For service as an
30 appointed judge, the person
31 appointed to fill the vacancy,
32 other than a retired judge, shall
33 not be eligible for retirement
34 benefits provided for the
35 elected judiciary.

28 vacancy or the newly-created
29 judicial office. No person ⁽¹⁰⁾
30 serving as an appointed judge,
31 other than a retired judge,
32 ⁽¹¹⁾ shall be eligible for retire-
33 ment benefits provided for
34 the elected judiciary.
35

27

SECTION 22 (C) becomes

SECTION 21 (C)

1 (C) A judge serving on the date
2 of adoption of this constitution
3 shall continue in office for the
4 term to which elected and shall
5 serve through December thirty-first
6 of the last year of his term or, if
7 the last year of his term is not
8 in the even-numbered year of a
9 regular congressional election,
10 then through December thirty-
11 first of the following year. The
12 election for the next term in the
13 office will be held in the year
14 in which the term expires as
15 provided above.

1 (C) End of Term. A judge
2 serving on the effective date
3 of this constitution shall ⁽¹²⁾ ⁽¹³⁾
4 serve through December thirty-
5 first of the last year of his
6 term or, if the last year of
7 his term is not in the year of ⁽¹⁴⁾
8 a regular congressional elec-
9 tion, then through December
10 thirty-first of the following
11 year. The election for the
12 next term shall be held in the ⁽¹⁵⁾
13 year in which the term expires, ⁽¹⁶⁾
14 as provided above.
15

Comment:

(1) Webster's, Rule 4.2.1.--comma sets off introductory adverbial clause.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.

(4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(5) Ibid.

(6) Manual, Rule 3--make clear the first and last days of a time period.

(7) Elements, II, 16--keep related words together.

(8) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(10) Ibid.

(11) Elements, II, 11--put statements in positive form.

(12) Standardization of language.

(13) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(14) Ibid.

(15) Ibid.; Standardization of language.

(16) Webster's, Rule 4.4.2--comma to aid clarity.

28

SECTION 23
(A) + (13)

become

SECTION 22.
(A) + (B)

1 Section 23. Retirement of
2 Judges
3 Section 23. (A) Within two
4 years after the effective date of
5 this constitution, the legisla-
6 ture shall provide for a retire-
7 ment system for judges which shall
8 apply to a judge taking office
9 after the effective date of the

1 Section 22. Judges;
2 Retirement
3 Section 22. (A) Retire-
4 ment System. Within two years
5 after the effective date of
6 this constitution, the legis-
7 lature shall provide for a
8 retirement system for judges
9 which shall apply to a judge

10 statute enacting the system
11 and to which a judge in office
12 at the time of its adoption may
13 elect to join with credit for
14 all prior years of judicial
15 service without contribution
16 therefor; provided, however, a
17 judge in office or retired at
18 the time of adoption of this
19 constitution, shall not have
20 diminished any retirement bene-
21 fits or judicial service rights,
22 nor shall the benefits to which
23 his surviving spouse is entitled,
24 be reduced.

25 (B) A judge shall not remain
26 in office beyond his seventieth
27 birthday, except as otherwise
28 provided in this Section.

29
30

10 taking office after the effec-
11 tive date of the law ⁽¹⁾ enacting
12 the system and in which a ⁽³⁾
13 judge in office at that ⁽²⁾ time
14 may elect to become a member, ⁽³⁾
15 with credit for all prior years
16 of judicial service and ⁽⁴⁾
17 without contribution therefor.
18 ⁽⁵⁾ The retirement benefits and
19 judicial service rights of a
20 judge in office or retired on
21 the effective date of this
22 constitution ⁽⁶⁾ shall not be
23 diminished, nor shall the bene-
24 fits to which a ⁽⁷⁾ surviving
25 spouse is entitled be reduced.

26 (B) Mandatory Retirement.
27 Except as otherwise provided
28 in this Section, ⁽⁸⁾ a judge shall
29 not remain in office beyond
30 his seventieth birthday.

29

SECTION 22 (A) + (B)

Comment:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Formalization of language; Elements, II, 12--specific language.
- (4) Elements, V, 16--be clear.

(5) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(6) Standardization of language.

(7) Elements, V, 16--be clear.

(8) Manual, Rule 18--place exceptions first.

30

SECTION 24 ~~becomes~~ SECTION 23.

1 Section 24. Judges; Qualifi-
2 cations; Practice of Law
3 Prohibited
4 Section 24. A judge of the
5 supreme court, court of appeal,
6 district court, family court,
7 parish court, or court having
8 solely juvenile jurisdiction shall
9 have been admitted to the practice
10 of law in this state for at least
11 five years prior to his election,
12 shall have been domiciled in the
13 respective district, circuit,
14 or parish for at least two years
15 immediately preceding election,
16 and shall not practice law.
17
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19

1
2 Section 23. Judges;
3 Qualifications
4 Section 23. A judge of
5 the supreme court, a court of
6 appeal, district court, family
7 court, parish court, or court
8 having solely juvenile jurisd-
9 diction shall have been ad-
10 mitted to the practice of law
11 in this state for at least
12 five years prior to his
13 election, and shall have
14 been domiciled in the
15 respective district, circuit,
16 or parish for the two years
17 preceding election. ⁽¹⁾ He
18 shall not practice law
19 while in office. ⁽²⁾ ⁽³⁾ ⁽⁴⁾

Comment:

(1) Elements, II, 12--use specific language.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Manual, Rule 10--short sentences; Rule 4--unrelated ideas in separate sentences.

(4) Elements, V, 16--be clear.

SECTION 25 becomes

SECTION 24

1 Section 25. Judiciary Com-
2 mission; Composition;
3 Terms; Vacancy; Grounds for
4 Removal; Powers
5 Section 25. (A) The Judiciary
6 Commission shall consist of one
7 court of appeal judge and two
8 district court judges selected
9 by the supreme court; two attorneys
10 admitted to the practice of law
11 for at least ten years and one
12 attorney admitted to the practice
13 of law for at least three years
14 but not more than ten years who
15 are not judges, active or retired,
16 nor public officials other than
17 notaries public, selected by the
18 Louisiana Conference of Court
19 of Appeal Judges' Association or
20 its successor; and three citizens,
21 not lawyers, judges active or
22 retired, nor public officials,
23 appointed by the Louisiana

1 Section 24. Judiciary
2 Commission
3 Section 24. (A) Composi-
4 tion. The judiciary commission⁽¹⁾
5 shall consist of
6 ⁽²⁾
6 (1) one court of appeal
7 judge and two district court
8 judges selected by the supreme
9 court;
10 (2) two attorneys ad-
11 mitted to the practice of law
12 for at least ten years and one
13 attorney admitted to the prac-
14 tice of law for at least three
15 years but not more than ten
16 years, selected by the Confer-
17 ence of Court of Appeal Judges
18 or its successor.^{(3) (4)} They shall
19 not be judges, active or re-
20 tired, or public officials,
21 other than notaries public; and
22 (3) three citizens, not
23 lawyers, judges active or re-

24 District Judges' Association or
25 its successor.
26 (B) A member of the commission
27 shall serve a four-year term and
28 shall not be eligible to succeed
29 himself.
30 (C) A member's term shall termi-
31 nate when he loses the status
32 causing his appointment or when
33 any event occurs which would have
34 made him ineligible for appointment
35 (D) When a vacancy occurs, a

24 tired, or public officials,
25 selected by the Louisiana
26 District Judges' Association
27 or its successor.
28 (B) Term; Vacancy. A
29 member of the commission shall
30 serve a four-year term and
31 shall be ineligible to
32
33
34
35

SECTION 25 becomes

SECTION 24.

1 successor shall be appointed for
2 a four-year term by the authority
3 which appointed his predecessor.
4 (E) On recommendation of the
5 Judiciary Commission, the supreme
6 court may censure, suspend with
7 or without salary, remove from
8 office, or retire involuntarily a
9 judge for willful misconduct
10 relating to his official duty,
11 willful and persistent failure
12 to perform his duty, persistent
13 and public conduct prejudicial to
14 the administration of justice
15 that brings the judicial office
16 into disrepute, conduct while

1 succeed himself. His term
2 shall end upon the occurrence
3 of any event which would have
4 made him ineligible for appoint-
5 ment. When a vacancy occurs,
6 a successor shall be appointed
7 for a four-year term by the
8 authority which appointed his
9 predecessor.
10 (C) Powers. On recom-
11 mendation of the judiciary
12 commission, the supreme court
13 may censure, suspend with or
14 without salary, remove from
15 office, or retire involuntarily
16 a judge for willful misconduct

17 in office which would constitute
18 a felony, or conviction of a
19 felony. On recommendation of
20 the Judiciary Commission, the
21 supreme court may disqualify a
22 judge from exercising any judi-
23 cial function, without loss of
24 salary, during the pendency of
25 the proceedings in the supreme
26 court. On recommendation of the
27 Judiciary Commission, the supreme
28 court may retire involuntarily a
29 judge for disability that
30 seriously interferes with the
31 performance of his duties and
32 that is, or is likely to become,
33 of a permanent character. The
34 supreme court shall make rules
35 implementing this section and

17 relating to his official duty,
18 willful and persistent failure
19 to perform his duty, persistent
20 and public conduct prejudicial
21 to the administration of justice
22 that brings the judicial office
23 into disrepute, conduct while
24 in office which would constitute
25 a felony, or conviction of a
26 felony. On recommendation of
27 the judiciary commission, the
28 supreme court may disqualify
29 a judge from exercising any
30 judicial function, without loss
31 of salary, during ⁽⁹⁾ pendency of
32 ⁽⁹⁾ proceedings in the supreme
33 court. On recommendation of
34 the judiciary commission, the
35 supreme court may retire

SECTION 25 becomes

SECTION 24.

1 providing for confidentiality
2 and privilege of commission pro-
3 ceedings.

4 (F) Action against a judge
5 under this Section shall not pre-
6 clude disciplinary action against

1 involuntarily a judge for
2 disability that seriously
3 interferes with the perfor-
4 mance of his duties and that
5 is or is likely to become
6 permanent. The supreme court

7 him with respect to his license
8 to practice law.

7 shall make rules implementing
8 this Section and providing for
9 confidentiality and privilege
10 of commission proceedings.

11 (D) Other Disciplinary
12 Action. Action against a
13 judge under this Section shall
14 not preclude disciplinary (12)
15 action against him concerning
16 his license to practice law.

Comment:

(1) See Manual, Rules 22 - 26--lower case title when not official.

(2) Enumeration suggested for readability.

(3) Elements, II, 15--parallelism.

(4) Manual, Rule 10--short sentences.

(5) Elements, II, 15--consistent usage.

(6) Elements, II, 11--positive form.

(7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(8) Ibid.

(9) Ibid.

(10) Webster's, Rule 4.1.2.1--clause or phrase essential to main idea of sentence not set off by commas.

(11) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(12) Manual, Rule 5--substitute word for phrase.

SECTION 26 becomes

Section 25.

1 Section 26. Department of
 2 Justice; Composition;
 3 Attorney General; Election
 4 and Assistants
 5 Section 26. There shall be a
 6 department of justice consisting
 7 of an attorney general, a first
 8 assistant attorney general, and
 9 other necessary assistants and
 10 staff. The attorney general
 11 shall be elected for a term of
 12 four years at the state general
 13 election, and the assistants
 14 shall be appointed by the
 15 attorney general to serve at his
 16 pleasure.

1 Section 25. Department
 2 of Justice; Attorney
 3 General; Assistants
 4 Section 25. There shall
 5 be a Department of Justice con-
 6 sisting of an attorney general,
 7 a first assistant attorney
 8 general, and other necessary
 9 assistants and staff. The
 10 attorney general shall be
 11 elected for a term of four years
 12 at the state general election.⁽¹⁾
 13 He shall appoint⁽²⁾ assistants to
 14 serve at his pleasure.
 15
 16

Comment:

(1) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(2) Manual, Rule 11--active voice.

SECTION 27 becomes

Section 26.

1 Section 27. Attorney General;
 2 Powers and Duties; Vacancy
 3 Section 27. (A) The attorney
 4 general shall be the state's

1 Section 26. Attorney
 2 General; Powers and
 3 Duties
 4 Section 26. The attorney

5 chief legal officer. As may be
6 necessary for the assertion or
7 protection of the rights and
8 interests of the state, the
9 attorney general shall have
10 authority to:

11 (1) institute and prosecute
12 or intervene in any civil
13 actions or proceedings;

14 (2) advise and assist, upon
15 request of a district attorney,
16 in the prosecution of a crimi-
17 nal case; and

18 (3) for cause when authorized
19 by the court of original juris-
20 diction in which any proceeding
21 or affidavit is pending, sub-
22 ject to judicial review, super-
23 cede any attorney representing
24 the state in any civil or crimi-
25 nal action.

26 He shall have such other
27 powers and perform such other
28 duties as may be authorized by
29 this constitution or provided
30 by statute.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(2) Standardization of language.

5 general shall be the chief legal
6 officer of the state. ⁽¹⁾As neces-
7 sary for the assertion or protec-
8 tion of the rights and interests
9 of the state, the attorney general
10 may ⁽²⁾

11 (1) institute and prose-
12 cute or intervene in any civil
13 action or proceeding; ⁽³⁾ ⁽³⁾

14 (2) advise and assist,
15 upon request of a district
16 attorney, in the prosecution
17 of a criminal case; and

18 (3) for cause, ⁽⁴⁾when
19 authorized by the court of
20 original jurisdiction in which
21 any proceeding or affidavit is
22 pending and subject to judicial
23 review, ⁽⁵⁾supersede any attorney
24 representing the state in any
25 civil or criminal action. ⁽⁶⁾

26 He shall have other powers ⁽⁷⁾
27 and perform other duties autho- ⁽⁸⁾
28 rized by this constitution or
29 provided by law. ⁽⁹⁾
30

SECTION 27 becomes

Section 26.

- (3) Manual, Rule 12--singularization.
- (4) Webster's Rule 4.2.1--commas set off introductory expressions.
- (5) Elements, V, 16--be clear.
- (6) Preferred spelling of "supersede."
- (7) Manual, Rule 6--avoid hackneyed reference words.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (9) Standardization of language.

SECTION 28
SECTION 37 (B) } become
SECTION 29

SECTION 27.
(A), (B), (C)

1 Section 28. District
 2 Attorney; Election;
 3 Qualifications; Assistants
 4 Section 28. In each judicial
 5 district a district attorney
 6 shall be elected by the quali-
 7 fied electors of the district
 8 for a term of six years. He
 9 shall have been admitted to the
 10 practice of law in the state for
 11 at least five years prior to
 12 his election and shall have
 13 resided in the district for
 14 the two years immediately pre-
 15 ceding election. A district
 16 attorney may select such as-

1 Section 27. District Attorneys
 2 Section 27. (A) Election;
 3 Qualifications; Assistants. In
 4 each judicial district a district
 5 attorney shall be elected ⁽¹⁾ for a term
 6 of six years. He shall have been
 7 admitted to the practice of law in
 8 the state for at least five years
 9 prior to his election and shall have
 10 resided in the district for the two
 11 years ⁽²⁾ preceding election. A dis-
 12 trict attorney may select ⁽³⁾ assistants
 13 ⁽⁴⁾ as authorized by law, ⁽⁵⁾ and other
 14 personnel.
 15 (B) Powers. Except as other-
 16 wise provided by this constitution, ⁽⁶⁾

17 sistants as may be authorized
18 by law and other personnel.

19
20 SECTION 37(B) →

21
22
23
24
25
26
27 SECTION 29 →

17 a district attorney, or his desig-
18 nated assistant, shall have charge
19 of every criminal prosecution by
20 the state in his district, be the ⁽⁷⁾
21 representative of the state before ⁽⁸⁾
22 the grand jury in his district, and
23 be the legal advisor to the grand ⁽⁹⁾
24 jury. He shall perform other ⁽¹⁰⁾
25 duties provided by law. ⁽¹¹⁾

26 (C) Prohibition. No district at-
27 torney or assistant district attorney shall
28 appear, plead, ⁽¹²⁾ or in any way defend ⁽¹³⁾
29 or assist in defending any criminal
30 prosecution or charge. A violation ⁽¹⁴⁾
31 of this Paragraph shall be cause
32 for removal.

33

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(2) Ibid. 38

Section 27
(A), (B) + (C)

(3) Manual, Rule 6--avoid hackneyed reference words.

(4) Manual, Rules 5, 13 and Elements, II, 13--omit
needless words.

(5) Webster's, Rule 4.4.2--comma added for clarity.

(6) Standardization of language.

(7) Elements, II, 15--parallelism.

(8) Elements, II, 16--keep related words together.

(9) Elements, II, 15--parallelism; Elements, V, 16--
be clear

(10) Manual, Rule 6--avoid hackneyed reference words.

(11) Manual, Rules 5, 13 and Elements, II, 13--omit
needless words.

(12) Manual, Rule 20 and Elements, I, 2--commas
in series.

(13) Webster's, Rule 4.4.1--no comma between closely
related grammatical sequences.

(14) Elements, V, 16-- be clear.

SECTION 29 becomes

1	Section 29. Defense of	1
2	Criminal Prosecution; Removal	2
3	Section 29. No district	3
4	attorney or assistant district	4
5	attorney shall appear, plead or	5
6	in any way defend, or assist in	6
7	defending any criminal prosecu-	7
8	tion or charge. A violation shall	8
9	be cause for removal.	9
10		10
11		11
12		12

SECTION 27
(C) -

- See page
38 -

SECTION 30 becomes

Section 28.

1 Section 30. Sheriff; Duties;
 2 Tax Collector
 3 Section 30. In each parish, a
 4 sheriff shall be elected for a
 5 term of four years. He shall be
 6 the chief law enforcement officer
 7 in the parish, except as other-
 8 wise provided by this constitu-
 9 tion, and shall execute court
 10 orders and process. He shall
 11 be the collector of state and
 12 parish ad valorem taxes and
 13 such other taxes and licenses
 14 as provided by law.
 15 This section shall not apply
 16 to the Parish of Orleans.
 17

1 Section 28. Sheriffs
 2 Section 28. In each parish⁽¹⁾
 3 a sheriff shall be elected for
 4 a term of four years. He shall
 5 be the chief law enforcement
 6 officer in the parish, except
 7 as otherwise provided by this
 8 constitution, and shall execute
 9 court orders and process. He
 10 shall be the collector of
 11 state and parish ad valorem
 12 taxes and such other taxes
 13 and license fees⁽²⁾ as provided
 14 by law. This Section shall
 15 not apply to Orleans
 16 Parish.⁽³⁾
 17

Comment:

(1) Webster's, Rule 4.4.1--no comma between closely related grammatical sequences.

(2) Elements, V, 16--be clear.

(3) Standardization of language.

SECTION 31
(A) + (B)

become

Section 29.
(A) + (B)

1 Section 31. Clerks; Elections;
2 Powers and Duties; Deputies;
3 Office Hours
4 Section 31. (A) In each parish,
5 a clerk of the district court
6 shall be elected by the quali-
7 fied electors of the parish for
8 a term of four years. He shall
9 be ex officio notary public and
10 parish recorder of conveyances,
11 mortgages, and other acts and
12 shall have such other duties
13 and powers as may be prescribed
14 by law. The clerk may appoint
15 deputies with such duties and
16 powers as may be prescribed by
17 law and he may appoint, with
18 the approval of the district
19 judges, minute clerks with such
20 duties and powers as may be
21 prescribed by law.
22 (B) The legislature shall
23 establish statewide uniform
24 office hours for all clerks
25 of district courts.

1 Section 29. Clerks of Court
2 Section 29. (A) Powers and
3 Duties; Deputies. In each parish⁽¹⁾
4 a clerk of the district court shall
5 be elected for a term of four years.⁽²⁾
6 He shall be ex officio notary public
7 and parish recorder of conveyances,
8 mortgages, and other acts and shall
9 have⁽³⁾ other duties and powers pro-⁽⁴⁾
10 vided by law. The clerk may
11 appoint deputies with duties and⁽³⁾
12 powers provided by law and, with⁽⁴⁾ and⁽⁵⁾
13 the approval of the district judges,⁽⁵⁾
14 he may appoint minute clerks with⁽⁶⁾
15 duties and powers provided by law.
16 (B) Office Hours. The
17 legislature shall establish uni-
18 form⁽⁷⁾ statewide office hours for⁽⁸⁾
19 clerks of the district courts.⁽⁹⁾
20
21
22
23
24
25

Comment:

(1) Webster's, Rule 4.4.1--no comma between closely related grammatical sequences.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Manual, Rule 6--avoid hackneyed reference words.

(4) Standardization of language.

(5) Webster's, Rule 4.1.1--commas to set off parenthetical expression.

(6) Elements, II, 16--keep related words together.

(7) Ibid.

(8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(9) Elements, II, 15--parallelism.

4?

SECTION 32 becomes

SECTION 30

1 Section 32. Coroner; Election;
2 Term; Qualifications;
3 Duties
4 Section 32. In each parish,
5 a coroner shall be elected for
6 a term of four years. He shall
7 be a licensed physician and
8 possess such other qualifications
9 and perform such duties as are
10 provided by law; however, the
11 requirement that he be a
12 licensed physician shall not ap-
13 ply to any parish in which there
14 is no licensed physician who will
15 accept the office.

1 Section 30. Coroners
2 Section 30. In each parish⁽¹⁾
3 a coroner shall be elected for
4 a term of four years. He shall
5 be a licensed physician and pos-
6 sess the⁽²⁾ other qualifications and
7 perform the⁽²⁾ duties provided⁽³⁾ by
8 law.⁽⁴⁾ The requirement that he be
9 a licensed physician shall be
10 inapplicable⁽⁵⁾ in any parish in
11 which no licensed physician will⁽⁶⁾
12 accept the office.
13
14
15
16

Comment :

(1) Webster's, Rule 4.4.1--no comma between closely related grammatical sequences.

(2) Manual, Rule 6--avoid hackneyed reference words.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(5) Elements, II, 11--put statements in positive form.

(6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

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SECTION 33 becomes SECTION 31.

1 Section 33. Vacancies
2 Section 33. When a vacancy
3 occurs in the following offices,
4 the duties of the office, until
5 it is filled by election as
6 provided by law, shall be as-
7 sumed by: in the case of sheriff,
8 the chief criminal deputy; dis-
9 trict attorney, the first as-
10 sistant; clerk of a district
11 court, the chief deputy; coroner,
12 the chief deputy. If there is
13 no such person to assume the
14 duties at the time of the
15 vacancy, the governing authority
16 or authorities of the parish or
17 parishes concerned shall appoint
18 a qualified person to assume the

1 Section 31. Vacancies
2 Section 31. When a
3 vacancy occurs in the following
4 offices, the duties of the
5 office, until it is filled
6 by election as provided by
7 law, shall be assumed by the
8 persons herein designated: (1) (2)
9 (1) sheriff, by the chief
10 criminal deputy; (2) district
11 attorney, by the first assis-
12 tant; (3) clerk of a district
13 court, by the chief deputy;
14 (4) coroner, by the chief
15 deputy. If there is no such
16 person to assume the duties
17 when the vacancy occurs, the
18 governing authority or autho-

19 duties of the office until
20 filled by election.
21
22
23
24

19 rities of the parish or
20 parishes concerned, shall
21 appoint a qualified person
22 to assume the duties of the
23 office until filled by
24 election.

Comment :

- (1) Elements, V, 16--be clear.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Enumeration suggested for readability.
- (4) Elements, II, 15--parallelism.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 34 becomes

Section 32

1 Section 34. Reduction of
2 Salaries and Benefits Pro-
3 hibited
4 Section 34. No attorney
5 general, judge, district
6 attorney, sheriff, coroner, or
7 clerk of the district court
8 shall have his salary or retire-
9 ment benefits diminished during
10 his term of office.

1 Section 32. Reduction
2 of Salaries and
3 Benefits Prohibited
4 Section 32. The salary
5 and retirement benefits of an
6 attorney general, dis-
7 trict attorney, sheriff,
8 coroner, or clerk of the
9 district court shall not be
10 diminished during his term
11 of office. (1)

Comment:

- (1) Sentence rearranged to conform with construction and to parallel content of Section 21; protection of judges moved to Section 21.

SECTION 35 becomes SECTION 33.

1 Section 35. Orleans Parish
2 Courts, Officials; Continued
3 Section 35. Except for pro-
4 visions relating to terms of
5 office as provided elsewhere in
6 this Article and notwithstanding
7 any other provision of this
8 constitution to the contrary,
9 the following courts and officers
10 in Orleans Parish are continued,
11 subject to change by a vote of
12 a majority of the elected mem-
13 bers of each house of the legis-
14 lature: the civil and criminal
15 district courts, the city, muni-
16 cipal, traffic and juvenile
17 courts, the clerks of the civil
18 and criminal district courts,
19 the civil and criminal sheriffs,
20 the constables and the clerks
21 of the first and second city
22 courts, the register of con-
23 veyances, and the recorder of
24 mortgages.

1 Section 33. Orleans Parish
2 Courts, Officials
3 Section 33. Except for pro-
4 visions relating to terms of
5 office as provided elsewhere in
6 this Article, ⁽¹⁾ and notwithstanding
7 any other contrary ⁽²⁾ provision of
8 this constitution, the following
9 courts and officers in Orleans
10 Parish are continued, subject to
11 change by vote of a majority of
12 the elected members of each house
13 of the legislature: the civil and
14 criminal district courts; ⁽³⁾ the city,
15 municipal, ⁽⁴⁾ traffic, and juvenile
16 courts; ⁽³⁾ the clerks of the civil and
17 criminal district courts; ⁽³⁾ the civil
18 and criminal sheriffs; ⁽³⁾ the con-
19 stables and the clerks of the first
20 and second city courts; ⁽³⁾ the regis-
21 ter of conveyances; ⁽³⁾ and the recorder
22 of mortgages.
23
24

Comment:

(1) Webster's, Rule 4.2.1--comma sets off intro-
ductory adverbial clause.

(2) Manual, Rule 5--substitute word for phrase.

(3) Webster's, Rule 5.1.3--semicolon as strong comma.

(4) Manual, Rule 20, Elements, I, 2--commas in series.

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SECTION 36
(A) + (B) become

1 Section 36. Jurors;
2 Qualifications; Exemptions
3 Section 36. (A) A citizen of
4 the state, who is domiciled with-
5 in the parish in which he is to
6 serve as a juror and who has
7 reached the age of majority, is
8 eligible to serve as a juror.
9 The legislature may provide
10 additional qualifications.
11 (B) The supreme court by rule
12 shall provide for exemption of
13 jurors.

Section 34.
(A) + (B)

1 Section 34. Jurors
2 Section 34. (A) Quali-
3 fications. A citizen of the
4 state who has reached the age
5 of majority is eligible to
6 serve as a juror within the (1)
7 parish in which he is domiciled.
8 The legislature may provide
9 additional qualifications.
10 (B) Exemptions. The
11 supreme court shall provide
12 by rule (2) for exemption of
13 jurors.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Elements, II, 16--keep related words together.

47

[773]

SECTION 37 becomes

SECTION 35

1 Section 37. Grand Jury
 2 Section 37. (A) There shall
 3 be a grand jury or grand juries
 4 in each parish whose qualifica-
 5 tions, duties and responsibilities
 6 shall be provided by law. The
 7 secrecy of the proceedings, in-
 8 cluding the identity of the
 9 witnesses appearing, shall be
 0 provided for by law.

1 (B) Except as otherwise pro-
 2 vided in this constitution, a
 3 district attorney, or his design-
 4 ated assistant, shall have
 5 charge of every criminal prose-
 6 cution by the state in his
 7 district, shall be the repre-
 8 sentative of the state in his
 9 district before the grand jury,
 0 and its legal advisor. He shall
 1 perform such other duties as
 2 may be provided by law.

3 (C) At all stages of grand
 4 jury proceedings, anyone
 5 testifying in such proceedings
 6 shall have the right to the
 7 advice of counsel while testify-
 8 ing.

1 Section 35. Grand Jury
 2 Section 35. (A) Grand Jury.
 3 There shall be a grand jury or
 4 grand juries in each parish, whose
 5 qualifications, duties, and respon-
 6 sibilities shall be provided by
 7 law. The secrecy of the proceedings,
 8 including the identity of witnesses,
 9 shall be provided by law.

10 (B) Right to Counsel.
 11 A person testifying at any stage
 12 in grand jury proceedings shall
 13 have the right to the advice of
 14 counsel while testifying.

Note: Section
 37 (B) as
 enrolled becomes
 SECTION 27 (B)

- See page 38 -

Comment:

(1) Webster's, Rule 4.1.2--commas to set off appositional phrase.

(2) Manual, Rule 20 and Elements, I, 2--commas in series.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(4) Ibid.

(5) Ibid.

48

December 17, 1973

TO: Committee on Style and Drafting

FROM: Committee on Judiciary

RE: Styling of the Judiciary Article as adopted on the meeting of November 29, 1973

A. Stylistic Changes Suggested by Judiciary Committee:

1. In Section 4, the committee recommends substituting the words "law enacted by" for the words "the favorable vote of" so that the section would read as follows:

"Section 4. Supreme Court; Districts

Section 4. The state shall be divided into at least six supreme court districts, and at least one judge shall be elected from each. The districts and the number of judges assigned to each on the effective date of this constitution are retained, subject to change by law enacted by two-thirds of the elected members of each house of the legislature."

2. In Section 9, the committee recommends substituting the words "law enacted by" for the words "the favorable vote of" so that the section would read as follows:

"Section 9. Courts of Appeal; Circuits and Districts

Section 9. Each circuit shall be divided into at least three districts, and at least one judge shall be elected from each. After January 1, 1975, no judge shall be elected at large from within the circuit. The circuits and districts and the number of judges as elected in each circuit on the effective date of this constitution are retained, subject to change by law enacted by two-thirds of the elected members of each house of the legislature."

3. In Section 10(A), the committee recommends substituting civil "matters" for civil "cases" so that the paragraph would read as follows:

"(A) Jurisdiction. Except in cases appealable to the supreme court and except as otherwise provided by this constitution, a court of appeal has appellate jurisdiction of all (1) civil matters decided within its circuit and (2) matters appealed from family and juvenile courts, except criminal prosecutions of persons other than juveniles. It has supervisory jurisdiction over cases in which an appeal would lie to it."

4. In Section 15(D), the committee recommends substituting the words "law enacted by" for the words "the favorable vote of" so that the paragraph would read as follows:

"(D) Number of Judges. The legislature may change the number of judges in any judicial district by law enacted by two-thirds of the elected members of each house."

5. In Section 16(A), the committee recommends using term "political subdivision" in lieu of the words "political corporation" so that the paragraph would read as follows:

"(A) Original Jurisdiction. Except as otherwise authorized by this constitution, a district court shall have original jurisdiction of all civil and criminal matters. It shall have exclusive original jurisdiction of felony cases and of cases involving title to immovable property; the right to office or other public position; civil or political rights; probate and succession matters; the state, a political subdivision, or a succession, as a defendant; and the appointment of receivers or liquidators for corporations or partnerships."

6. In Section 18, the committee recommends inserting the words "Section 16 of" immediately before the words "this Article" so that the section would read as follows:

"Section 18. Juvenile Courts; Jurisdiction

Section 18. Notwithstanding any contrary provision of Section 16 of this Article, juvenile and family courts shall have jurisdiction as provided by law."

7. In Section 19, the committee recommends substituting the word "law" for the words "the legislature" so that the section would read as follows:

"Section 19. Mayors' Courts; Justice of the Peace Courts

Section 19. Mayors' courts and justice of the peace courts existing on the effective date of this constitution are continued subject to change by law."

8. In Section 21, the committee recommends deleting the words "while in office" so that the section would read as follows:

"Section 21. Judges; Qualifications

Section 21. A judge of the supreme court, a court of appeal, district court, family court, parish court, or court having solely juvenile jurisdiction shall have been admitted to the practice of law in this state for at least five years prior to his election, and shall have been domiciled in the respective district, circuit, or parish for the two years preceding election. He shall not practice law."

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9. In Section 33, the committee recommends substituting the word "law" for the words "vote of a majority of the elected members of each house of the legislature" so that the section would read as follows:

"Section 33. Orleans Parish Courts, Officials

Section 33. Except for provisions relating to terms of office as provided elsewhere in this Article, and notwithstanding any other contrary provision of this constitution, the following courts and officers in Orleans Parish are continued, subject to change by law: the civil and criminal district courts; the city, municipal, traffic, and juvenile courts; the clerks of the civil and criminal district courts; the civil and criminal sheriffs; the constables and the clerks of the first and second city courts; the register of conveyances; and the recorder of mortgages."

B. Further Changes Suggested by the Judiciary Committee, but Which Require Floor Discussion (Yellow Caveat Amendments):

1. In Section 8(B), the committee recommends inserting the words "en banc or" immediately after the word "reargued" and before the word "before" so that the paragraph would read as follows:

"(B) Judgments. A majority of the judges sitting in a case must concur to render judgment. However, when a judgment of a district court is to be modified or reversed and one judge dissents, the case shall be reargued en banc or before a panel of at least five judges prior to rendition of judgment, and a majority must concur to render judgment."

2. In Section 9, the committee recommends adopting the latest expression of convention will so that Delegate Proposal No. 32, as styled, becomes Section 9. It, therefore, recommends deleting the sentence, "After January 1, 1975, no judge shall be elected at large from within the circuit." Section 9 would then read as follows:

"Section 9. Courts of Appeal; Circuits and Districts

Section 9. Each circuit shall be divided into at least three districts, and at least one judge shall be elected from each. The circuits and districts and the number of judges as elected in each circuit on the effective date of this constitution are retained, subject to change by law enacted by two-thirds of the elected members of each house of the legislature."

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[775]

Section 1. The judicial power of the United States shall be vested in one Supreme Court and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

Section 1. The judicial power shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

MEMORANDUM FOR THE ATTORNEY GENERAL
SUBJECT: Proposed Amendments to the Constitution
The proposed amendments to the Constitution are as follows:
1. The judicial power shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

NOTES
The proposed amendments to the Constitution are as follows:
1. The judicial power shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

1797

COMMITTEE PROPOSAL NO. 216 FIRST ENROLLMENT

CENTRAL BRANCH

Style Suggestions From Committee on Style and Drafting:
Comparative Presentation

SECTIONS ADOPTED BY COMMITTEE

COMPARIS RECOMMENDED BY COMMITTEE

1 ARTICLE V. JUDICIAL BRANCH
2 Section 1. Judicial Power
3 Section 1. The judicial
4 power shall be vested in a
5 supreme court, courts of
6 appeal, district courts, and
7 other courts authorized by
8 this constitution.

1 ARTICLE V. JUDICIAL BRANCH
2 Section 1. Judicial Power
3 Section 1. The judicial
4 power is vested in a supreme
5 court, courts of appeal,
6 district courts, and other
7 courts authorized by this
8 Article. (2)

COMMENT:

- (1) Manual, Rule 11 -- present tense.
- (2) Elements, V, 11 -- be clear.

Section 10.
(A) + (B)

Section 10. Courts of
Appeal; Appellate and
Supervisory Jurisdiction

Section 10. (A) Except as
those cases appealable to the
supreme court and as otherwise
provided in this constitution, a
court of appeal has appellate
jurisdiction of all civil cases
decided within its circuit. It
has appellate jurisdiction of
all matters appealed from the
family and juvenile courts,
except criminal prosecutions
of persons other than juveniles.
It has supervisory jurisdiction
over all cases in which an
appeal would lie to that court.

(B) Except as limited to
questions of law by this consti-
tution or as provided by law in
the case of review of admini-
strative agency determinations,
its appellate jurisdiction
extends to law and facts.

Section 10. Courts of
Appeal; Jurisdiction

Section 10. (A) Jurisdiction.
Except in cases appealable to the
supreme court and except as other-
wise provided by this constitution,
a court of appeal has appellate
jurisdiction of all (1) civil
matters decided within its circuit
and (2) matters appealed from (3)
family and juvenile courts, ex-
cept criminal prosecutions of
persons other than juveniles. It
has supervisory jurisdiction over
cases in which an appeal would lie
to it.

(B) Scope of Review. Except
as limited to questions of law by
this constitution, or as provided
by law in the review of adminis-
trative agency determinations,
appellate jurisdiction of a court
of appeal extends to law and facts.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit
needless words.

- (2) Elements, II, 15--parallelism.
- (3) Standardization of language.
- (4) Numbers added to follow form of Section 5(D).
- (5) Elements, II, 15--parallelism.

12

SECTION 10
(A) & (B)

- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) Ibid.
- (8) Ibid.
- (9) Manual, Rule 5--substitute word for phrase.
- (10) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.
- (11) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (12) Elements, V, 16--be clear.

13

SECTION 18

<p>1 Section 18. Juvenile Courts; 2 Jurisdiction 3 Section 18. Notwithstanding 4 any provision of this Article to 5 the contrary, the juvenile and 6 family courts shall have such 7 jurisdiction as the legislature 8 shall provide by law.</p>	<p>1 Section 18. Juvenile Courts; 2 Jurisdiction 3 Section 18. Notwithstanding 4 any contrary provision of 5 Section 16 of this Article, 6 (3) juvenile and family courts shall 7 (4) have jurisdiction as (5) provided by 8 law.</p>
--	---

COMMENTS:

- (1) Standardization of language.

(2) Elements, V, 16--be clear.

(3) Manual, Rules 5, 13, and Elements, II, 13--omit needless words.

(4) Manual, Rule 6--avoid hackneyed reference words.

(5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

24

SECTION 24

become

Section 23

1 Section 24. Judges; Qualifi-
2 cations; Practice of Law
3 Prohibited
4 Section 24. A judge of the
5 supreme court, court of appeal,
6 district court, family court,
7 parish court, or court having
8 solely juvenile jurisdiction shall
9 have been admitted to the practice
10 of law in this state for at least
11 five years prior to his election,
12 shall have been domiciled in the
13 respective district, circuit,
14 or parish for at least two years
15 immediately preceding election,
16 and shall not practice law.
17
18
19

1
2 Section 23. Judges;
3 Qualifications
4 Section 23. A judge of
5 the supreme court, a court of
6 appeal, district court, family
7 court, parish court, or court
8 having solely juvenile jurisd-
9 diction shall have been ad-
10 mitted to the practice of law
11 in this state for at least
12 five years prior to his
13 election, and shall have
14 been domiciled in the
15 respective district, circuit,
16 or parish for the two years
17 preceding election. He
18 shall not practice law.
19

Comment:

(1) Elements, II, 12--use specific language.

(2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(3) Manual, Rule 10--short sentences; Rule 4--
unrelated ideas in separate sentences.

SECTION 35 becomes SECTION 33.

1 Section 35. Orleans Parish
2 Courts, Officials; Continued
3 Section 35. Except for pro-
4 visions relating to terms of
5 office as provided elsewhere in
6 this Article and notwithstanding
7 any other provision of this
8 constitution to the contrary,
9 the following courts and officers
10 in Orleans Parish are continued,
11 subject to change by a vote of
12 a majority of the elected mem-
13 bers of each house of the legis-
14 lature: the civil and criminal
15 district courts, the city, muni-
16 cipal, traffic and juvenile
17 courts, the clerks of the civil
18 and criminal district courts,
19 the civil and criminal sheriffs,
20 the constables and the clerks
21 of the first and second city

1 Section 33. Orleans Parish
2 Courts, Officials
3 Section 33. Except for pro-
4 visions relating to terms of
5 office as provided elsewhere in
6 this Article, ⁽¹⁾ and notwithstanding
7 any other contrary provision of
8 this constitution, the following
9 courts and officers in Orleans
10 Parish are continued, subject to
11 change by law: ⁽³⁾ the civil and
12 criminal district courts; ⁽⁴⁾ the
13 city, municipal, traffic, ⁽⁵⁾ and
14 juvenile courts; ⁽⁴⁾ the clerks
15 of the civil and criminal
16 district courts; ⁽⁴⁾ the civil and
17 criminal sheriffs; ⁽⁴⁾ the
18 constables and the clerks of ⁽⁴⁾
19 the first and second city courts;
20 the register of conveyances; ⁽⁴⁾ and
21 the recorder of mortgages.

22	courts, the register of con-	22
23	veyances, and the recorder of	23
24	mortgages.	24

Comment:

(1) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.

(2) Manual, Rule 5--substitute word for phrase.

(3) Standardization of language.

(4) Webster's, Rule 5.1.3--semicolon as strong comma.

(5) Manual, Rule 20, Elements, I, 2--commas in series.

1/3/71

COMMITTEE PROPOSAL NO. 21: FIRST ENROLLMENT

Changes recommended by Committee on Judiciary and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTIONS AS ADOPTED:
INCORPORATING CHANGES
RECOMMENDED BY COMMITTEE
ON STYLE AND DRAFTING

FURTHER CHANGES RECOMMENDED
BY BOTH COMMITTEES TO CLARIFY
POSSIBLE AMBIGUITIES

1	Section 9. Courts of Appeal;	1	Section 9. Courts of Appeal;
2	Circuits and Districts	2	Circuits and Districts
3	Section 9. Each circuit shall	3	Section 9. Each circuit shall be di-
4	be divided into at least three	4	vided into at least three districts, and
5	districts, and at least one judge	5	at least one judge shall be
6	shall be elected from each. After	6	elected from each. ⁽¹⁾ The circuits
7	January 1, 1975, no judge shall	7	and districts and the number of
8	be elected at large from within	8	judges as elected in each circuit

9 the circuit. The circuits and
10 districts and the number of
11 judges as elected in each circuit
12 on the effective date of this
13 constitution are retained, sub-
14 ject to change by law enacted by
15 two-thirds of the elected members
16 of each house of the legislature.

9 on the effective date of this
10 constitution are retained, subject
11 to change by law enacted by two-
12 thirds of the elected members of
13 each house of the legislature.

CAVEAT: In Section 9 as enrolled, the second
(1) sentence reads, "After January 1,
1975, no judge shall be elected at
large from within the circuit."
Subsequently, the convention adopted
Delegate Proposal No. 32 which re-
stated Section 9 without that second
sentence. The convention has thus
adopted possible conflicting provi-
sions. If the latest expression of
the convention is to be preferred,
Section 9 would delete that second
sentence.

SECTION 16 (A)

1 Section 16. (A) Original
2 Jurisdiction. Except as other-
3 wise authorized by this constitu-
4 tion, a district court shall have
5 original jurisdiction of all civil
6 and criminal matters. It shall
7 have exclusive original jurisdic-
8 tion of felony cases and of
9 cases involving title to immova-
10 ble property; the right to office
11 or other public position; civil
12 or political rights; probate and

1 (A) Original Jurisdiction.
2 Except as otherwise authorized
3 by this constitution, a district
4 court shall have original jurisdic-
5 tion of all civil and criminal
6 matters. It shall have exclusive
7 original jurisdiction of felony
8 cases and of cases involving title
9 to immovable property; the right to
10 office or other public position;
11 civil or political rights; probate
12 and succession matters; the state,

13 succession matters; the state,
14 a political corporation, or a
15 succession, as a defendant; and
16 the appointment of receivers or
17 liquidators for corporations or
18 partnerships.

13 a political corporation or poli-
14 tical subdivision, ⁽¹⁾ or a successor,
15 as a defendant; and the appoint-
16 ment of receivers or liquidators
17 for corporations or partnerships.
18

CAVEAT: In referring to the exclusive original
(1) jurisdiction of the district court, the
section as enrolled makes reference to
cases in which "a political corporation"
is a defendant. That expression restates
the corresponding provision of the 1921
Constitution. However, in light of the
subsequent use and definition, in the
article on local and parochial government,
of the term "political subdivision," it
may be clearer to use the expression
"political corporation or political
subdivision." Such usage would continue
in effect the judicial construction of
the term political corporation as well
as include the meaning of political
subdivision as used in the new constitu-
tion.

2

SECTION 23

1 Section 23. Judges; Quali-
2 fications
3 Section 23. A judge of the
4 supreme court, a court of appeal,
5 district court, family court,
6 parish court, or court having
7 solely juvenile jurisdiction
8 shall have been admitted to the

1 Section 23. Judges; Quali-
2 fications
3 Section 23. A judge of the
4 supreme court, a court of appeal,
5 district court, family court,
6 parish court, or court having
7 solely juvenile jurisdiction shall
8 have been admitted to the practice

9 practice of law in this state for
10 at least five years prior to his
11 election, and shall have been
12 domiciled in the respective
13 district, circuit, or parish for
14 the two years preceding election.
15 He shall not practice law.
16

9 of law in this state for at least
10 five years prior to his qualifica-
11 tion as a candidate, and shall
12 have been domiciled in the res-
13 pective district, circuit, or
14 parish for the two years preceding
15 qualification. He shall not
16 practice law.

CAVEAT: As adopted by the convention, the
(1) residence and practice requirements
for judges are stated in terms of
time periods preceding election.
To be consistent with the time
requirements used in the legislative
and executive articles, the reference
should be to the time preceding
"qualification as a candidate."

SECTION 27 (A)

1 Section 27. (A) Election;
2 Qualifications; Assistants. In
3 each judicial district a district
4 attorney shall be elected for a
5 term of six years. He shall have
6 been admitted to the practice of
7 law in the state for at least five
8 years prior to his election and
9 shall have resided in the district
10 for the two years preceding elec-

1 (A) Election; Qualifications;
2 Assistants. In each judicial
3 district a district attorney shall
4 be elected for a term of six
5 years. He shall have been ad-
6 mitted to the practice of law in
7 the state for at least five years
8 prior to his qualification as a
9 candidate and shall have resided
10 in the district for the two years

11 tion. A district attorney may
12 select assistants as authorized
13 by law, and other personnel.
14

(1)
11 preceding qualification. A
12 district attorney may select
13 assistants as authorized by law,
14 and other personnel.

(1) Caveat: As adopted by the convention, the residence and practice requirements for district attorneys are stated in terms of time periods preceding election. To be consistent with the time requirements used in the legislative and executive articles, the reference should be to the time preceding "qualification as a candidate."

4

Adopted 1/2/74

DOCUMENT NO. XXVIIII

COMMITTEE PROPOSAL NO. 22: FIRST ENROLLMENT

CODE OF ETHICS

Staff Styling Suggestions: Comparative Presentation

<u>PROPOSAL AS ENROLLED</u>	<u>SUGGESTED CHANGES</u>
1 ARTICLE ____.	1 ARTICLE ____.
2 Section ____ Code of	2 Section 1. Code of Ethics
3 Ethics; Board of Ethics	3 Section 1. The legislature
4 Section ____ (A) The legis-	4 shall enact a code of ethics for
5 lature shall enact a code of	5 all officials and employees of the
6 ethics for all officials and em-	6 state and its political subdivisions. (1)
7 ployees of the state and its	7 The code shall be administered by
8 political subdivisions.	8 one or more boards created by the
9 (B) The code of ethics shall	9 legislature with qualifications,
10 be administered by a board or	10 terms of office, duties, and powers (6)

11	Boards of ethics created by the	11	provided by law. ^{(7) (8)} Decisions of a ⁽⁹⁾
12	legislature with such qualifica-	12	board shall be appealable, ⁽¹⁰⁾ and the
13	tions, terms of office, duties,	13	legislature shall provide the method
14	and powers as provided by law.	14	of appeal.
15	(C) The decisions of the	15	
16	board shall be appealable and	16	
17	the legislature shall provide	17	
18	the method of appeal.	18	

NOTES
 C.P. No. 22 Floor Presentation, dated
 1/8/74, duplicates, Document No. XXVIII,
 above.

11/13/73

DOCUMENT X

COMMITTEE PROPOSAL NO. 23: FIRST ENROLLMENT

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1	ARTICLE	1	ARTICLE
2	Section . Dual Employment	2	Section . Dual Employment
3	and Dual Officeholding	3	and Dual Officeholding
4	Section . (A) The legis-	4	Section . ⁽¹⁾ The legisla-
5	lature shall enact laws defining	5	ture shall enact laws defining and
6	and regulating dual employment	6	regulating dual employment and
7	and defining, regulating and pro-	7	defining, regulating, ⁽²⁾ and pro-

8 hibiting dual officeholding in
9 state and local government
10

8 hibiting dual officeholding in
9 state and local government.
10

COMMENT:

(1) Letter (A) deleted because Section is only one paragraph.

(2) Manual, Rule 20, Elements, I, 2 - commas in series.

NOTES

Document No. XIII, dated 11/21/73,
duplicates Document X, dated 11/13/73, above.
C.P. No. 23 Floor Presentation, dated
1/8/74, duplicates Document X, above.

11/13/73

DOCUMENT VIII

COMMITTEE PROPOSAL NO. 25: FIRST ENROLLMENT

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

1 A PREAMBLE
2 We, the people of Louisiana,
3 grateful to Almighty God for the
4 civil, political, economic, and
5 religious liberties we enjoy, and

SUGGESTED CHANGES

1 A PREAMBLE
2 We, the people of
3 Louisiana, grateful to
4 Almighty God for the civil,
5 political, economic, and

6 desiring to protect individual
7 rights to life, liberty, and pro-
8 perty; afford opportunity for the
9 fullest development of the indi-
10 vidual; assure equality of rights;
11 promote the health, safety, educa-
12 tion, and welfare of the people;
13 maintain a representative and
14 orderly government; ensure domes-
15 tic tranquility; provide for the
16 common defense; and secure the
17 blessings of freedom and justice
18 to ourselves and our posterity, do
19 ordain and establish this constitu-
20 tion.

21
22
23
24
25

6 religious liberties we
7 enjoy, and desiring to
8 protect individual rights
9 to life, liberty, and pro-
10 perty; afford opportunity
11 for the fullest develop-
12 ment of the individual;
13 assure equality of rights;
14 promote the health, safety,
15 education, and welfare of
16 the people; maintain a
17 representative and orderly
18 government; ensure domestic
19 tranquility; provide for the
20 common defense; and secure
21 the blessings of freedom
22 and justice to ourselves
23 and our posterity, do ordain
24 and establish this consti-
25 tution.

COMMENT:

NO CHANGE

SECTION 1

1 ARTICLE I. DECLARATION OF RIGHTS
2 Section 1. Origin and Purpose
3 of Government
4 Section 1. All government, of
5 right, originates with the people,
6 is founded on their will alone, and

(7-)

1 ARTICLE I. DECLARATION
2 OF RIGHTS
3 Section 1. Origin and
4 Purpose of Government
5 Section 1. All govern-
6 ment, of right, originates

7 is instituted to protect the rights
8 of the individual and for the good
9 of the whole. Its only legitimate
10 ends are to secure justice for all,
11 preserve peace, protect the rights,
12 and promote the happiness, and gen-
13 eral welfare of the people. The
14 rights enumerated in this Article
15 are inalienable by the state and
16 shall be preserved inviolate by
17 the state.

7 with the people, is founded
8 on their will alone, and is
9 instituted to protect the
10 rights of the individual
11 and for the good of the
12 whole. Its only legitimate
13 ends are to secure justice
14 for all, preserve peace,
15 protect the rights, and
16 promote the happiness and
17 general welfare of the
18 people. The rights enumerat-
19 ed in this Article are in-
20 alienable by the state and
21 shall be preserved inviolate
22 by the state.

COMMENT:

(1) Do not separate two objects of same infinitive.

-2-

SECTION 2

1 Section 2. Due Process of Law
2 Section 2. No person shall be
3 deprived of life, liberty or pro-
4 perty, except by due process of law.

1 Section 2. Due Process
2 of Law
3 Section 2. No person shall
4 be deprived of life, liberty,⁽¹⁾
5 or property, except by due
6 process of law.

COMMENT:

(1) Manual, Rule 20 and Elements, I, 2--commas in series.

-3-

SECTION 3

1 Section 3. Right to Indivi-
2 dual Dignity
3 Section 3. No person shall be
4 denied the equal protection of the
5 law. No law shall discriminate
6 against a person on account of race
7 or religious ideas, religious be-
8 liefs, or religious affiliations.
9 No law shall arbitrarily, capri-
10 ciously, or unreasonably discrimi-
11 nate against any person by reason
12 of birth, age, sex, culture, phy-
13 sical condition, political ideas
14 or political affiliation. Slavery
15 and involuntary servitude are pro-
16 hibited except in the latter case
17 as a punishment for crime.
18
19

1 Section 3. Right to
2 Individual Dignity
3 Section 3. No person shall
4 be denied the equal protection
5 of the law. No law shall dis-
6 criminate against a person
7 because of race or religious
8 ideas, beliefs, or affilia-
9 tions. No law shall
10 arbitrarily, capriciously, or
11 unreasonably discriminate
12 against a person because of
13 birth, age, sex, culture,
14 physical condition, or
15 political ideas or affilia-
16 tions. Slavery and involun-
17 tary servitude are prohibited,
18 except in the latter case as
19 punishment for crime.

COMMENT:

- (1) Manual, Rule 5--substitute word for phrase.
- (2) Manual, Rules 5,13 and Elements, II, 13--
omit needless words.
- (3) Standardization of language.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Manual, Rules 5,13 and Elements, II, 13--
omit needless words.
- (6) Ibid.

SECTION 4

1 Section 4. Right to Property
2 Section 4. Every person has
3 the right to acquire, control, own,
4 use, enjoy, protect, and dispose of
5 private property. This right is
6 subject to reasonable statutory re-
7 strictions and the reasonable
8 exercise of the police power. Pro-
9 perty shall not be taken or damaged
10 by the state or its political sub-
11 divisions except for public pur-
12 poses and with just compensation
13 paid to the owner or into court
14 for his benefit. Property shall
15 not be taken or damaged by any pri-
16 vate entity authorized by law to
17 expropriate property, except for a
18 public and necessary purpose and
19 with just compensation paid to the
20 owner and, in such proceedings,
21 the issue of whether the purpose
22 is public and necessary shall be
23 a judicial question. In all ex-
24 propriations, any party shall have
25 the right to trial by jury to de-
26 termine compensation and the owner
27 shall be compensated to the full
28 extent of his loss. No business

1 Section 4. Right to
2 Property
3 Section 4. Subject to
4 reasonable statutory restric-
5 tions and the reasonable
6 exercise of the police
7 power,⁽¹⁾ every person has the
8 right to acquire, control,
9 own, use, enjoy, protect,
10 and dispose of private
11 property. Property shall not
12 be taken or damaged by the
13 state or its political sub-
14 divisions except for public
15 purposes and with just com-
16 pensation paid to the owner
17 or into court for his benefit.
18 Property shall not be taken
19 or damaged by any private
20 entity authorized by law to
21 expropriate,⁽²⁾ except for a public
22 and necessary purpose and with
23 just compensation paid to
24 the owner; in such proceed-
25 ings,⁽³⁾ whether the purpose
26 is public and necessary shall
27 be a judicial question. In
28 every expropriation, a party

29	enterprise or any of its assets	29	has the right to trial by ⁽⁴⁾
30	shall be taken for the purpose of	30	jury to determine compensation, ⁽⁵⁾
31	operating that enterprise or for	31	and the owner shall be com-
32	the purpose of halting competition	32	pensated to the full extent
33	with government enterprises, except	33	of his loss. No business
34	that municipalities may expropriate	34	enterprise or any of its
35	utilities within their jurisdiction	35	assets shall be taken for

-5-

SECTION 4

1	Personal effects, other than contra-	1	the purpose of operating
2	band, shall never be taken. The	2	that enterprise or halting ⁽⁶⁾
3	provisions of this Section shall not	3	competition with a govern-
4	apply to appropriation of property	4	ment enterprise. ⁽⁷⁾ ⁽⁸⁾ However,
5	necessary for levee and levee drain-	5	a municipality may expro-
6	age purposes.	6	priate a utility within
7		7	⁽⁹⁾ its jurisdiction. Personal
8		8	effects, other than contra-
9		9	band, shall never be taken.
10		10	⁽¹⁰⁾ This Section shall not apply
11		11	to appropriation of property
12		12	necessary for levee and levee
13		13	drainage purposes.

COMMENT:

(1) Manual, Rule 18--place exceptions first; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

- (3) Ibid.
- (4) Manual, Rule 12--singularization; Manual, Rule 11--present tense.
- (5) Webster's, Rule 4.2.3 and Elements, I, 4--comma before conjunction introducing independent clause.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) Manual, Rule 12--singularization.
- (8) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (9) Manual, Rule 12--singularization.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 5

1 Section 5. Right to Privacy

2 Section 5. Every person shall

3 be secure in his person, property,

4 communications, houses, papers, and

5 effects against unreasonable

6 searches, seizures, or invasions of

7 privacy. No warrant shall issue

8 without probable cause supported by

9 oath or affirmation particularly

10 describing the place to be searched,

11 the persons or things to be seized,

12 and the lawful purpose or reason

13 for the search. Any person ad-

14 versely affected by a search or

15 seizure conducted in violation of

1 Section 5. Right to

2 Privacy

3 Section 5. Every person

4 shall be secure in his person,

5 property, communications,

6 houses, papers, and effects

7 against unreasonable searches,

8 seizures, or invasions of

9 privacy. No warrant shall

10 issue without probable cause

11 supported by oath or affirma-

12 tion. The warrant shall ⁽¹⁾

13 particularly describe the

14 place to be searched, the

15 person or thing to be seized, ⁽²⁾

16 this Section shall have standing
17 to raise the illegality of that
18 search or seizure in the appropri-
19 ate court of law.

20
21
22
23

16 and the lawful purpose or
17 reason for the search. Any
18 person adversely affected by
19 a search or seizure which
20 violates ⁽³⁾ this Section shall
21 have standing to raise its
22 illegality ⁽⁴⁾ in the appropriate
23 court. ⁽⁵⁾

COMMENT:

- (1) Elements, V, 16 -- be clear.
- (2) Manual, Rule 12 -- singularization.
- (3) Manual, Rule 5 -- substitute word for phrase.
- (4) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.
- (5) Ibid.

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SECTION 6

1 Section 6. Freedom from
2 Intrusion
3 Section 6. No person shall
4 be quartered in any house without
5 the consent of the owner or law-
6 ful occupant.

1 Section 6. Freedom from
2 Intrusion
3 Section 6. No person
4 shall be quartered in any
5 house without the consent of
6 the owner or lawful occupant.

COMMENT:

NO CHANGE

-8-

SECTION 9 becomes SECTION 7

1 Section 9. Liberty of Speech
2 and Freedom of the Press
3 Section 9. No law shall ever
4 be passed to curtail or restrain
5 the liberty of speech or freedom of
6 the press; any person may speak,
7 write and publish his sentiments on
8 all subjects, being responsible for
9 the abuse of that liberty or free-
10 dom.

1 Section 7. Freedom of
2 Expression
3 Section 7. No law shall (1)
4 curtail or restrain the
5 freedom of speech or of (2)
6 the press. (3) Any person may
7 speak, write, and publish his (4)
8 sentiments on any subject, (5)
9 but is responsible for abuse (6)
10 of that freedom. (7)

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.

(2) Ibid.

(3) Manual, Rule 10 -- short sentences; Rule 14 -- unrelated ideas in separate sentences.

(4) Manual, Rule 20 and Elements, I, 2-- commas in series.

(5) Manual, Rule 12--singularization.

(6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(7) Ibid.

SECTION 10 becomes SECTION 8

1 Section 10. Freedom of
2 Religion

1 Section 8. Freedom of
2 Religion

3 Section 10. No law shall be
4 enacted respecting an establishment
5 of religion or prohibiting the free
6 exercise thereof.
7

3 Section 8. No law shall
4 be enacted respecting an
5 establishment of religion or
6 prohibiting the free exercise
7 thereof.

COMMENT:

NO CHANGE

SECTION 11 becomes SECTION 9

16 Section 11. Freedom of
17 Assembly and Movement
18 Section 11. No law shall
19 impair the right of every person
20 to assemble peaceably or to peti-
21 tion government for a redress of
22 grievances.

16 Section 9. Freedom of
17 Assembly and Petition
18 Section 9. No law shall
19 impair the right to assemble⁽¹⁾
20 peaceably and to petition⁽²⁾
21 government for redress of⁽³⁾
22 grievances.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II,
13 -- omit needless words.

(2) Conjunction changed from "or" to
"and"

(3) Manual, Rules 5, 13 and Elements, II,
13 -- omit needless words.

SECTION 12 becomes

SECTION 10

1 Section 12. Rights of the
2 Accused

3 Section 12. When any person
4 has been arrested or detained in
5 connection with the investigation
6 or commission of any offense, he
7 shall be advised fully of the rea-
8 son for his arrest or detention,
9 his right to remain silent, his
10 right against self incrimination,
11 his right to the assistance of
12 counsel and, to court appointed
13 counsel, if indigent. In all
14 criminal prosecutions, the accused
15 shall be informed of the nature
16 and cause of the accusation against
17 him. At all stages of the proceed-
18 ings, every person shall be enti-
19 tled to assistance of counsel of
20 his choice, or appointed by the
21 court in indigent cases if charged
22 with an offense punishable by im-
23 prisonment. The legislature shall
24 provide for a uniform system for
25 securing counsel for indigents,
26 including qualifications and com-
27 pensation.

1 Section 10. Rights of
2 the Accused

3 Section 10. A person⁽¹⁾
4 arrested or detained in con-
5 nection with the investiga-
6 tion or commission of any
7 offense⁽²⁾ shall be advised fully
8 of the reason for his arrest
9 or detention, his right to
10 remain silent, his right
11 against self incrimination,
12 his right to the assistance
13 of counsel and, if indigent,⁽³⁾
14 to court appointed counsel.⁽⁴⁾ ⁽⁵⁾
15 In a criminal prosecution, an
16 accused shall be informed of
17 the nature and cause of the
18 accusation against him. At
19 each stage of the proceedings,⁽⁶⁾
20 every person is entitled to
21 assistance of counsel of his
22 choice, or appointed by the
23 court if he is indigent and⁽⁷⁾ ⁽⁸⁾
24 charged with an offense punish-
25 able by imprisonment. The
26 legislature shall provide for
27 a uniform system for securing
28 counsel for indigents, includ-

29
30

29 ing qualifications and com-
30 pensation.

-11-

SECTION 10

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.
- (2) Comma deleted with deletion of introductory adverbial clause.
- (3) Elements, V, 16 -- be clear.
- (4) Manual, Rule 12 -- singularization.
- (5) Elements, II, 15 -- parallelism.
- (6) Manual, Rule 12 -- singularization.
- (7) Manual, Rule 11 -- present tense.
- (8) Element, V, 16 -- be clear.

-12-

SECTION 27 becomes SECTION 11

1	Section 27. Right to Preliminary	1	Section 11. Right to
2	Examination	2	Preliminary Examination
3	Section 27. In all felony cases,	3	Section 11. In felony cases, (1)
4	except those indicted by a grand	4	except those indicted by a grand
5	jury, the right to a preliminary	5	jury, the right to a preliminary
6	examination shall not be denied.	6	examination shall not be denied.

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13-- omit needless words.

-13-

SECTION 13 ~~becomes~~

SECTION 12

1 Section 13. Initiation of
 2 Prosecution
 3 Section 13. Prosecution of
 4 felonies shall be initiated by in-
 5 dictment or information, provided
 6 that no person shall be held to
 7 answer for any capital crime or
 8 any crime punishable by life im-
 9 prisonment, except on indictment
 10 by a grand jury. No person shall
 11 be twice placed in jeopardy for
 12 the same offense, except on his
 13 own application for a new trial
 14 or when a mistrial is declared
 15 or a motion in arrest of judgment
 16 is sustained.
 17

1 Section 12. Initiation of
 2 Prosecution
 3 Section 12. Prosecution
 4 of a felony ⁽¹⁾ shall be initiat-
 5 ed by indictment or informa-
 6 tion, but no person shall be ⁽²⁾
 7 held to answer for a capital ⁽³⁾
 8 crime or a crime punishable ⁽³⁾
 9 by life imprisonment except ⁽⁴⁾
 10 on indictment by a grand jury.
 11 No person shall be twice
 12 placed in jeopardy for the
 13 same offense, except on his ⁽⁵⁾
 14 application for a new trial, ⁽⁶⁾
 15 when a mistrial is declared,
 16 or when a motion in arrest of ⁽⁷⁾
 17 judgment is sustained.

COMMENT:

- (1) Manual, Rule 12--singularization.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Standardization of language.
- (4) Elements, V, 16--be clear.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Manual, Rule 20 and Elements, I, 2--commas in series; Elements, II, 15--parallelism.
- (7) Ibid.

SECTION 15 becomes SECTION 13

1 Section 15. Fair Trial
2 Section 15. Every person
3 charged with a crime shall be pre-
4 sumed innocent until proven guilty,
5 and shall be entitled to a speedy,
6 public, and impartial trial in the
7 parish where the offense or an
8 element of the offense occurred,
9 unless venue be changed in accord-
10 ance with law. No person shall be
11 compelled to give evidence against
12 himself. An accused shall be en-
13 titled to confront and cross-
14 examine the witnesses against him,
15 to compel the attendance of wit-
16 nesses, to present a defense, and
17 to testify in his own behalf.

1 Section 13. Fair Trial
2 Section 13. Every person
3 charged with a crime is pre-⁽¹⁾
4 sumed innocent until proven
5 guilty and is entitled to a
6 speedy, public, and impartial
7 trial in the parish where the
8 offense or an element of the
9 offense occurred, unless
10 venue is changed in accordance⁽⁴⁾
11 with law. No person shall be
12 compelled to give evidence
13 against himself. An accused
14 is entitled to confront and⁽⁵⁾
15 cross-examine the witnesses
16 against him, to compel the
17 attendance of witnesses, to
18 present a defense, and to
19 testify in his own behalf.

COMMENT:

- (1) Manual, Rule 11--present tense.
- (2) See Elements, I, 4--omit comma when subject common to two verbs and connective is "and."
- (3) Manual, Rule 11--present tense.
- (4) Manual, Rule 11--indicative mood.
- (5) Manual, Rule 11--present tense.

SECTION 16 becomes SECTION 14

1 Section 16. Trial by Jury in
2 Criminal Cases
3 Section 16. Criminal cases in
4 which the punishment may be capi-
5 tal shall be tried before a jury
6 of twelve persons, all of whom
7 must concur to render a verdict;
8 cases in which the punishment is
9 necessarily confinement at hard
10 labor shall be tried before a jury
11 of twelve persons, ten of whom
12 must concur to render a verdict.
13 Cases in which the punishment may
14 be confinement at hard labor or
15 confinement without hard labor
16 of more than six months, shall be
17 tried before a jury of six persons,
18 five of whom must concur to render
19 a verdict. Except in capital cases
20 a defendant may knowingly and in-
21 telligently waive his right to a
22 trial by jury. In all criminal
23 prosecutions tried by a jury the
24 accused shall have the right to
25 full voir dire examination of
26 prospective jurors and to chal-
27 lenge jurors peremptorily. The
28 number of challenges shall be
29 fixed by law.

1 Section 14. Jury Trial
2 in Criminal Cases
3 Section 14. A criminal
4 case⁽¹⁾ in which the punishment
5 may be capital shall be
6 tried before a jury of twelve
7 persons, all of whom must
8 concur to render a verdict.
9 A case⁽²⁾ in which the punish-
10 ment is necessarily confine-
11 ment at hard labor shall be
12 tried before a jury of twelve
13 persons, ten of whom must
14 concur to render a verdict.
15 A case⁽³⁾ in which the punishment
16 may be confinement at hard
17 labor or confinement without
18 hard labor for more than six
19 months⁽⁵⁾ shall be tried before
20 a jury of six persons, five
21 of whom must concur to render
22 a verdict.⁽⁶⁾ The accused shall
23 have the right to full voir
24 dire examination of prospec-
25 tive jurors and to challenge
26 jurors peremptorily. The
27 number of challenges shall be
28 fixed by law.⁽⁷⁾ Except in
29 capital cases, a defendant

30
31
32

30 may knowingly and intelligently
31 waive his right to a trial by
32 jury.

-16-

SECTION 14

COMMENT:

- (1) Manual, Rule 12--singularization.
- (2) Manual, Rule 10--short sentences; Rule 12--singularization.
- (3) Manual, Rule 12--singularization.
- (4) Change preposition from "of" to "for" to aid readability.
- (5) Elements, II, 5--parallelism.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) Elements, II, 9--paragraph unit of composition; sentence placement selected to end unit.

-17-

SECTION 17 becomes SECTION 15

<p>1 Section 17. Right to Bail</p> <p>2 Section 17. Excessive bail shall</p> <p>3 not be required. Before and during</p> <p>4 a trial, a person shall be bailable</p> <p>5 by sufficient sureties, unless</p> <p>6 charged with a capital offense and</p> <p>7 the proof is evident and the pre-</p>	<p>1 Section 15. Right to Bail</p> <p>2 Section 15. Excessive</p> <p>3 bail shall not be required.</p> <p>4 Before and during a trial,</p> <p>5 a person shall be bailable</p> <p>6 by sufficient sureties unless</p> <p>7 charged with a capital</p>
--	---

8 sumption of guilt is great. After
9 conviction and before sentencing,
10 a person shall be bailable if the
11 maximum sentence which may be im-
12 posed is imprisonment of five years
13 or less. The judge may grant bail
14 if the maximum sentence which may
15 be imposed is imprisonment in ex-
16 cess of five years. After sentenc-
17 ing and until final judgment, per-
18 sons shall be bailable if the
19 sentence actually imposed is five
20 years or less and the judge in his
21 discretion may grant bail if the
22 sentence actually imposed is in
23 excess of five years imprisonment.
24
25
26
27
28

8 offense and the proof is
9 evident and the presumption
10 of guilt is great. After
11 conviction and before sentenc-
12 ing, a person shall be bail-
13 able if the maximum sentence
14 which may be imposed is
15 imprisonment for five years
16 or less; and the judge may
17 grant bail if the maximum
18 sentence which may be imposed
19 is imprisonment exceeding
20 five years. After sentencing
21 and until final judgment, a
22 person shall be bailable if
23 the sentence actually imposed
24 is five years or less; the
25 judge may grant bail if the
26 sentence actually imposed
27 exceeds imprisonment for five
28 years.

SECTION 15

COMMENT:

- (1) Webster's, Rule 4.1. 2.1 -- phrase essential to main idea of sentence not set off by commas.
- (2) Elements, II, 15 -- parallelism; i.e., preposition changed to conform with Section 14.
- (3) Ibid. -- i.e., sentences combined to describe two actions possible during second of three possible time periods.

- (4) Manual, Rule 5 -- substitute word for phrase.
- (5) Manual, Rule 12 -- singularization.
- (6) Elements, II, 15 -- parallelism; i.e., same construction followed as that described in footnote (3).
- (7) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.
- (8) Manual, Rule 5 -- substitute word for phrase.
- (9) Formalization of language.

-19-

Last paragraph of SECTION 12 becomes SECTION 16

1 No person shall be subjected
 2 to imprisonment or forfeiture of
 3 his rights or property without the
 4 right of judicial review based
 5 upon a complete record of all evi-
 6 dence upon which such judgment is
 7 based. The cost of the transcrip-
 8 tion of such record shall be paid
 9 as provided by law. This right
 10 may be intelligently waived.

1 Section 16. Right to
 2 Judicial Review
 3 Section 16. No person
 4 shall be subjected to imprison-
 5 ment or forfeiture of rights⁽¹⁾
 6 or property without the right
 7 of judicial review based upon
 8 a complete record of all
 9 evidence upon which the judg-⁽²⁾
 10 ment is based. This right may⁽³⁾
 11 be intelligently waived. The⁽⁴⁾
 12 cost of transcribing the record
 13 shall be paid as provided by
 14 law.

COMMENT:

- (1) Manual, Rule 15, 13 and Elements, II, 13 -- omit needless words.
- (2) Manual, Rule 6 -- avoid hackneyed reference words.
- (3) See Elements II, 16 -- keep related sentences together.
- (4) Manual, Rule 5 -- substitute word for phrase.

SECTION 18 becomes SECTION 17

1 Section 18. Right to Humane
2 Treatment
3 Section 18. No law shall sub-
4 ject any person to euthanasia, tor-
5 ture, cruel, excessive, or unusual
6 punishments. Full rights of citi-
7 zenship shall be restored upon
8 termination of state and federal
9 supervision following conviction
10 for any offense.

1 Section 17. Right to
2 Humane Treatment
3 Section 17. No law shall
4 subject any person to (1)
5 euthanasia, to torture, or to
6 cruel, excessive, or unusual
7 punishment. (2) Full rights of
8 citizenship shall be restored
9 upon termination of state and
10 and federal supervision fol-
11 lowing conviction for any
12 offense.

COMMENT:

- (1) Elements, 15. 15 -- parallelism.
- (2) Manual, Rule 12 -- singularization.

SECTION 21 becomes SECTION 18

1 Section 21. Writ of Habeas
2 Corpus
3 Section 21. The writ of habeas
4 corpus shall not be suspended.

1 Section 18. Writ of Habeas
2 Corpus
3 Section 18. The writ of
4 habeas corpus shall not be
5 suspended.

COMMENT:

NO CHANGE

SECTION 22 becomes SECTION 19

1 Section 22. Access to Courts
2 Section 22. All courts shall
3 be open, and every person shall
4 have an adequate remedy by due
5 process of law and justice, ad-
6 ministered without denial, par-
7 tiality, or unreasonable delay
8 for injury to him in his person,
9 property, reputation, or other
10 rights.

1 Section 19. Access to Courts
2 Section 19. All courts shall
3 be open, and every person shall
4 have an adequate remedy by due
5 process of law and justice, ad-
6 ministered without denial,
7 partiality, or unreasonable
8 delay, ⁽¹⁾ for injury to him in his
9 person, property, reputation, or
10 other rights.

COMMENT:

(1) Elements, I, 2 and Manual, Rule 20 --
commas in series.

-22-

SECTION 19 becomes SECTION 20

1 Section 19. Right to Vote
2 Section 19. Every citizen of
3 the state, upon reaching eighteen
4 years of age shall have the right
5 to register and vote, except that
6 this right may be suspended while
7 a person is interdicted and judi-
8 cially declared mentally incompe-
9 tent, or under an order of im-
10 prisonment for conviction of a
11 felony.

1 Section 20. Right to
2 Vote ⁽¹⁾
3 Section 20. A citizen
4 of the state, upon reaching
5 eighteen years of age ⁽²⁾ has the
6 right to register and vote.
7 ⁽³⁾ However, this right may be
8 suspended while a person is
9 interdicted and judicially.
10 declared mentally incompetent,
11 or while he is ⁽⁴⁾ under an

12
13

12 order of imprisonment for
13 conviction of a felony.

COMMENT:

- (1) Standardization of language.
- (2) Manual, Rule 11 -- present tense.
- (3) Manual, Rule 10 -- short sentences.
- (4) Elements, V, 16 -- be clear.

-23-

SECTION 20 becomes SECTION 21

<p>1 Section 20. Right to Keep and 2 Bear Arms</p> <p>3 Section 20. The right of each 4 citizen to keep and bear arms shall 5 not be abridged, but this provi- 6 sion shall not prevent the passage 7 of laws to prohibit the carrying 8 of weapons concealed on the person. 9</p>	<p>1 Section 21. Right to Keep 2 and Bear Arms</p> <p>3 Section 21. The right of 4 each citizen to keep and bear 5 arms shall not be abridged, but 6 this provision shall not pre- 7 vent the passage of laws to pro- 8 hibit the carrying of weapons 9 concealed on the person.</p>
--	--

COMMENT:

NO CHANGE

SECTION 26 becomes SECTION 22

<p>1 Section 26. Freedom from 2 Discrimination</p> <p>3 Section 26. In access to public 4 areas, accommodations, and facili- 5 ties every person shall have the</p>	<p>1 Section 22. Freedom from 2 Discrimination</p> <p>3 Section 22. In access to 4 public areas, accommodations, 5 and facilities every person</p>
---	--

6	right to be free from discrimina-	6	(1) shall be free from discrimina-
7	tion based on race, religion, or	7	tion based on race, religion, o
8	national ancestry and from arbi-	8	national ancestry and from ar-
9	trary, capricious, or unreasonable	9	bitrary, capricious, or un-
10	discrimination based on age, sex,	10	reasonable discrimination based
11	or physical condition.	11	on age, sex, or physical con-
12		12	dition.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.

SECTION 23

1	Section 23. Prohibited Laws	1	Section 23. Prohibited Laws
2	Section 23. No bill of attainder,	2	Section 23. No bill of at-
3	ex post facto law, or law impairing	3	tainder, ex post facto law, or
4	the obligation of contracts shall	4	law impairing the obligation
5	be enacted.	5	of contracts shall be enacted.

COMMENT:

NO CHANGE

SECTION 25 becomes SECTION 24

18	Section 25. Unenumerated	18	Section 24. Unenumerated
19	Rights	19	Rights
20	Section 25. The enumeration	20	Section 24. The enumeration

21 In this constitution of certain
22 rights shall not be construed to
23 deny or disparage other rights
24 retained by the individual citi-
25 zens of the state.

21 in this constitution of certain
22 rights shall not ⁽¹⁾ deny or dis-
23 parage other rights retained by
24 the individual citizens of the
25 state.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13 --
omit needless words.

-25-

ADOPTED 11/21/73

DOCUMENT XI

COMMITTEE PROPOSAL NO. 25: FIRST ENROLLMENT

BILL OF RIGHTS

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 A PREAMBLE
2 We, the people of Louisiana,
3 grateful to Almighty God for the
4 civil, political, economic, and
5 religious liberties we enjoy, and
6 desiring to protect individual
7 rights to life, liberty, and pro-
8 perty; afford opportunity for the

1 PREAMBLE
2 We, the people of
3 Louisiana, grateful to
4 Almighty God for the civil,
5 political, economic, and
6 religious liberties we
7 enjoy, and desiring to
8 protect individual rights

9 fullest development of the indi-
10 vidual; assure equality of rights;
11 promote the health, safety, educa-
12 tion, and welfare of the people;
13 maintain a representative and
14 orderly government; ensure domes-
15 tic tranquility; provide for the
16 common defense; and secure the
17 blessings of freedom and justice
18 to ourselves and our posterity, do
19 ordain and establish this constitu-
20 tion.

9 to life, liberty, and pro-
10 perty; afford opportunity
11 for the fullest develop-
12 ment of the individual;
13 assure equality of rights;
14 promote the health, safety,
15 education, and welfare of
16 the people; maintain a
17 representative and orderly
18 government; ensure domestic
19 tranquility; provide for the
20 common defense; and secure
21 the blessings of freedom
22 and justice to ourselves
23 and our posterity, do ordain
24 and establish this consti-
25 tution.

COMMENT:

NO CHARGE

SECTION 1

1 ARTICLE I. DECLARATION OF RIGHTS
2 Section 1. Origin and Purpose
3 of Government
4 Section 1. All government, of
5 right, originates with the people,
6 is founded on their will alone, and
7 is instituted to protect the rights
8 of the individual and for the good
9 of the whole. Its only legitimate

1 ARTICLE I. DECLARATION
2 OF RIGHTS
3 Section 1. Origin and
4 Purpose of Government
5 Section 1. All govern-
6 ment, of right, originates
7 with the people, is founded
8 on their will alone, and is
9 instituted to protect the

10 ends are to secure justice for all,
11 preserve peace, protect the rights,
12 and promote the happiness, and gen-
13 eral welfare of the people. The
14 rights enumerated in this Article
15 are inalienable by the state and
16 shall be preserved inviolate by
17 the state.

10 rights of the individual
11 and for the good of the
12 whole. Its only legitimate
13 ends are to secure justice
14 for all, preserve peace,
15 protect the rights, and
16 promote the happiness and
17 general welfare of the
18 people. The rights enumerat-
19 ed in this Article are in-
20 alienable by the state and
21 shall be preserved inviolate
22 by the state.

COMMENT:

(1) Do not separate two objects of same infinite.

-2-

SECTION 2

1 Section 2. Due Process of Law
2 Section 2. No person shall be
3 deprived of life, liberty or pro-
4 perty, except by due process of law.

1 Section 2. Due Process
2 of Law
3 Section 2. No person shall
4 be deprived of life, liberty,⁽¹⁾
5 or property, except by due
6 process of law.

COMMENT:

(1) Manual, Rule 20 and Elements, I, 2--commas in series.

-3-

SECTION 3

1 Section 3. Right to Indivi-
2 dual Dignity

3 Section 3. No person shall be
4 denied the equal protection of the
5 law. No law shall discriminate
6 against a person on account of race
7 or religious ideas, religious be-
8 liefs, or religious affiliations.
9 No law shall arbitrarily, capri-
10 ciously, or unreasonably discrimi-
11 nate against any person by reason
12 of birth, age, sex, culture, phy-
13 sical condition, political ideas
14 or political affiliation. Slavery
15 and involuntary servitude are pro-
16 hibited, except in the latter case
17 as a punishment for crime.
18
19

1 Section 3. Right to
2 Individual Dignity

3 Section 3. No person shall
4 be denied the equal protection
5 of the laws. No law shall dis-
6 criminate against a person
7 because of race or religious
8 ideas, beliefs, or affilia-
9 tions. No law shall
10 arbitrarily, capriciously, or
11 unreasonably discriminate
12 against a person because of
13 birth, age, sex, culture,
14 physical condition, or
15 political ideas or affilia-
16 tions. Slavery and involun-
17 tary servitude are prohibited,
18 except in the latter case as
19 punishment for crime.

COMMENT:

- (1) Manual, Rule 5--substitute word for phrase.
- (2) Manual, Rules 5,13 and Elements, II, 13--omit needless words.
- (3) Standardization of language.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Manual, Rules 5,13 and Elements, II, 13--omit needless words.
- (6) Ibid.

SECTION 9 becomes

SECTION 4

1 Section 9. Liberty of Speech
 2 and Freedom of the Press
 3 Section 9. No law shall ever
 4 be passed to curtail or restrain
 5 the liberty of speech or freedom of
 6 the press; any person may speak,
 7 write and publish his sentiments on
 8 all subjects, being responsible for
 9 the abuse of that liberty or free-
 10 dom.

1 Section 4. Freedom of
 2 Expression
 3 Section 4. No law shall ⁽¹⁾
 4 curtail or restrain the
 5 freedom of speech or of ⁽²⁾
 6 the press. ⁽³⁾ Any person may
 7 ⁽⁴⁾ speak, write, and publish his
 8 ⁽⁵⁾ sentiments on any subject,
 9 ⁽⁶⁾ but is responsible for abuse
 10 ⁽⁷⁾ of that freedom.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.

(2) Ibid.

(3) Manual, Rule 10 -- short sentences; Rule 14 -- unrelated ideas in separate sentences.

(4) Manual, Rule 20 and Elements, I, 2-- commas in series.

(5) Manual, Rule 12--singularization.

(6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(7) Ibid.

SECTION 10 becomes

SECTION 5

1 Section 10. Freedom of
 2 Religion

1 Section 5. Freedom of
 2 Religion

3 Section 10. No law shall be
4 enacted respecting an establishment
5 of religion or prohibiting the free
6 exercise thereof.
7

3 Section 5. No law shall
4 be enacted respecting an
5 establishment of religion or
6 prohibiting the free exercise
7 thereof.

COMMENT:

NO CHANGE

SECTION 11 becomes SECTION 6

16 Section 11. Freedom of
17 Assembly and Movement
18 Section 11. No law shall
19 impair the right of every person
20 to assemble peaceably or to peti-
21 tion government for a redress of
22 grievances.

16 Section 6. Freedom of
17 Assembly and Petition.
18 Section 6. No law shall
19 impair the right of every
20 person to assemble peaceably
21 or to petition government for
22 a redress of grievances.

COMMENT:

NO CHANGE

-6-

SECTION 19 becomes SECTION 7

1 Section 19. Right to Vote
2 Section 19. Every citizen of
3 the state, upon reaching eighteen
4 years of age shall have the right
5 to register and vote, except that

1 Section 7. Right to
2 Vote
3 Section 7. Every citizen
4 of the state, upon reaching
5 eighteen years of age, shall
(1)

6 this right may be suspended while
7 a person is interdicted and judi-
8 cially declared mentally incompe-
9 tent, or under an order of im-
10 prisonment for conviction of a
11 felony.

6 have the right to register and
7 vote. ⁽²⁾ This right may be sus-
8 pended while a person is
9 interdicted and judicially
10 declared mentally incompetent
11 or is under an order of imprisor-
12 ment for conviction of a felony.

COMMENTS:

- (1) Webster's, Rule 4.1.1 -- commas to set parenthetical expression.
- (2) Manual, Rule 10 -- short sentences, Rule 14 -- unrelated ideas in separate sentences.
- (3) Elements, II, 15 -- parallelism.

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SECTION 18 becomes SECTION 8

1 Section 18. Right to Humane
2 Treatment
3 Section 18. No law shall sub-
4 ject any person to euthanasia, tor-
5 ture, cruel, excessive, or unusual
6 punishments. Full rights of citi-
7 zenship shall be restored upon
8 termination of state and federal
9 supervision following conviction

1 Section 8. Right to
2 Humane Treatment
3 Section 8. No law shall
4 subject any person to ⁽¹⁾
5 euthanasia, to torture, or to
6 cruel, excessive, or unusual
7 punishment. ⁽²⁾ Full rights of
8 citizenship shall be restored
9 upon termination of state and

10 for any offense.

11

12

10 and federal supervision fol-

11 lowing conviction for any

12 offense.

COMMENT:

(1) Elements, II, 15 -- parallelism.

(2) Manual, Rule 12 -- singularization.

-8-

SECTION 4 becomes SECTION 9

1 Section 4. Right to Property

2 Section 4. Every person has

3 the right to acquire, control, own,

4 use, enjoy, protect, and dispose of

5 private property. This right is

6 subject to reasonable statutory re-

7 strictions and the reasonable

8 exercise of the police power. Pro-

9 perty shall not be taken or damaged

10 by the state or its political sub-

11 divisions except for public pur-

12 poses and with just compensation

13 paid to the owner or into court

14 for his benefit. Property shall

15 not be taken or damaged by any pri-

16 vate entity authorized by law to

17 expropriate property, except for a

18 public and necessary purpose and

19 with just compensation paid to the

20 owner and, in such proceedings,

1 Section 9. Property

2 Rights

3 Section 9. (A) Property

4 Rights. Every person has the

5 right to acquire, control, own,

6 use, enjoy, protect, and dis-

7 pose of private property. This

8 right is subject to reasonable

9 statutory restrictions and the

10 reasonable exercise of the

11 police power.

12 (B) Expropriation. Pro-

13 perty shall not be taken or

14 damaged by the state or its

15 political subdivisions except

16 for public purposes and with

17 just compensation paid to the

18 owner or into court for his

19 benefit. Property shall not

20 be taken or damaged by any

21 the issue of whether the purpose
22 is public and necessary shall be
23 a judicial question. In all ex-
24 propriations, any party shall have
25 the right to trial by jury to de-
26 termine compensation and the owner
27 shall be compensated to the full
28 extent of his loss. No business
29 enterprise or any of its assets
30 shall be taken for the purpose of
31 operating that enterprise or for
32 the purpose of halting competition
33 with government enterprises, except
34 that municipalities may expropriate
35 utilities within their jurisdiction.

21 private entity authorized by
22 law to expropriate,⁽¹⁾ except
23 for a public and necessary
24 purpose and with just com-
25 pensation paid to the owner;
26 in such proceedings,⁽²⁾ whether
27 the purpose is public and
28 necessary shall be a judicial
29 question.

30 (C) Jury Trial; Compensa-
31 tion. In every expropriation,
32 a party has⁽³⁾ the right to
33 trial by jury to determine
34 compensation,⁽⁴⁾ and the owner
35 shall be compensated to the

SECTION 4 become

SECTION 9

1 Personal effects, other than contra-
2 band, shall never be taken. The
3 provisions of this Section shall not
4 apply to appropriation of property
5 necessary for levee and levee drain-
6 age purposes.

1 full extent of his loss.
2 (D) Business Enterprises.
3 No business enterprise or any
4 of its assets shall be taken
5 for the purpose of operating
6 that enterprise or halting⁽⁵⁾
7 completion with a government
8 enterprise.^{(6) (7)} However, a muni-
9 cipality may expropriate a
10 utility within its jurisdiction⁽⁸⁾

11 (E) Personal Effects.

12 Personal effects, other than
13 contraband, shall never be
14 taken.
15 (F) Levees; Appropria-
16 tions. ⁽⁹⁾ This Section shall
17 not apply to appropriation of
18 property necessary for levee
19 and levee drainage purposes.

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Ibid.
- (3) Manual, Rule 12--singularization; Manual, Rule 11--present tense.
- (4) Webster's, Rule 4.2.3 and Elements, I, 4--comma before conjunction introducing independent clause.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Manual, Rule 12--singularization.
- (7) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (8) Manual, Rule 12--singularization.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 20 becomes SECTION 10

1 Section 20. Right to Keep and
2 Bear Arms

3 Section 20. The right of each
4 citizen to keep and bear arms shall
5 not be abridged, but this provi-
6 sion shall not prevent the passage
7 of laws to prohibit the carrying
8 of weapons concealed on the person.

9

1 Section 10. Right to Keep
2 and Bear Arms

3 Section 10. The right of
4 each citizen to keep and bear
5 arms shall not be abridged, but
6 this provision shall not pre-
7 vent the passage of laws to pro-
8 hibit the carrying of weapons
9 concealed on the person.

COMMENT:

NO CHANGE

-11-

SECTION 5 becomes SECTION 11

1 Section 5. Right to Privacy

2 Section 5. Every person shall
3 be secure in his person, property,
4 communications, houses, papers, and
5 effects against unreasonable
6 searches, seizures, or invasions of
7 privacy. No warrant shall issue
8 without probable cause supported by
9 oath or affirmation particularly
10 describing the place to be searched
11 the persons or things to be seized,
12 and the lawful purpose or reason

1 Section 11. Right to
2 Privacy

3 Section 11. Every person
4 shall be secure in his person,
5 property, communications,
6 houses, papers, and effects
7 against unreasonable searches,
8 seizures, or invasions of
9 privacy. No warrant shall
10 issue without probable cause
11 supported by oath or affirma-
12 tion, and particularly describ-

13 for the search. Any person ad-
14 versely affected by a search or
15 seizure conducted in violation of
16 this Section shall have standing
17 to raise the illegality of that
18 search or seizure in the appropri-
19 ate court of law.

13 ing the place to be searched,
14 the persons or things to be
15 seized, and the lawful purpose
16 or reason for the search. Any
17 person adversely affected by
18 a search or seizure which
19 violates ⁽²⁾ this Section shall
20 have standing to raise its
21 illegality ⁽³⁾ in the appropriate
22 court. ⁽⁴⁾

COMMENT:

- (1) Elements, V, 16 -- be clear.
- (2) Manual, Rule 5 -- substitute word for phrase.
- (3) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.
- (4) Ibid.

-12-

SECTION 6 becomes SECTION 12

1 Section 6. Freedom from
2 Intrusion
3 Section 6. No person shall
4 be quartered in any house without

1 Section 12. Freedom from
2 Intrusion
3 Section 12. No person
4 shall be quartered in any

5 the consent of the owner or law-
6 ful occupant.

5 house without the consent of
6 the owner or lawful occupant.

COMMENT:

NO CHANGE

SECTION 26 becomes SECTION 13

1 Section 26. Freedom from
2 Discrimination
3 Section 26. In access to public
4 areas, accommodations, and facili-
5 ties every person shall have the
6 right to be free from discrimina-
7 tion based on race, religion, or
8 national ancestry and from arbi-
9 trary, capricious, or unreasonable
10 discrimination based on age, sex,
11 or physical condition.
12

1 Section 13. Freedom from
2 Discrimination
3 Section 13. In access to
4 public areas, accommodations,
5 and facilities every person
6 shall be free from discrimina-
7 tion based on race, religion, or
8 national ancestry and from ar-
9 bitrary, capricious, or un-
10 reasonable discrimination based
11 on age, sex, or physical con-
12 dition.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13 --
omit needless words.

SECTION 23 becomes SECTION 14

1	Section 23. Prohibited Laws		1	Section 14. Prohibited Laws
2	Section 23. No bill of attainder,	2	2	Section 14. No bill of at-
3	ex post facto law, or law impairing	3	3	tainder, ex post facto law, or
4	the obligation of contracts shall	4	4	law impairing the obligation
5	be enacted.	5	5	of contracts shall be enacted.

COMMENT:

NO CHANGE

SECTION 22 becomes SECTION 15

1	Section 22. Access to Courts		1	Section 15. Access to Courts
2	Section 22. All courts shall		2	Section 15. All courts shall
3	be open, and every person shall		3	be open, and every person shall
4	have an adequate remedy by due		4	have an adequate remedy by due
5	process of law and justice, ad-		5	process of law and justice, ad-
6	ministered without denial, par-		6	ministered without denial,
7	tiality, or unreasonable delay		7	partiality, or unreasonable
8	for injury to him in his person,		8	delay, ⁽¹⁾ for injury to him in his
9	property, reputation, or other		9	person, property, reputation, or
10	rights.		10	other rights.

COMMENT:

(1) Elements, I, 2 and Manual, Rule 20 -- commas in series.

SECTION 21 becomes

SECTION 16

1 Section 21. Writ of Habeas
2 Corpus

1 Section 16. Writ of Habeas
2 Corpus

3 Section 21. The writ of habeas
4 corpus shall not be suspended.

3 Section 16. The writ of
4 habeas corpus shall not be
5 suspended.

COMMENT:

NO CHANGE

-15-

SECTION 12 becomes

SECTION 17

1 Section 12. Rights of the
2 Accused

1 Section 17. Rights of
2 Accused

3 Section 12. When any person
4 has been arrested or detained in
5 connection with the investigation
6 or commission of any offense, he
7 shall be advised fully of the rea-
8 son for his arrest or detention,
9 his right to remain silent, his
10 right against self incrimination,
11 his right to the assistance of
12 counsel and, to court appointed
13 counsel, if indigent. In all
14 criminal prosecutions, the accused
15 shall be informed of the nature
16 and cause of the accusation against
17 him. At all stages of the proceed-

3 Section 17. A person⁽¹⁾
4 arrested or detained in con-
5 nection with the investiga-
6 tion or commission of any
7 offense⁽²⁾ shall be advised fully
8 of the reason for his arrest
9 or detention, his right to
10 remain silent, his right
11 against self incrimination,
12 his right to the assistance
13 of counsel and, if indigent,⁽³⁾
14 to court appointed counsel.
15 In a criminal prosecution, an⁽⁴⁾
16 accused shall be informed of
17 the nature and cause of the

18 ings, every person shall be enti-
19 tled to assistance of counsel of
20 his choice, or appointed by the
21 court in indigent cases if charged
22 with an offense punishable by im-
23 prisonment. The legislature shall
24 provide for a uniform system for
25 securing counsel for indigents,
26 including qualifications and com-
27 pensation.

18 accusation against him. At
19 each stage of the proceedings,
20 every person is entitled to
21 assistance of counsel of his
22 choice, or appointed by the
23 court if he is indigent and ⁽⁶⁾
⁽⁷⁾
24 charged with an offense punish-
25 able by imprisonment. The
26 legislature shall provide for
27 a uniform system for securing
28 counsel for indigents, includ-
29 ing qualifications and com-
30 pensation.

SECTION 17

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.
- (2) Comma deleted with deletion of introductory adverbial clause.
- (3) Elements, V, 16 -- be clear.
- (4) Manual, Rule 12 -- singularization.
- (5) Elements, II, 15 -- parallelism.
- (6) Manual, Rule 12 -- singularization.
- (7) Manual, Rule 11 -- present tense.
- (8) Element, V, 16 -- be clear.

SECTION 27 becomes SECTION 18

1 Section 27. Right to Preliminary
2 Examination
3 Section 27. In all felony cases,
4 except those indicted by a grand
5 jury, the right to a preliminary
6 examination shall not be denied.
7

1 Section 18. Right to
2 Preliminary Examination
3 Section 18. The right
4 to a preliminary examination
5 shall not be denied in felony
6 cases except when the accused
7 is indicted by a grand jury. (1)

COMMENT:

(1) Elements, V, 16--be clear.

SECTION 13 becomes SECTION 19

1 Section 13. Initiation of
2 Prosecution
3 Section 13. Prosecution of
4 felonies shall be initiated by in-
5 dictment or information, provided
6 that no person shall be held to
7 answer for any capital crime or
8 any crime punishable by life im-
9 prisonment, except on indictment
10 by a grand jury. No person shall
11 be twice placed in jeopardy for
12 the same offense, except on his
13 own application for a new trial

1 Section 19. Initiation of
2 Prosecution
3 Section 19. Prosecution
(1)
4 of a felony shall be initiat-
5 ed by indictment or informa-
(2.)
6 tion, but no person shall be
(3)
7 held to answer for a capital
(3)
8 crime or a crime punishable
(4)
9 by life imprisonment except
10 on indictment by a grand jury.
11 No person shall be twice
12 placed in jeopardy for the
13 same offense, except on his (5)

14	or when a mistrial is declared	14	application for a new trial, ⁽⁶⁾
15	or a motion in arrest of judgment	15	when a mistrial is declared,
16	is sustained.	16	or when a motion in arrest of ⁽⁷⁾
17		17	judgment is sustained.

COMMENT:

- (1) Manual, Rule 12--singularization.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Standardization of language.
- (4) Elements, V, 16--be clear.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Manual, Rule 20 and Elements, I, 2--commas in series; Elements, II, 15--parallelism.
- (7) Ibid.

SECTION 15 becomes SECTION 20

1	Section 15. Fair Trial	1	Section 20. Fair Trial
2	Section 15. Every person	2	Section 20 Every person
3	charged with a crime shall be pre-	3	charged with a crime is pre- ⁽¹⁾
4	sumed innocent until proven guilty,	4	sumed innocent until proved ⁽²⁾
5	and shall be entitled to a speedy,	5	guilty and is entitled to a ⁽³⁾ ⁽⁴⁾
6	public, and impartial trial in the	6	speedy, public, and impartial
7	parish where the offense or an	7	trial in the parish where the
8	element of the offense occurred,	8	offense or an element of the
9	unless venue be changed in accord-	9	offense occurred, unless ⁽⁵⁾
10	ance with law. No person shall be	10	venue is changed in accordance
11	compelled to give evidence against	11	with law. No person shall be
12	himself. An accused shall be en-	12	compelled to give evidence
13	titled to confront and cross-	13	against himself. An accused

14	examine the witnesses against him,	14	is ⁽⁶⁾ entitled to confront and
15	to compel the attendance of wit-	15	cross-examine the witnesses
16	nesses, to present a defense, and	16	against him, to compel the
17	to testify in his own behalf.	17	attendance of witnesses, to
18		18	present a defense, and to
19		19	testify in his own behalf.

COMMENT:

- (1) Manual, Rule 11 -- present tense
- (2) See Webster's Dictionary -- Preferred usage.
- (3) See Elements, I, 4 -- omit comma when subject common to two verbs and connective is "and."
- (4) Manual, Rule 11 -- present tense.
- (5) Manual, Rule 11 -- indicative mood.
- (6) Manual, Rule 11 -- present tense.

SECTION 16 becomes SECTION 21

1	Section 16. Trial by Jury in	1	Section 21. Jury Trial
2	Criminal Cases	2	in Criminal Cases
3	Section 16. Criminal cases in	3	Section 21. A criminal
4	which the punishment may be capi-	4	case ⁽¹⁾ in which the punishment
5	tal shall be tried before a jury	5	may be capital shall be
6	of twelve persons, all of whom	6	tried before a jury of twelve
7	must concur to render a verdict;	7	persons, all of whom must
8	cases in which the punishment is	8	concur to render a verdict.
9	necessarily confinement at hard	9	A case ⁽²⁾ in which the punish-
10	labor shall be tried before a jury	10	ment is necessarily confine-
11	of twelve persons, ten of whom	11	ment at hard labor shall be
12	must concur to render a verdict.	12	tried before a jury of twelve
13	Cases in which the punishment may	13	persons, ten of whom must

14	be confinement at hard labor or	14	concur to render a verdict.
15	confinement without hard labor	15	(2) A case in which the punishment
16	of more than six months, shall be	16	may be confinement at hard
17	tried before a jury of six persons,	17	labor or confinement without
18	five of whom must concur to render	18	(4) hard labor for more than six
19	a verdict. Except in capital cases,	19	(5) months shall be tried before
20	a defendant may knowingly and in-	20	a jury of six persons, five
21	telligently waive his right to a	21	of whom must concur to render
22	trial by jury. In all criminal	22	a verdict. (6) The accused shall
23	prosecutions tried by a jury the	23	have the right to full voir
24	accused shall have the right to	24	dire examination of prospec-
25	full voir dire examination of	25	tive jurors and to challenge
26	prospective jurors and to chal-	26	jurors peremptorily. The
27	lenge jurors peremptorily. The	27	number of challenges shall be
28	number of challenges shall be	28	fixed by law. (7) Except in
29	fixed by law.	29	capital cases, a defendant
30		30	may knowingly and intelligently
31		31	waive his right to a trial by
32		32	jury.
33		33	
34		34	
35		35	

SECTION 21

COMMENT:

- (1) Manual, Rule 12--singularization.
- (2) Manual, Rule 10--short sentences; Rule 12--singularization.
- (3) Manual, Rule 12--singularization.

(4) Change preposition from "of" to "for" to aid readability.

(5) Elements, II, 5--parallelism.

(6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(7) Elements, II, 9--paragraph unit of composition; sentence placement selected to end unit.

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SECTION 17 becomes SECTION 22

1	Section 17. Right to Bail		1	Section 22. Right to Bail
2	Section 17. Excessive bail shall		2	Section 22. Excessive
3	not be required. Before and during		3	bail shall not be required.
4	a trial, a person shall be bailable		4	Before and during a trial,
5	by sufficient sureties, unless		5	a person shall be bailable
6	charged with a capital offense and		6	by sufficient surety, except
7	the proof is evident and the pre-		7	when he is ⁽¹⁾ charged with a capi-
8	sumption of guilt is great. After		8	tal offense and the proof is
9	conviction and before sentencing,		9	evident and the presumption
10	a person shall be bailable if the		10	of guilt is great. After
11	maximum sentence which may be im-		11	conviction and before sentenc-
12	posed is imprisonment of five years		12	ing, a person shall be bail-
13	or less. The judge may grant bail		13	able if the maximum sentence
14	if the maximum sentence which may		14	which may be imposed is
15	be imposed is imprisonment in ex-		15	imprisonment ⁽²⁾ for five years
16	cess of five years. After sentenc-		16	or less; ⁽³⁾ the judge may
17	ing and until final judgment, per-		17	grant bail if the maximum
18	sons shall be bailable if the		18	sentence which may be imposed
19	sentence actually imposed is five		19	is imprisonment ⁽⁴⁾ exceeding
20	years or less and the judge in his		20	five years. After sentencing

21 discretion may grant bail if the
22 sentence actually imposed is in
23 excess of five years imprisonment.
24
25
26
27
28
29

21 and until final judgment, a
22 person⁽⁵⁾ shall be bailable if
23 the sentence actually imposed
24 is five years or less;⁽⁶⁾ the
25 judge may grant bail if the
26 sentence actually imposed
27 exceeds imprisonment for five
28 years.⁽⁹⁾
29

-23-

SECTION 22

COMMENT:

- (1) Manual, Rule 11 -- singularization; Elements, V, 16 -- be clear.
- (2) Elements, II, 15 -- parallelism; i.e., preposition changed to conform with Section 14.
- (3) Ibid. -- i.e., sentences combined to describe two actions possible during second of three possible time periods.
- (4) Manual, Rule 5 -- substitute word for phrase.
- (5) Manual, Rule 12 -- singularization.
- (6) Elements, II, 15 -- parallelism; i.e., same construction followed as that described in footnote (3).
- (7) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.
- (8) Manual, Rule 5 -- substitute word for phrase.
- (9) Formalization of language.

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Last paragraph of SECTION 12 becomes SECTION 23

1 No person shall be subjected
2 to imprisonment or forfeiture of
3 his rights or property without the
4 right of judicial review based
5 upon a complete record of all evi-
6 dence upon which such judgment is
7 based. The cost of the transcrip-
8 tion of such record shall be paid
9 as provided by law. This right
10 may be intelligently waived.

1 Section 23. Right to
2 Judicial Review
3 Section 23. No person
4 shall be subjected to imprison-
5 ment or forfeiture of rights⁽¹⁾
6 or property without the right
7 of judicial review based upon
8 a complete record of all
9 evidence upon which the judg-⁽²⁾
10 ment is based. This right may⁽³⁾
11 be intelligently waived. The
12 cost of transcribing the record⁽⁴⁾
13 shall be paid as provided by
14 law.

COMMENT:

(1) Manual, Rule 15, 13 and Elements, II, 13 -- omit needless words.

(2) Manual, Rule 6 -- avoid hackneyed reference words.

(3) See Elements II, 16 -- keep related sentences together.

(4) Manual, Rule 5 -- substitute word for phrase.

SECTION 25 becomes SECTION 24

18 Section 25. Unenumerated
19 Rights
20 Section 25. The enumeration
21 in this constitution of certain
22 rights shall not be construed to
23 deny or disparage other rights
24 retained by the individual citi-
25 zens of the state.

18 Section 24. Unenumerated
19 Rights
20 Section 24. The enumeration
21 in this constitution of certain
22 rights shall not deny or dis-
23 parage other rights retained by
24 the individual citizens of the
25 state.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13 --
omit needless words.

1/3/74

COMMITTEE PROPOSAL NO. 25: FIRST ENROLLMENT

DECLARATION OF RIGHTS

Styling Suggestions from Committee on Style and Drafting:

COMPARATIVE PRESENTATION

SECTIONS ADOPTED BY
CONVENTION

CHANGES RECOMMENDED BY
COMMITTEE

1 A PREAMBLE
2 We, the people of Louisiana,
3 grateful to Almighty God for the

1 PREAMBLE
2 We, the people of Louisiana,
3 grateful to Almighty God for

4 civil, political, economic, and
5 religious liberties we enjoy, and
6 desiring to protect individual
7 rights to life, liberty, and pro-
8 perty; afford opportunity for the
9 fullest development of the indi-
10 vidual; assure equality of rights;
11 promote the health, safety, educa-
12 tion, and welfare of the people;
13 maintain a representative and
14 orderly government; ensure domes-
15 tic tranquility; provide for the
16 common defense; and secure the
17 blessings of freedom and justice
18 to ourselves and our posterity, do
19 ordain and establish this consti-
20 tution.

4 the civil, political, economic,
5 and religious liberties we
6 enjoy, and desiring to protect
7 individual rights to life,
8 liberty, and property; afford
9 opportunity for the fullest
10 development of the individual;
11 assure equality of rights;
12 promote the health, safety,
13 education, and welfare of the
14 people; maintain a representa-
15 tive and orderly government;
16 ensure domestic tranquility;
17 provide for the common defense;
18 and secure the blessings of
19 freedom and justice to
20 ourselves and our posterity, do
21 ordain and establish this
22 constitution.

COMMENT:

NO CHANGE

-1-

SECTION 1

1 ARTICLE I. DECLARATION OF RIGHTS
2 Section 1. Origin and Purpose
3 of Government
4 Section 1. All government, of
5 right, originates with the people,

1 ARTICLE I. DECLARATION
2 OF RIGHTS
3 Section 1. Origin and
4 Purpose of Government
5 Section 1. All govern-

6 is founded on their will alone, and
7 is instituted to protect the rights
8 of the individual and for the good
9 of the whole. Its only legitimate
10 ends are to secure justice for all,
11 preserve peace, protect the rights,
12 and promote the happiness, and gen-
13 eral welfare of the people. The
14 rights enumerated in this Article
15 are inalienable by the state and
16 shall be preserved inviolate by
17 the state.

6 ment, of right, originates
7 with the people, is founded
8 on their will alone, and is
9 instituted to protect the
10 rights of the individual
11 and for the good of the
12 whole. Its only legitimate
13 ends are to secure justice
14 for all, preserve peace
15 protect the rights, and
16 promote the happiness and
17 general welfare of the
18 people. The rights enumerat-
19 ed in this Article are in-
20 alienable by the state and
21 shall be preserved inviolate
22 by the state.

COMMENT: -

(1) Do not separate two objects of same infinitive.

SECTION 2

1 Section 2. Due Process of Law
2 Section 2. No person shall be
3 deprived of life, liberty or pro-

1 Section 2. Due Process
2 of Law
3 Section 2. No person shall

4 perty, except by due process of law. | 4 be deprived of life, liberty, (1)
5 | 5 or property, except by due
6 | 6 process of law.

COMMENT:

(1) Manual, Rule 20 and Elements, I, 2--commas in series.

-3-

SECTION 3

1 Section 3. Right to Indivi-
2 dual Dignity
3 Section 3. No person shall be
4 denied the equal protection of the
5 law. No law shall discriminate
6 against a person on account of race
7 or religious ideas, religious be-
8 liefs, or religious affiliations.
9 No law shall arbitrarily, capri-
10 ciously, or unreasonably discrimi-
11 nate against any person by reason
12 of birth, age, sex, culture, phy-
13 sical condition, political ideas
14 or political affiliation. Slavery
15 and involuntary servitude are pro-
16 hibited, except in the latter case
17 as a punishment for crime.
18
19

1 Section 3. Right to
2 Individual Dignity
3 Section 3. No person shall
4 be denied the equal protection
5 of the laws. No law shall dis-
6 criminate against a person
7 because of race or religious
8 ideas, beliefs, or affilia-
9 tions. No law shall
10 arbitrarily, capriciously, or
11 unreasonably discriminate
12 against a person because of
13 birth, age, sex, culture,
14 physical condition, or
15 political ideas or affilia-
16 tions. Slavery and involun-
17 tary servitude are prohibited,
18 except in the latter case as
19 punishment for crime.

COMMENT:

(1) Manual, Rule 5--substitute word for phrase.

(2) Manual, Rules 5,13 and Elements, II, 13--
omit needless words.

(3) Standardization of language.

(4) Manual, Rule 5--substitute word for phrase.

(5) Manual, Rules 5,13 and Elements, II, 13--
omit needless words.

(6) Ibid.

-4-

SECTION 4

1	Section 4. Right to Property	1	Section 4. Right to
2	Section 4. Every person has	2	Property
3	the right to acquire, control, own,	3	Section 4. Every person
4	use, enjoy, protect, and dispose of	4	has the right to acquire, own,
5	private property. This right is	5	control, use, enjoy, protect,
6	subject to reasonable statutory re-	6	and dispose of private pro-
7	strictions and the reasonable	7	perty. This right is subject
8	exercise of the police power. Pro-	8	to reasonable statutory
9	perty shall not be taken or damaged	9	restrictions and the reason-
10	by the state or its political sub-	10	able exercise of the police
11	divisions except for public pur-	11	power.
12	poses and with just compensation	12	Property shall not be
13	paid to the owner or into court	13	taken or damaged by the state
14	for his benefit. Property shall	14	or its political subdivisions
15	not be taken or damaged by any pri-	15	except for public purposes and
16	vate entity authorized by law to	16	with just compensation paid
17	expropriate property, except for a	17	to the owner or into court
18	public and necessary purpose and	18	for his benefit. Property
19	with just compensation paid to the	19	shall not be taken or

20 owner and, in such proceedings,
21 the issue of whether the purpose
22 is public and necessary shall be
23 a judicial question. In all ex-
24 propriations, any party shall have
25 the right to trial by jury to de-
26 termine compensation and the owner
27 shall be compensated to the full
28 extent of his loss. No business
29 enterprise or any of its assets
30 shall be taken for the purpose of
31 operating that enterprise or for
32 the purpose of halting competition
33 with government enterprises, except
34 that municipalities may expropriate
35 utilities within their jurisdiction.

20 damaged by any private entity
21 authorized by law to ex-
22 propriate, ⁽¹⁾ except for a
23 public and necessary purpose
24 and with just compensation
25 paid to the owner; in such
26 proceedings, ⁽²⁾ whether the
27 purpose is public and neces-
28 sary shall be a judicial
29 question. In every expro-
30 priation, a party has ⁽³⁾ the
31 right to trial by jury to
32 determine compensation, ⁽⁴⁾ and
33 the owner shall be compensated
34 to the full extent of his
35 loss. No business enterprise

SECTION 4

1 Personal effects, other than contraband,
2 shall never be taken. The
3 provisions of this Section shall
4 apply to appropriation of property
5 necessary for levee and levee drain-
6 age purposes.

1 or any of its assets shall be
2 taken for the purpose of
3 operating that enterprise or
4 halting competition with a ⁽⁵⁾
5 government enterprise. ⁽⁶⁾ ⁽⁷⁾ How-
6 ever, a municipality may
7 expropriate a utility within
8 its jurisdiction. Personal
9 effects, other than contraband,
10 shall never be taken.
11 ⁽⁸⁾ This Section shall not

12 apply to appropriation of
 13 property necessary for levee
 14 and levee drainage purposes.
 15

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Ibid.
- (3) Manual, Rule 12--singularization; Manual, Rule 11--present tense.
- (4) Webster's, Rule 4.2.3 and Elements, I, 4--comma before conjunction introducing independent clause.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Manual, Rule 12--singularization.
- (7) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (8) Manual, Rule 12--singularization.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 5

1 Section 5. Right to Privacy
 2 Section 5. Every person shall
 3 be secure in his person, property,
 4 communications, houses, papers, and
 5 effects against unreasonable

1 Section 5. Right to
 2 Privacy
 3 Section 5. Every person
 4 shall be secure in his person,
 5 property, communications,

6 searches, seizures, or invasions of
7 privacy. No warrant shall issue
8 without probable cause supported by
9 oath or affirmation particularly
10 describing the place to be searched,
11 the persons or things to be seized,
12 and the lawful purpose or reason
13 for the search. Any person ad-
14 versely affected by a search or
15 seizure conducted in violation of
16 this Section shall have standing
17 to raise the illegality of that
18 search or seizure in the appropri-
19 ate court of law.

6 houses, papers, and effects
7 against unreasonable searches,
8 seizures, or invasions of
9 privacy. No warrant shall
10 issue without probable cause
11 supported by oath or affirma-
12 tion, and particularly describ-
13 ing the place to be searched,
14 the persons or things to be
15 seized, and the lawful purpose
16 or reason for the search. Any
17 person adversely affected by
18 a search or seizure conducted
19 in violation of this Section shall
20 have standing to raise its
21 illegality in the appropriate
22 court.
23

COMMENT:

- (1) Elements, V, 16--be clear.
- (2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
- (3) Ibid.

-/-

SECTION 6

1 Section 6. Freedom from
2 Intrusion
3 Section 6. No person shall

1 Section 6. Freedom from
2 Intrusion
3 Section 6. No person

4 be quartered in any house without
5 the consent of the owner or law-
6 ful occupant.

4 shall be quartered in any
5 house without the consent of
6 the owner or lawful occupant.

COMMENT:

NO CHANGE

-8-

SECTION 9 becomes SECTION 7

1 Section 9. Liberty of Speech
2 and Freedom of the Press

3 Section 9. No law shall ever
4 be passed to curtail or restrain
5 the liberty of speech or freedom of
6 the press; any person may speak,
7 write and publish his sentiments on
8 all subjects, being responsible for
9 the abuse of that liberty or free-
10 dom.

1 Section 7. Freedom of
2 Expression

3 Section 7. No law shall⁽¹⁾
4 curtail or restrain the
5 freedom of speech or of⁽²⁾
6 the press.⁽³⁾ Every person may⁽⁴⁾
7 speak, write, and publish his⁽⁵⁾
8 sentiments on any subject,⁽⁶⁾
9 but is responsible for abuse⁽⁷⁾
10 of that freedom.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II,
13 -- omit needless words.

(2) Ibid.

(3) Manual, Rule 10 -- short sentences;
Rule 14 -- unrelated ideas in separate
sentences.

(4) Manual, Rule 20 and Elements, 1, 2--
commas in series.

(5) Manual, Rule 12--singularization.

(6) Manual, Rules 5, 13 and Elements, II,
13--omit needless words.

(7) Ibid.

SECTION 10 becomes SECTION 8

1 Section 10. Freedom of
2 Religion
3 Section 10. No law shall be
4 enacted respecting an establishment
5 of religion or prohibiting the free
6 exercise thereof.
7

1 Section 8. Freedom of
2 Religion
3 Section 8. No law shall
4 be enacted respecting an
5 establishment of religion or
6 prohibiting the free exercise
7 thereof.

COMMENT:

NO CHANGE

SECTION 11 becomes SECTION 9

16 Section 11. Freedom of
17 Assembly and Movement
18 Section 11. No law shall
19 impair the right of every person
20 to assemble peaceably or to peti-
21 tion government for a redress of
22 grievances.

16 Section 9. Right of
17 Assembly and Petition.
18 Section 9. No law shall
19 impair the right of any
20 person to assemble peaceably
21 or to petition government for
22 a redress of grievances.

COMMENT:

(1) Elements, V, 16--be clear.

Section 19 becomes SECTION 10

1 Section 19. Right to Vote
2 Section 19. Every citizen of
3 the state, upon reaching eighteen
4 years of age shall have the right
5 to register and vote, except that
6 this right may be suspended while
7 a person is interdicted and judi-
8 cially declared mentally incompe-
9 tent, or under an order of im-
10 prisonment for conviction of a
11 felony.
12
13

1 Section 10. Right to
2 Vote
3 Section 10. Every citizen
4 of the state, upon reaching
5 eighteen years of age, shall
6 have the right to register and
7 vote, except that this right
8 may be suspended while a person is
9 interdicted and judicially
10 declared mentally incompetent
11 or is under an order of imprison-
12 ment for conviction of a felony.

COMMENTS:

- (1) Webster's, Rule 4.1.1--commas to set off parenthetical expression.
- (2) Elements, II, 15--parallelism.

SECTION 20 becomes SECTION 11

1 Section 20. Right to Keep and
2 Bear Arms
3 Section 20. The right of each
4 citizen to keep and bear arms shall
5 not be abridged, but this provi-
6 sion shall not prevent the passage

1 Section 11. Right to Keep
2 and Bear Arms
3 Section 11. The right of
4 each citizen to keep and bear
5 arms shall not be abridged, but
6 this provision shall not pre-

7 of laws to prohibit the carrying
8 of weapons concealed on the person.
9

7 vent the passage of laws to pro-
8 hibit the carrying of weapons
9 concealed on the person.

COMMENT:

NO CHANGE

-1-

SECTION 26 becomes SECTION 12

1 Section 26. Freedom from
2 Discrimination
3 Section 26. In access to public
4 areas, accommodations, and facili-
5 ties every person shall have the
6 right to be free from discrimina-
7 tion based on race, religion, or
8 national ancestry and from arbi-
9 trary, capricious, or unreasonable
10 discrimination based on age, sex,
11 or physical condition.
12

1 Section 12. Freedom from
2 Discrimination
3 Section 12. In access to
4 public areas, accommodations,
5 and facilities, every person
6 shall be free from discrimina-
7 tion based on race, religion, or
8 national ancestry and from ar-
9 bitrary, capricious, or un-
10 reasonable discrimination based
11 on age, sex, or physical con-
12 dition.

COMMENT:

- (1) Webster's Rule 4.4.2--comma inserted for clarity.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 12

SECTION 13

1 Section 12. Rights of the
 2 Accused
 3 Section 12. When any person
 4 has been arrested or detained in
 5 connection with the investigation
 6 or commission of any offense, he
 7 shall be advised fully of the rea-
 8 son for his arrest or detention,
 9 his right to remain silent, his
 10 right against self incrimination,
 11 his right to the assistance of
 12 counsel and, to court appointed
 13 counsel, if indigent. In all
 14 criminal prosecutions, the accused
 15 shall be informed of the nature
 16 and cause of the accusation against
 17 him. At all stages of the proceed-
 18 ings, every person shall be enti-
 19 tled to assistance of counsel of
 20 his choice, or appointed by the
 21 court in indigent cases if charged
 22 with an offense punishable by im-
 23 prisonment. The legislature shall
 24 provide for a uniform system for
 25 securing counsel for indigents,
 26 including qualifications and com-
 27 pensation.

1 Section 13. Rights of
 2 the Accused
 3 Section 13. When any
 4 person has been arrested or
 5 detained in connection with
 6 the investigation or commission
 7 of any offense, he shall be ad-
 8 vised fully of the reason for
 9 his arrest or detention, his
 10 right to remain silent, his
 11 right against self incrimina-
 12 tion, his right to the assis-
 13 tance of counsel and, ⁽¹⁾ if
 14 indigent, ⁽²⁾ his right to court
 15 appointed counsel. In a ^{(3) (4)}
 16 criminal prosecution, an accused
 17 shall be informed of the nature
 18 and cause of the accusation against
 19 him. At each stage of the pro-
 20 ceedings, every person is ⁽⁵⁾
 21 entitled to assistance of counsel
 22 of his choice, or appointed by
 23 the court if he is indigent and ⁽⁷⁾
 24 charged with an offense punish-
 25 able by imprisonment. The legis-
 26 lature shall provide for a uni-
 27 form system for securing and

28
29
30

(?)
28 compensating qualified counsel
(S)
29 for indigents.
30

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SECTION 13

COMMENT:

- (1) Elements, V, 16--be clear.
- (2) Elements, II, 15--parallelism.
- (3) Manual, Rule 12--singularization.
- (4) Elements, II, 15--parallelism.
- (5) Manual, Rule 12--singularization.
- (6) Manual, Rule 11--present tense.
- (7) Elements, V, 16--be clear.
- (8) Ibid.; Elements, II, 15--parallelism.

-15-

SECTION 27 becomes SECTION 14

1 Section 27. Right to Preliminary
2 Examination
3 Section 27. In all felony cases,
4 except those indicted by a grand
5 jury, the right to a preliminary
6 examination shall not be denied.
7

1 Section 14. Right to
2 Preliminary Examination
3 Section 14. The right
4 to a preliminary examination
5 shall not be denied in felony
6 cases except when the accused
7 is indicted by a grand jury. (i)

COMMENT:

- (1) Elements, V, 16--be clear.

-16-

SECTION 13 ~~becomes~~

SECTION 15

1 Section 13. Initiation of
 2 Prosecution
 3 Section 13. Prosecution of
 4 felonies shall be initiated by in-
 5 dictment or information, provided
 6 that no person shall be held to
 7 answer for any capital crime or
 8 any crime punishable by life im-
 9 prisonment, except on indictment
 10 by a grand jury. No person shall
 11 be twice placed in jeopardy for
 12 the same offense, except on his
 13 own application for a new trial
 14 or when a mistrial is declared
 15 or a motion in arrest of judgment
 16 is sustained.
 17

1 Section 15. Initiation of
 2 Prosecution
 3 Section 15. Prosecution
 4 of a felony shall be initiat-
 5 ed by indictment or informa-
 6 tion, but no person shall be
 7 held to answer for a capital
 8 crime or a crime punishable
 9 by life imprisonment except
 10 on indictment by a grand jury.
 11 No person shall be twice
 12 placed in jeopardy for the
 13 same offense, except on his⁽⁵⁾
 14 application for a new trial,⁽⁶⁾
 15 when a mistrial is declared,
 16 or when a motion in arrest of
 17 judgment is sustained.

COMMENT:

- (1) Manual, Rule 12--singularization.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Standardization of language.
- (4) Elements, V, 16--be clear.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Manual, Rule 20 and Elements, I, 2--commas in series; Elements, II, 15--parallelism.
- (7) Ibid.

Section 15 becomes Section 16

1 Section 15. Fair Trial
2 Section 15. Every person
3 charged with a crime shall be pre-
4 sumed innocent until proven guilty,
5 and shall be entitled to a speedy,
6 public, and impartial trial in the
7 parish where the offense or an
8 element of the offense occurred,
9 unless venue be changed in accor-
10 dance with law. No person shall be
11 compelled to give evidence against
12 himself. An accused shall be en-
13 titled to confront and cross-
14 examine the witnesses against him,
15 to compel the attendance of wit-
16 nesses, to present a defense, and
17 to testify in his own behalf.

1 Section 16. Right to
2 a Fair Trial
3 Section 16. Every person
4 charged with a crime is pre-⁽¹⁾
5 sumed innocent until proven
6 guilty and is⁽²⁾ entitled to a⁽³⁾
7 speedy, public, and impartial
8 trial in the parish where the
9 offense or an element of the
10 offense occurred, unless
11 venue is changed in accordance⁽⁴⁾
12 with law. No person shall be
13 compelled to give evidence
14 against himself. An accused⁽⁵⁾
15 is entitled to confront and
16 cross-examine the witnesses
17 against him, to compel the
18 attendance of witnesses, to
19 present a defense, and to
20 testify in his own behalf.

COMMENT:

- (1) Manual, Rule 11--present tense.
- (2) See Elements, I, 4--omit comma when subject common to two verbs and connective is "and."
- (3) Manual, Rule 11--present tense.
- (4) Manual, Rule 11--indicative mood.
- (5) Manual, Rule 11--present tense.

SECTION 16 becomes

SECTION 17

1 Section 16. Trial by Jury in
2 Criminal Cases
3 Section 16. Criminal cases in
4 which the punishment may be capi-
5 tal shall be tried before a jury
6 of twelve persons, all of whom
7 must concur to render a verdict;
8 cases in which the punishment is
9 necessarily confinement at hard
10 labor shall be tried before a jury
11 of twelve persons, ten of whom
12 must concur to render a verdict.
13 Cases in which the punishment may
14 be confinement at hard labor or
15 confinement without hard labor
16 of more than six months, shall be
17 tried before a jury of six persons,
18 five of whom must concur to render
19 a verdict. Except in capital cases,
20 a defendant may knowingly and in-
21 telligently waive his right to a
22 trial by jury. In all criminal
23 prosecutions tried by a jury the
24 accused shall have the right to
25 full voir dire examination of
26 prospective jurors and to chal-
27 lenge jurors peremptorily. The
28 number of challenges shall be

1 Section 17. Jury Trial
2 in Criminal Cases
3 Section 17. A criminal
4 case ⁽¹⁾ in which the punishment
5 may be capital shall be
6 tried before a jury of twelve
7 persons, all of whom must
8 concur to render a verdict.
9 ⁽²⁾ A case in which the punish-
10 ment is necessarily confine-
11 ment at hard labor shall be
12 tried before a jury of twelve
13 persons, ten of whom must
14 concur to render a verdict.
15 ⁽²⁾ A case in which the punishment
16 may be confinement at hard
17 labor or confinement without
18 hard labor for more than six
19 months ⁽⁵⁾ shall be tried before
20 a jury of six persons, five
21 of whom must concur to render
22 a verdict. ⁽⁶⁾ The accused shall
23 have the right to full voir
24 dire examination of prospec-
25 tive jurors and to challenge
26 jurors peremptorily. The
27 number of challenges shall be
28 fixed by law. ⁽⁷⁾ Except in

29 fixed by law.
30
31
32
33
34
35

29 capital cases, a defendant
30 may knowingly and intelligently
31 waive his right to a trial by
32 jury.
33
34
35

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SECTION 17

COMMENT:

- (1) Manual, Rule 12--singularization.
- (2) Manual, Rule 10--short sentences; Rule 12--singularization.
- (3) Manual, Rule 12--singularization.
- (4) Change preposition from "of" to "for" to aid readability.
- (5) Elements, II, 5--parallelism.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) Elements, II, 9--paragraph unit of composition; sentence placement selected to end unit.

-20-

SECTION 17 becomes SECTION 18

1	Section 17. Right to Bail	1	Section 18. Right to Bail
2	Section 17. Excessive bail shall	2	Section 18 Excessive
3	not be required. Before and during	3	bail shall not be required.
4	a trial, a person shall beailable	4	Before and during a trial,
5	by sufficient sureties, unless	5	a person shall beailable

6 charged with a capital offense and
7 the proof is evident and the pre-
8 sumption of guilt is great. After
9 conviction and before sentencing,
10 a person shall be bailable if the
11 maximum sentence which may be im-
12 posed is imprisonment of five years
13 or less. The judge may grant bail
14 if the maximum sentence which may
15 be imposed is imprisonment in ex-
16 cess of five years. After sentenc-
17 ing and until final judgment, per-
18 sons shall be bailable if the
19 sentence actually imposed is five
20 years or less and the judge in his
21 discretion may grant bail if the
22 sentence actually imposed is in
23 excess of five years imprisonment.
24
25
26
27
28
29

6 by sufficient surety, except
7 when he is ⁽¹⁾ charged with a capi-
8 tal offense and the proof is
9 evident and the presumption
10 of guilt is great. After
11 conviction and before sentenc-
12 ing, a person shall be bail-
13 able if the maximum sentence
14 which may be imposed is
15 imprisonment for five years
16 or less; ⁽²⁾ and the judge ay
17 grant bail if the maximum
18 sentence which may be imposed
19 is imprisonment exceeding ⁽³⁾
20 five years. After sentencing
21 and until final judgment, a
22 person ⁽⁴⁾ shall be bailable if
23 the sentence actually imposed
24 is five years or less; ⁽⁵⁾ and the
25 judge may grant bail if the
26 sentence actually imposed
27 exceeds ⁽⁶⁾ imprisonment for five
28 years. ⁽⁷⁾
29

- 21 -

SECTION 18

COMMENT:

(1) Manual, Rule 11 -- singularization; Elements, V, 16 -- be clear

(2) Elements, II, 15 -- parallelism; i.e., pre-
position changed to conform with Section 14.

(3) Ibid. -- i.e., sentences combined to describe two actions possible during second of three possible time periods.

(4) Manual, Rule 5 -- substitute word for phrase.

(5) Manual, Rule 12 -- singularization.

(6) Elements, II, 15 -- parallelism; i.e., same construction followed as that described in footnote (3).

(7) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.

(8) Manual, Rule 5 -- substitute word for phrase.

(9) Formalization of language.

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Last paragraph of SECTION 12 becomes SECTION 19

1 No person shall be subjected
2 to imprisonment or forfeiture of
3 his rights or property without the
4 right of judicial review based
5 upon a complete record of all evi-
6 dence upon which such judgment is
7 based. The cost of the transcrip-
8 tion of such record shall be paid
9 as provided by law. This right
10 may be intelligently waived.

1 Section 19. Right to
2 Judicial Review
3 Section 19. No person
4 shall be subjected to imprison-
5 ment or forfeiture of rights
6 or property without the right
7 of judicial review based upon
8 a complete record of all
9 evidence upon which the judg-
10 ment is based. This right may
11 be intelligently waived. The
12 cost of transcribing the record
13 shall be paid as provided by
14 law.

COMMENT:

(1) Manual, Rule 15, 13 and Elements, II, 13 -- omit needless words.

(2) Manual, Rule 6 -- avoid hackneyed reference words.

(3) See Elements II, 16 -- keep related sentences together.

(4) Manual, Rule 5 -- substitute word for phrase.

-23-

SECTION 18 becomes SECTION 20

1	Section 18. Right to Humane	1	Section 20. Right to
2	Treatment	2	Humane Treatment
3	Section 18. No law shall sub-	3	Section 20. No law shall
4	ject any person to euthanasia, tor-	4	subject any person to
5	ture, cruel, excessive, or unusual	5	euthanasia, to torture, or to
6	punishments. Full rights of citi-	6	cruel, excessive, or unusual
7	zenship shall be restored upon	7	punishment. Full rights of
8	termination of state and federal	8	citizenship shall be restored
9	supervision following conviction	9	upon termination of state
10	for any offense.	10	and federal supervision fol-
11		11	lowing conviction for any
12		12	offense.

COMMENT:

(1) Elements, II, 15 -- parallelism.

(2) Manual, Rule 12 -- singularization.

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SECTION 21

1	Section 21. Writ of Habeas	1	Section 21. Writ of Habeas
2	Corpus	2	Corpus
3	Section 21. The writ of habeas	3	Section 21. The writ of

4 corpus shall not be suspended.

5

4 habeas corpus shall not be

5 suspended.

COMMENT:

NO CHANGE

-25-

Section 22

1 Section 22. Access to Courts
 2 Section 22. All courts shall
 3 be open, and every person shall
 4 have an adequate remedy by due
 5 process of law and justice, ad-
 6 ministered without denial, par-
 7 tiality, or unreasonable delay
 8 for injury to him in his person,
 9 property, reputation, or other
 10 rights.

1 Section 22. Access to Courts
 2 Section 22. All courts shall
 3 be open, and every person shall
 4 have an adequate remedy by due
 5 process of law and justice, ad-
 6 ministered without denial,
 7 partiality, or unreasonable
 8 delay, ⁽¹⁾ for injury to him in his
 9 person, property, reputation, or
 10 other rights.

COMMENT:

(1) Elements, I, 2 and Manual, Rule 20 --
commas in series.

SECTION 23

1 Section 23. Prohibited Laws
 2 Section 23. No bill of attainder,
 3 ex post facto law, or law impairing
 4 the obligation of contracts shall
 5 be enacted.

1 Section 23. Prohibited Laws
 2 Section 23. No bill of at-
 3 tainder, ex post facto law, or
 4 law impairing the obligation
 5 of contracts shall be enacted.

COMMENT:

NO CHANGE

SECTION 25 becomes SECTION 24

18 Section 25. Unenumerated
19 Rights
20 Section 25. The enumeration
21 in this constitution of certain
22 rights shall not be construed to
23 deny or disparage other rights
24 retained by the individual citi-
25 zens of the state.

18 Section 24. Unenumerated
19 Rights
20 Section 24. The enumeration
21 in this constitution of certain
22 rights shall not deny or dis-
23 parage other rights retained by
24 the individual citizens of the
25 state.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.

January 16, 1974

TO: Chairman Tate, Committee on Style and Drafting

FROM: Chairman Jackson, Committee on Bill of Rights and Elections

RE: Ordering of Article I. Declaration of Rights

In our previous letter to you on style and drafting changes in the "Declaration of Rights", we recommended that the last sentence of Section 13 Rights of the Accused and the last sentence of Section 19 Right to Judicial Review of what is now the Final Enrollment of the Declaration of Rights be shifted to a more appropriate article.

May we suggest that the last sentence of Section 13 Rights of the Accused be shifted to fit between the last two sentences of Section 15(A) of Article V Judicial Branch (Re-reenrolled Final Enrollment). The last sentence of Section 13 is as follows:

The legislature shall provide a uniform system for securing and compensating qualified counsel for indigents.

We also recommend that the last sentence of Section 19 Right to Judicial Review be shifted to fit at the end of Section 51 of Article V Judicial Branch (Re-Enrolled Final Enrollment) to read as follows:

The cost of transcribing the record in any criminal case shall be paid as provided by law.

NOTES
Letter referred to above in above report reproduced in Volume X.

12/12/73

DOCUMENT NO. XVI

COMMITTEE PROPOSAL NO. 26: FIRST ENROLLMENT

REVENUE AND FINANCE

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE XI. REVENUE AND FINANCE
2 Section 1. Assessment of
3 Property; Classification;
4 Assessors; Right of Tax-
5 payer; Exemptions from Ad
6 Valorem Property Taxation
7 Section 1. (A) All property
8 subject to ad valorem taxation
9 shall be listed on the assess-
10 ment rolls at its assessed
11 valuation which shall be a per-
12 centage of its fair market value;
13 such percentage of fair market
14 value shall be uniform throughout
15 the state upon the same class of
16 property.

1 ARTICLE XI. REVENUE AND FINANCE
2 Section 1. Ad Valorem Taxes
3 Section 1. (A) Assessments.
4 ⁽¹⁾ Property subject to ad valorem
5 taxation shall be listed on the
6 assessment rolls at its assessed
7 valuation, ⁽²⁾ which shall be a per-
8 centage of its fair market value.
9 ^(?) The percentage of fair market
10 value shall be uniform throughout
11 the state upon the same class of
12 property.
13
14
15
16

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.

(2) Webster's, Rule 4.1.2 --- comma to set off nonrestrictive clause.

(3) Manual, Rule 6 ---avoid hackneyed reference words; Rule 10---short sentences; Rule 14---unrelated ideas in separate sentences.

-1-

SECTION 1 (B)

1 (B) The classifications of
2 property subject to ad valorem
3 taxation and the percentage of
4 fair market value applicable to
5 each such classification for
6 the purpose of determining
7 assessed valuation are as
8 follows:

9	CLASSIFICATIONS:	PERCENTAGES:
10	1. All land.....	10%
11	2. Improvements for Residential	
12	Purposes.....	10%
13	3. All other pro- perty.....	15%
14		

1 (B) Classification. The
2 classifications of property sub-
3 ject to ad valorem taxation and
4 the percentage of fair market
5 value applicable to each classi-
6 fication for the purpose of deter-
7 mining assessed valuation are as
8 follows:

9	CLASSIFICATIONS:	PERCENTAGES:
10	1. Land (1)	10%
11	2. Improvements for Residential	
12	Purposes	10%
13	3. Other property (2)	15%
14		

COMMENT:

(1) Manual, Rule 6---avoid hackneyed reference words;
Manual, Rules 5, 13 and Elements, II, 13---omit needless words

(2) Manual, Rules 5, 13 and Elements, II, 13--- omit
needless words.

-2-

SECTION 1 (E) becomes SECTION 1 (C)

1 (E) Bona fide agricultural,
2 horticultural, marsh lands, and
3 timber lands, as defined by
4 general law, will be assessed
5 for the purpose of taxation at
6 ten percent of use value rather
7 than fair market value. The
8 legislature may make similar
9 provisions for buildings of
10 historic architectural importance.

1 (C) Special Assessments.
2 Bona fide agricultural, horti-
3 cultural, marsh and timber lands,
4 as defined by general law, shall
5 be assessed for tax purposes at
6 ten percent of use value rather
7 than fair market value. The
8 legislature may provide similarly
9 for buildings of historic archi-
10 tectural importance.

COMMENT:

- (1) Elements, II, 15---parallelism.
- (2) Standardization of language.
- (3) Manual, Rule 5---substitute word for phrase.
- (4) Ibid.

SECTION 1 (C) becomes SECTION 1 (D)

1 (C) Assessors shall determine
2 the fair market value of all pro-
3 perty subject to taxation within
4 their respective parishes and
5 districts except public service
6 properties which shall be valued
7 at fair market value by the
8 Louisiana Tax Commission. Fair
9 market value and use value of
10 property shall be determined in

1 (D) Fair Market Value. Each
2 assessor shall determine the fair
3 market value or use value of all
4 property subject to taxation
5 within his parish or district.
6 However, the Louisiana Tax Com-
7 mission shall determine the fair
8 market or use value of public
9 service properties. Fair market
10 value and use value of property

11 accordance with criteria which
12 shall be established by the
13 legislature and which shall be
14 uniformly applicable throughout
15 the state.

11 shall be determined in accordance
12 with criteria which shall be
13 established by the legislature
14 and which shall apply uniformly
15 throughout the state.

COMMENT:

- (1) Manual, Rule 12---singularization.
- (2) Elements, V, 16---be clear.
- (3) Manual, Rule 12---singularization.
- (4) Manual, Rule 10---short sentences; Rule 14---unrelated ideas in separate sentences.
- (5) Elements, II, 15---parallelism.
- (6) Manual, Rule 11--active voice.

SECTION 1 (D) becomes SECTION 1 (E)

16 (D) The correctness of assess-
17 ments by the assessor shall be
18 subject to review by the governing
19 authority of the parish, then by
20 the Louisiana Tax Commission, and
21 finally by the courts in ac-
22 cordance with procedures
23 established by law.

16 (E) Review. ⁽¹⁾ Assessments
17 by the assessor shall be subject
18 to review first by the ⁽²⁾ ⁽³⁾ parish
19 governing authority, then by the
20 Louisiana Tax Commission, and
21 finally by the courts, ⁽⁴⁾ all in
22 accordance with procedures estab-
23 lished by law.

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Elements, II, 15--parallelism.
- (3) Manual, Rule 5--substitute word for phrase.
- (4) Elements, V, 16--be clear.

SECTION 1 (G) becomes SECTION 1 (F)

1 (G) All property subject to
2 taxation shall be reappraised
3 and valued in accordance with
4 the provisions of this Section
5 at intervals of not more than
6 four years.

1 (F) Reappraisal; Revaluation.
2 All property subject to taxation
3 shall be reappraised and revalued⁽¹⁾
4 in accordance with this Section,⁽²⁾ ⁽³⁾
5 at intervals of not more than
6 four years.

COMMENT:

(1) Elements, II, 15--parallelism.

(2) Standardization of language.

(3) Webster's, Rule 4.1.2--comma to set off nonrestrictive phrases.

SECTION 1 (H) becomes SECTION 1 (G)

7 (H) The provisions of this
8 Section shall become effective
9 commencing January 1 of the year
10 following the end of three years
11 after the effective date of this
12 constitution, and until that
13 date the provisions of the 1921
14 Constitution governing matters
15 covered by this Section shall
16 continue and be fully appli-
17 cable, notwithstanding any
18 contrary expiration date stated
19 in any provision thereof with

7 (G) Effective Date.⁽¹⁾ This
8 Section shall become effective
9 ⁽²⁾ January 1 of the year following
10 the end of three years after the
11 effective date of this consti-
12 tution.⁽³⁾ ⁽⁴⁾ Until that date, the
13 provisions of the 1921 Constitution
14 governing matters covered by this
15 Section shall continue to apply,⁽⁵⁾
16 notwithstanding any contrary
17 expiration date stated in any
18 provision thereof concerning the
19 veterans' homestead exemption.⁽⁶⁾

20 respect to the veterans home-
21 stead exemption.

20
21

COMMENTS:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (4) Webster's, Rule 4.2.1--commas to set off introductory prepositional phrase.
- (5) Manual, Rule 5--substitute word for phrase.
- (6) Ibid.

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SECTION 2

1 Section 2. Rate of State
2 Property Taxation;
3 Limitation
4 Section 2. The rate of state
5 taxation on property for all
6 purposes shall not exceed, in
7 any one year, five and three-
8 quarter mills on the dollar of
9 its assessed value.

1 Section 2. State
2 Property Taxation; Rate
3 Limitation
4 Section 2. State taxation
5 on property for all purposes
6 shall not exceed an annual rate
7 of five and three-quarter mills
8 on the dollar of assessed
9 valuation. (3)

COMMENT:

- (1) Manual, Rule 5--substitute word for phrase.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Standardization of language.

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SECTION 1(F) becomes SECTION 3 (A) & (B)

1 (F) Homesteads shall be exempt
2 from ad valorem property taxation
3 as follows:
4 From state, parish, and
5 special taxes, the bona fide
6 homestead, consisting of a tract
7 of land, or two or more tracts
8 of land with a residence on one
9 tract and a field, pasture, or
10 garden on the other tract or
11 tracts, not exceeding one
12 hundred sixty acres, buildings
13 and appurtenances, whether rural
14 or urban, owned and occupied by
15 any person, in the full amount of
16 three thousand dollars of the
17 assessed valuation; however, by
18 the favorable vote of two-thirds
19 of the elected members of each
20 house, the legislature may
21 increase this exemption to an
22 amount which shall not exceed
23 the full amount of five thousand
24 dollars of the assessed valuation.
25 Veterans of the armed forces of
26 the United States who have been
27 honorably discharged or separated
28 from such services or persons who
29 served in said armed forces, as

1 Section 3. Homestead
2 Exemption
3 Section 3. (A) Homeowners.
4 Homesteads shall be exempt from
5 ad valorem property taxation as
6 follows:
7 (1) From state, parish, and
8 special taxes, the bona fide home-
9 stead, consisting of a tract of
10 land ⁽¹⁾ or two or more tracts of
11 land with a residence on one
12 tract and a field, pasture, or
13 garden on the other tract or
14 tracts, not exceeding one hundred
15 sixty acres, buildings and appur-
16 tenances, whether rural or urban,
17 owned and occupied by any person,
18 in the amount of three thousand ⁽²⁾
19 dollars of the assessed valuation. ⁽³⁾
20 However, by the favorable vote of
21 two-thirds of the elected members
22 of each house, the legislature
23 may increase this exemption to
24 an amount which shall not exceed
25 ⁽⁴⁾ five thousand dollars of the
26 assessed valuation. Veterans of
27 the armed forces of the United
28 States, ⁽⁵⁾ honorably discharged or
29 separated from such services or

30 defined by general law, and
31 persons sixty-five years or older
32 shall be provided with a homestead
33 exemption of five thousand dollars
34 of the assessed valuation. No
35 exemption shall extend to any
36 municipal or city taxes except the

30 persons who served in said armed
31 forces, as defined by general law,
32 and persons sixty-five years of ⁽⁶⁾
33 age or older shall be provided
34 with a homestead exemption of
35 five thousand dollars of the
36 assessed valuation.

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SECTION 1 (F) becomes

SECTION 3 (A) + (B)

1 following: (1) in Orleans Parish
2 this exemption shall apply to
3 the state, the general city, the
4 school, the levee, and levee
5 board taxes; and (2) to any muni-
6 cipal or city taxes levied for
7 school purposes. The exemption
8 of homesteads shall extend to the
9 surviving spouse or minor child
10 or children of a deceased owner
11 and to the bona fide homestead
12 when occupied as such and title
13 thereto is in either husband or
14 wife, but this exemption shall
15 not be extended to more than one
16 homestead owned by the husband
17 or wife. Notwithstanding any-
18 thing in this Constitution to
19 the contrary, in order to pro-

⁽⁷⁾
1 (2) This exemption shall
2 not extend to any municipal taxes
3 except the following: (a) in
4 Orleans Parish this exemption shall
5 apply to the state, the general
6 city, the school, the levee, and
7 levee board taxes; and (b) in any ⁽⁸⁾
8 municipality, to municipal taxes
9 levied for school purposes.
⁽⁹⁾
10 (3) The homestead exemption
11 shall extend to the surviving
12 spouse or minor children of a ⁽¹⁰⁾
13 deceased owner and to the bona
14 fide homestead when occupied
15 as such and title thereto is
16 in either husband or wife, but
17 this exemption shall not extend ⁽¹¹⁾
18 to more than one homestead owned
19 by the husband or wife.

20 vide equitable tax relief similar
21 to that granted to homeowners
22 through homestead property tax
23 exemptions, the legislature may
24 provide for tax relief to resi-
25 dential lessees in the form of
26 credits or rebates.

20 (B) Residential Lessees.
21 ⁽¹²⁾ Notwithstanding any contrary
22 provision in this constitution,
23 the legislature may provide for
24 tax relief to residential lessees
25 in the form of credits or rebates
26 ⁽¹³⁾ in order to provide equitable
27 tax relief similar to that granted
28 to homeowners through homestead
29 property tax exemptions.

COMMENT:

- (1) Webster's, Rule 4.4.1--omit needless commas.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Manual, Rule 10--short sentences; Rule 14, unrelated ideas in separate sentences.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 1(F) becomes SECTION 3(12) & (13)

- (5) Ibid.
- (6) Elements, V, 16--be clear.
- (7) Ibid.
- (8) Ibid.; Elements, II, 15--parallelism.
- (9) Manual, Rule 5--substitute word for phrase.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (11) Manual, Rule 11--active voice.

(12) Standardization of language.

(13) Elements, II, 16--keep related words together.

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SECTION 3(A) becomes

SECTION 4(A)

10 Section 3. Other Property

11 Exemptions

12 Section 3. In addition to the

13 homestead exemption provided for

14 in Section 1 of this Article, the

15 following property shall be exempt

16 from ad valorem taxation:

17 (A) All public lands; all other

18 public property used for public

19 purposes.

20

10 Section 4. Other Property

11 Exemptions

12 Section 4. In addition to

13 the homestead exemption provided

14 for in Section 3⁽¹⁾ of this Article,

15 the following property and no

16 other⁽²⁾ shall be exempt from ad

17 valorem taxation:

18 (A)⁽³⁾ Public lands; other⁽³⁾

19 public property used for public

20 purposes.

COMMENT:

(1) Section number changed to conform to suggested renumbering.

(2) "and no other" added here to allow deletion of Section 3 (H) as enrolled.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

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SECTION 3 (C) becomes SECTION 4 (B)

1 (C) That owned by nonprofit
2 corporations or associations or-
3 ganized and operated exclusively
4 for religious, dedicated places
5 of burial, charitable, health,
6 welfare, fraternal, or educational
7 purposes, no part of the net
8 earnings of which inure to the
9 benefit of any private share-
10 holder or member thereof and
11 which is declared to be exempt
12 from federal or state income tax;
13 property of bona fide labor or-
14 ganizations representing their
15 members or affiliates in
16 collective bargaining efforts;
17 organizations such as lodges and
18 clubs organized for charitable
19 and fraternal purposes and
20 practicing the same, and pro-
21 perties of nonprofit corporations
22 devoted to the promotion of
23 trade, travel, and commerce, and
24 trade, business, industry and
25 professional societies or
26 associations provided such pro-
27 perty is owned by nonprofit
28 corporations or associations
29 organized under the laws of the

1 (B) (1) Property owned by
2 a nonprofit corporation or
3 association organized and operated
4 exclusively for religious, dedi-
5 cated places of burial, charitable,
6 health, welfare, fraternal, or
7 educational purposes, no part of
8 the net earnings of which inure
9 to the benefit of any private
10 shareholder or member thereof and
11 which is declared to be exempt
12 from federal or state income tax;
13 (2) property of a bona fide
14 labor organization representing
15 its members or affiliates in
16 collective bargaining efforts;
17 (3) property of an organization
18 such as a lodge or club organized
19 and operated for charitable and
20 fraternal purposes;
21 (4) and property of a non-
22 profit corporation devoted to
23 promoting trade, travel, and
24 commerce, and also property of
25 a trade, business, industry or
26 professional society or association,
27 if that property is owned by a
28 nonprofit corporation or associ-
29 ation organized under the laws

<p>30 state of Louisiana for such 31 purposes; except property owned, 32 operated, leased, or used for 33 commercial purposes, unrelated 34 to the exempt purposes of said 35 corporation or association. 36</p>	<p>30 of the state ⁽⁶⁾ for such purposes. 31 ⁽⁷⁾ None of the property listed 32 in Paragraph (B) shall be owned, 33 operated, leased, or used for 34 commercial purposes unrelated to 35 the exempt purposes of the cor- 36 poration or association.</p>
--	--

SECTION 3 (C) becomes SECTION 4 (3)

COMMENT:

- (1) Elements, II, 15---parallelism.
- (2) Manual, Rule 12---singularization.
- (3) Manual, Rule 5---substitute word for phrase.
- (4) Elements, V, 16---be clear.
- (5) Manual, Rule 6---avoid hackneyed reference words.
- (6) Manual, Rules 5, 13 and Elements, II, 13---omit needless words.
- (7) Elements, V, 16---be clear.
- (8) Manual, Rule 6---avoid hackneyed reference words.

SECTION 3 (D) becomes SECTION 4 (C)

<p>1 (D) Cash on hand or deposit, 2 stocks and bonds, except bank 3 stocks, the tax on which shall 4 be paid by the banking insti-</p>	<p>1 (C) (1) Cash on hand or 2 deposit; 3 (2) stocks and bonds, except 4 bank stocks, the tax on which</p>
---	---

5 tutition; obligations secured by
6 mortgage on property located in
7 Louisiana and the notes or other
8 evidence thereof; loans by life
9 insurance companies to policy-
10 holders, if secured solely by
11 their policies; the legal reserve
12 of domestic life insurance
13 companies; loans by homestead or
14 building and loan associations to
15 their members, if secured solely
16 by stock of said associations;
17 debts due for merchandise or other
18 articles of commerce or for ser-
19 vices rendered; obligations of
20 the state or its political subdi-
21 visions; all personal property
22 used in the home or on loan in a
23 public place; agricultural products
24 while owned by the producer,
25 agricultural machinery and other
26 implements used exclusively for
27 agricultural purposes, and all
28 animals on the farm, and property
29 belonging to agricultural fair
30 associations; all property used
31 for cultural, Mardi Gras carnival
32 or civic activities and not operated
33 for profit to the owners; all
34 ships and oceangoing tugs, tow-
35 boats, and barges engaged in

5 shall be paid by the banking
6 institution;
7 (3) obligations secured by
8 mortgage on property located in
9 Louisiana and the notes or other
10 evidence thereof;
11 (4) loans by life insurance
12 companies to policyholders, if
13 secured solely by their policies;
14 (5) the legal reserve of
15 domestic life insurance companies;
16 (6) loans by a ⁽¹⁾ homestead or
17 building and loan association to ⁽¹⁾
18 its members, if secured solely
19 by stock of the ⁽²⁾ associations;
20 (7) debts due for merchandise
21 or other articles of commerce or
22 for services rendered;
23 (8) obligations of the state
24 or its political subdivisions;
25 (9) ⁽³⁾ personal property used
26 in the home or on loan in a
27 public place;
28 (10) agricultural products
29 while owned by the producer,
30 agricultural machinery and other
31 implements used exclusively for ⁽³⁾
32 agricultural purposes, animals
33 on the farm, and property belonging
34 to an ⁽¹⁾ agricultural fair associ-
35 acion;

SECTION 3(D) becomes SECTION 4(C)

1 in Louisiana ports, but this
2 exemption shall not apply to
3 harbor, wharf, shed, and other
4 port dues, and no vessel operated
5 in the coastal trade of the
6 continental United States shall
7 be within the exemption herein
8 granted; boats using gasoline as
9 motor fuel; commercial vessels used
10 for gathering seafood for human
11 consumption; and rights-of-way
12 granted to the State Department
13 of Highways.

1 tural, Mardi Gras carnival, or
2 civic activities and not oper-
3 ated for profit to the owners;
4 (12) rights-of-way granted to
5 the State Department of Highways;
6 (13) boats using gasoline as
7 motor fuel;
8 (14) commercial vessels used
9 for gathering seafood for human
10 consumption;
11 (15) and ships and oceangoing
12 tugs, towboats, and barges engaged
13 in international trade and
14 domiciled in Louisiana ports.

(4)
15 However, this exemption shall
16 not apply to harbor, wharf, shed,
17 and other port dues or to any
18 vessel operated in the coastal
19 trade of the continental United
20 States. (5)

COMMENT:

(1) Manual, Rule 12--- singularization.

(2) Manual, Rule 6---avoid hackneyed reference words.

(3) Manual, Rules 5, 13 and Elements, II, 13---omit needless words.

(4) Manual, Rule 10---short sentences; Rule 14---unrelated ideas in separate sentences.

(5) Manual, Rule 5---substitute word for phrase.

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SECTION 3 (G) becomes SECTION 4 (D)

1 (G) (1) All raw materials,
2 goods, commodities, and articles
3 imported into this state from
4 outside of the continental
5 United States:

6 (a) So long as such imports
7 remain upon the public property
8 of the port authority or docks
9 of any common carrier where
10 such imports first entered this
11 state; or

12 (b) So long as any such
13 imports (other than minerals and
14 ores of the same kind as any
15 mined or produced in this state
16 and manufactured articles) are
17 held in this state in the
18 original form in bales, sacks,
19 barrels, boxes, cartons, con-
20 tainers, or other original
21 packages, and raw materials held
22 in bulk as all or a part of the

1 (D) (1) Raw materials,
2 goods, commodities, and articles
3 imported into this state from
4 outside the continental United
5 States:

6 (a) So long as the imports
7 remain on the public property
8 of the port authority or docks
9 of the common carrier where they
10 first entered this state; or
11 (b) So long as the imports

12 (other than minerals and ores
13 of the same kind as any mined
14 or produced in this state and
15 manufactured articles) are held
16 in this state in the original
17 form in bales, sacks, barrels,
18 boxes, cartons, containers, or
19 other original packages, and
20 raw materials held in bulk as
21 all or a part of the new material
22 inventory of manufacturers or

23 new material inventory of manu-
24 facturers or processors, solely
25 for manufacturing or processing;
26 or
27 (c) So long as any such imports
28 are held by an importer in any
29 public or private storage in the
30 original form in bales, sacks,
31 barrels, boxes, cartons, con-
32 tainers, or other original
33 packages and agricultural products
34 in bulk. This shall not apply
35 to a retail merchant holding such
36 imports as part of his stock-in-
37 trade for sale at retail.

23 processors, solely for manu-
24 facturing or processing; or
25 (c) So long as ⁽⁵⁾ the imports
26 are held by an importer in any
27 public or private storage in
28 the original form in bales,
29 sacks, barrels, boxes, cartons,
30 containers, or other original
31 packages and agricultural products
32 in bulk. This exemption shall ⁽⁶⁾
33 not apply to a retail merchant
34 holding these imports as part ⁽³⁾
35 of his stock-in-trade for sale
36 at retail.
37 (2) ⁽¹⁾ Raw materials, goods,

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SECTION 3 (G) becomes SECTION 4 (D)

1 (2) All raw materials, goods,
2 commodities, and other articles
3 being held upon the public pro-
4 perty of a port authority or
5 docks of any common carrier or in
6 a warehouse, grain elevator, dock,
7 wharf, or public storage facility
8 in this state for export to a
9 point outside the continental
10 United States.

11 (3) All goods, commodities,
12 and personal property in public or

1 commodities, and other articles
2 being held on the public pro-
3 perty of a port authority, ⁽⁷⁾ docks
4 of any common carrier, ⁽⁷⁾ or in a
5 warehouse, grain elevator, dock,
6 wharf, or public storage facility
7 in this state for export to a
8 point outside the continental
9 United States.

10 (3) ⁽¹⁾ (a) Goods, commodities,
11 and personal property in public
12 or private storage while in

13 private storage while in transit
14 through this state which is (a)
15 moving in interstate commerce
16 through or over the territory of
17 the State of Louisiana; or (b)
18 which is in public or private
19 storage within the State of
20 Louisiana having been shipped
21 thereto from outside of the State
22 of Louisiana for storage in
23 transit to a final destination
24 outside of the State of Louisiana,
25 whether such destination was
26 specified when transportation
27 begins or afterward.

28 All such property described in
29 this Paragraph (G) whether en-
30 titled to exemption or not shall
31 be reported to the proper taxing
32 authority on the forms required
33 by law.

13 transit through this state which
14 is (1) moving in interstate
15 commerce through or over the
16 territory of the state; or (2)
17 which is in public or private
18 storage within Louisiana, having
19 been shipped from outside
20 Louisiana for storage in transit
21 to a final destination outside
22 Louisiana, whether such desti-
23 nation was specified when trans-
24 portation begins or afterward.
25 (b) Property described in
26 Paragraph (D), whether or not
27 entitled to exemption, shall be
28 reported to the proper taxing
29 authority on the forms required
30 by law.

SECTION 3 (G) becomes SECTION 4 (D)

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13---omit needless words.
- (2) Do not use double preposition.
- (3) Manual, Rule 6---avoid hackneyed reference words.
- (4) Elements, V, 16---be clear.

- (5) Manual, Rule 6---avoid hackneyed reference words; Rule 5--- substitute word for phrase.
- (6) Elements, V, 16---be clear.
- (7) Manual, Rule 20 and Elements, I, 2---commas in series.
- (8) Manual, Rules 5, 13 and Elements, II, 13---omit needless words.
- (9) Webster's, Rule 4.1.2---comma to set off non-restrictive participial phrase.
- (10) Manual, Rule 6---avoid hackneyed reference words.
- (11) Paragraph number changed to conform with suggested renumbering.
- (12) Elements, II, 16---keep related words together.

SECTION 3 (E) becomes SECTION 4 (E)

1 (E) From state, parish, and
 2 special taxes, all motor vehicles
 3 used on the public highways of
 4 this state, provided that this
 5 exemption shall not extend to
 6 any general or special tax
 7 levied by the governing authority
 8 of any municipality, or district
 9 created by any such municipality,
 10 unless the governing authority
 11 thereof shall provide for such
 12 exemption by ordinance or
 13 resolution.

1 (L) All motor vehicles
 2 used on the public highways (1)
 3 of this state shall be exempt
 4 from state, parish, and special
 5 ad valorem property taxes. (2) (3) This
 6 exemption shall not extend to
 7 any general or special tax levied
 8 by a municipal governing authority, (4)
 9 or by a district created by it, (5) (6)
 10 unless the municipal governing (4)
 11 authority provides for the (7)
 12 exemption by ordinance or reso-
 13 lution.

COMMENT:

- (1) Phrases made into sentence.
- (2) Elements, V, 16---be clear.

(3) Manual, Rule 10--short sentences; Rule 14,--unrelated ideas in separate sentences.

(4) Manual, Rule 5--substitute word for phrase.

(5) Elements, II, 15--parallelism.

(6) Manual, Rule 5--substitute word for phrase.

(7) Manual, Rule 6--avoid hackneyed reference words.

SECTION 3 (F) becomes SECTION 4 (F)

14 (F) Notwithstanding any pro-
15 vision of this Section to the
16 contrary, the legislature may
17 authorize the State Board of
18 Commerce and Industry, under
19 such conditions and terms and
20 with such approval as the legis-
21 lature may specify, to provide
22 for the exemption from property
23 taxation of any new manufacturing
24 establishment or an addition or
25 additions to any manufacturing
26

14 (F) Notwithstanding any
15 contrary provision of this
16 Article, the legislature may
17 authorize the State Board of
18 Commerce and Industry, under⁽¹⁾
19 conditions and with such approval⁽²⁾
20 as the legislature requires, to
21 provide for the exemption from⁽³⁾
22 property taxation of a new manu-
23 facturing establishment or an⁽⁴⁾
24 addition to a manufacturing⁽⁵⁾
25 establishment existing in the⁽⁶⁾
26 state.⁽⁷⁾⁽⁸⁾

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SECTION 3 (F) becomes SECTION 4 (F)

1 establishment already existing
2 in the state.
3 No exemption granted under
4 the authority of such laws as
5 may be enacted pursuant to
6 this Section shall extend for
7 a longer initial period than

1 No exemption granted under
2 the authority of laws enacted⁽¹⁾⁽⁹⁾
3 under this Paragraph shall extend⁽¹⁰⁾⁽¹²⁾
4 for a longer initial period than
5 five calendar years, or be
6 renewable for a period exceeding⁽¹¹⁾⁽¹²⁾
7 five additional calendar years.

8	five calendar years, or be	8
9	renewable for an additional	9
10	period in excess of five	10
11	additional calendar years.	11

COMMENT:

- (1) Standardization of language.
- (2) Elements, V, 16--be clear.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Manual, Rule 5--substitute word for phrase; Rule 11--present tense.
- (6) Standardization of language.
- (7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 12--singularization.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 11--present tense.
- (10) Manual, Rule 5--substitute word for phrase.
- (11) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (12) Manual, Rule 5--substitute word for phrase.

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SECTION 3 (14) —

- 1 (H) No additional property
- 2 may be exempted from taxation.

DELETED here -
 incorporated into
 SECTION 4
 [See page 10 (right)
 lines 15-16]

SECTION 4 becomes SECTION 5

8 Section 4. No Impairment
9 of Existing Taxes or
10 Obligations
11 Section 4. The provisions of
12 this Article in no way shall be
13 construed or applied in such a
14 manner as to: (a) invalidate
15 taxes authorized and imposed
16 prior to the adoption of this
17 constitution; or (b) impair the
18 obligations, validity, or securi-
19 ty of any bonds or other debt
20 obligations authorized prior to
21 the adoption of this constitution.

8 Section 5. No Impairment
9 of Existing Taxes or
10 Obligations
11 Section 5.⁽¹⁾ This Article
12 shall not be ⁽²⁾ applied in ⁽³⁾ a manner
13 which will (a) invalidate taxes
14 authorized and imposed prior
15 to the effective date of this
16 constitution; or (b) impair the
17 obligations, validity, or security
18 of any bonds or other debt
19 obligations authorized prior
20 to the ⁽⁴⁾ effective date of this
21 constitution.

COMMENT:

(1) Standardization of language.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Manual, Rule 6--avoid hackneyed reference words.

(4) Standardization of language.

SECTION 5 becomes SECTION 6

1 Section 5. Adjustment of Ad
2 Valorem Tax Millages
3 Section 5. Prior to the end
4 of the third year after the

1 Section 6. Adjustment of
2 Ad Valorem Tax Millages
3 Section 6. Prior to the
4 end of the third year after the

5 effective date of the constitu-
6 tion, the assessors and the
7 Louisiana Tax Commission shall
8 have determined the fair market
9 value or use value of all property
10 subject to taxation within the
11 respective parishes to be used for
12 the purpose of implementing the
13 provisions of this Article.
14 Except as hereinafter provided in
15 this Paragraph the total amount
16 of ad valorem taxes collected by
17 any taxing authority in the year
18 in which the provisions of this
19 Article are implemented shall not
20 be increased or decreased because
21 of the provisions of this Article
22 above or below ad valorem taxes
23 collected by such taxing authority
24 in the year immediately preceding
25 the year in which the provisions
26 of this Article are implemented.
27 To accomplish this result, it
28 shall be the mandatory duty of
29 each affected taxing authority,
30 in the year in which the pro-
31 visions of this Article are
32 implemented, to adjust millages
33 upwards or downwards, without
34 regard to millage limitations
35 contained in this constitution;

5 effective date of this consti-
6 tution, the assessors and the
7 Louisiana Tax Commission shall
8 complete determination of the
9 fair market value or the use value
10 of all property subject to tax-
11 ation within each parish for
12 use in implementing this Article.
13 Except as provided in this
14 Paragraph, the total amount of
15 ad valorem taxes collected by
16 any taxing authority in the year
17 in which this Article is imple-
18 mented shall not be increased
19 or decreased because of its
20 provisions above or below ad
21 valorem taxes collected by that
22 taxing authority in the year
23 preceding implementation. To
24 accomplish this result, it shall
25 be mandatory for each affected
26 taxing authority, in the year
27 in which this Article is imple-
28 mented, to adjust millages upwards
29 or downwards
30 millage limitations contained
31 in this constitution. However,
32 if at the time the adjustment
33 is made, the millage actually
34 levied by a taxing authority
35 is less than or equal to the

36 however, whenever at the time
37 the adjustment is made the

36 maximum authorized to be levied,
37 the maximum authorized millage ⁽¹⁵⁾

SECTION 5 becomes SECTION 6

1 millage actually levied by a
2 taxing authority is less than or
3 equal to the maximum authorized
4 to be levied, the maximum millage
5 so authorized shall be increased
6 or decreased, without further
7 voter approval, in proportion to
8 the amount of the adjustment
9 upward or downward. Such millages
10 shall thereafter remain in effect
11 subject to such changes as may be
12 permitted by this constitution.
13 Nothing provided herein shall be
14 construed to prohibit any taxing
15 authority from collecting, in
16 the year in which the provisions
17 of this Article are implemented
18 or in any subsequent year, a
19 larger dollar amount of ad valorem
20 taxes by means of the following:
21 (a) by levying additional or in-
22 creased millages as provided by
23 law; (b) by placing additional
24 property on the tax rolls; or
25 (c) by reason of increases in the

1 shall be increased or decreased,
2 without further voter approval,
3 in proportion to the amount of
4 the adjustment upward or down-
5 ward. Thereafter, this millage ⁽¹⁶⁾
6 shall remain in effect unless ⁽¹⁷⁾
7 changed as permitted by this ⁽¹⁸⁾
8 constitution. Nothing herein ⁽¹⁹⁾
9 shall prohibit a taxing authority ⁽²⁰⁾ ⁽²¹⁾
10 from collecting, in the year ⁽¹⁾
11 in which this Article is imple-
12 mented or in any subsequent
13 year, a larger dollar amount of ⁽²²⁾ ⁽²³⁾
14 ad valorem taxes by (a) levying
15 additional or increased millages ⁽²⁴⁾
16 as provided by law; (b) placing
17 additional property on the tax ⁽²⁵⁾
18 rolls; or (c) increases in the
19 fair market or use value of
20 property after the first deter-
21 mination of that value to imple- ⁽²³⁾ ⁽²⁴⁾
22 ment this Article. This Section ⁽²⁵⁾ ⁽¹⁾
23 shall not apply to millages
24 required to be levied for the
25 payment of general obligation

26	fair market value or use value	26	bonds.
27	of property after the first	27	
28	determination of such value on	28	
29	the basis of which the provisions	29	
30	of this Article are to be im-	30	
31	plemented. The provisions of	31	
32	this Section shall not apply to	32	
33	millages required to be levied	33	
34	for the payment of general	34	
35	obligation bonds.	35	

SECTION 5 becomes SECTION 6

COMMENT:

- (1) Standardization of language.
- (2) Elements, V, 16--be clear.
- (3) Elements, II, 15--parallelism.
- (4) Manual, Rule 12--singularization.
- (5) Manual, Rule 5--substitute word for phrase.
- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Manual, Rule 5--substitute word for phrase.
- (8) Manual, Rule 6--avoid hackneyed reference words.
- (9) Manual, Rule 5--substitute word for phrase.
- (10) Ibid.
- (11) Webster's, Rule 4.4.1--omit needless commas.
- (12) Manual, Rule 10--short sentences.
- (13) Elements, V, 16--be clear.
- (14) Webster's, Rule 4.2.1--comma to separate introductory adverbial clause.
- (15) Manual, Rule 5--substitute word for phrase.

- (16) Manual, Rule 6--avoid hackneyed reference words.
- (17) Manual, Rule 5--substitute word for phrase.
- (18) Manual, Rule 11--present tense.
- (19) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (20) Ibid.
- (21) Standardization of language.
- (22) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (23) Manual, Rule 6--avoid hackneyed reference words.
- (24) Manual, Rule 5--substitute word for phrase.

SECTION 6 (A) becomes SECTION 7 (A)

1 Section 6. Revenue Sharing
 2 Fund; Distribution; Pledge
 3 of Proceeds
 4 Section 6. (A) A special fund
 5 is created in the state treasury
 6 to be known as the Revenue
 7 Sharing Fund.

1 Section 7. Revenue Sharing
 2 Fund
 3 Section 7. (A) Creation of
 4 Fund. The Revenue Sharing Fund
 5 is created as a special fund in
 6 the state treasury. (1)
 7

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 6 (B) becomes SECTION 7 (B)

8 (B) There is hereby allocated
 9 annually from the State General
 10 Fund to the Revenue Sharing Fund
 11 the sum of ninety million
 12 dollars. The legislature may

8 (B) Annual Allocation. The
 9 sum of ninety million dollars
 10 is allocated annually from
 11 the State General Fund to the
 12 Revenue Sharing Fund. The

13 appropriate additional sums to
14 the Revenue Sharing Fund.

13 legislature may appropriate
14 additional sums to the fund.
(2)

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Ibid.

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SECTION 6 (C) becomes SECTION 7 (C)

1 (C) The Revenue Sharing Fund
2 shall be distributed annually
3 as provided by the legislature
4 solely on the basis of population
5 and number of homesteads in each
6 parish in proportion to population
7 and the number of homesteads
8 throughout the state. Unless the
9 legislature provides otherwise,
10 population statistics of the last
11 federal decennial census shall be
12 utilized for this purpose.

1 (C) Distribution Formula.
2 The Revenue Sharing Fund shall
3 be distributed annually as pro-
4 vided by law solely on the
5 basis of the proportion of the
6 population and number of home-
7 steads in each parish to the
8 total population and number of
9 homesteads throughout the state.
10 Unless otherwise provided by law,
11 population statistics of the
12 last federal decennial census
13 shall be used for this purpose.
14 After deductions in each parish
15 for retirement systems and
16 commissions as authorized by
17 law, the remaining funds, to
18 the extent available, shall be
(1)
(2)
(2)
(3)
(4)
(5) (5)

19 - lines 14-29
20 on this page
21 (right) formerly
22 part of SECTION
23 6 (D) as
24 enrolled -
25
26
27
28
29

19 distributed by first priority⁽⁶⁾
20 to the tax recipient bodies
21 within the parish, as defined
22 by law,⁽⁷⁾ to offset current losses
23 because of homestead exemptions
24 granted in this Article. Any
25 balance remaining in a parish⁽⁸⁾ ^(c)
26 distribution shall be allocated
27 to the municipalities and tax
28 recipient bodies within each
29 parish as provided by law.⁽¹⁰⁾

COMMENT:

- (1) Standardization of language.
- (2) Elements, V, 16--be clear.
- (3) Standardization of language.
- (4) Use "use," not "utilize"--see Elements, p. 55.

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SECTION 6 (C) becomes SECTION 7 (C)

- (5) Webster's, Rule 4.4.1--omit needless commas.
- (6) Elements, II, 16--keep related words together.
- (7) Ibid.
- (8) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (9) Standardization of language.
- (10) Ibid.

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SECTION 6 (D) becomes SECTION 7(D)

1 (D) The funds distributed to
2 each parish as provided in
3 Paragraph (C) shall be dis-
4 tributed in Orleans Parish by
5 the city treasurer of the city
6 of New Orleans and in all other
7 parishes by the parish tax
8 collector. The funds allocated
9 to the Monroe City School Board,
10 or its successor, shall be dis-
11 tributed to and by the city
12 treasurer of the city of Monroe.
13 After deductions, in each
14 parish, for retirement systems
15 and commissions as authorized
16 by law, the remaining funds, to
17 the extent available, by first
18 priority shall be distributed
19 to the tax recipient bodies, as
20 defined by law, within the parish
21 to offset current losses because
22 of homestead exemptions granted
23 in this Article. Any balance
24 thereafter remaining in any
25 parish distribution shall be
26 allocated to the municipalities
27 and tax recipient bodies within
28 each parish in accordance with
29 law.

1 (D) Distributing Officer.
2 The funds distributed to each
3 parish as provided in Paragraph
4 (C) shall be distributed in
5 Orleans Parish by the city
6 treasurer of ⁽¹⁾New Orleans and
7 in all other parishes by the
8 parish tax collector. The funds
9 allocated to the Monroe City
10 School Board or its successor
11 shall be distributed to and by
12 the city treasurer of ⁽¹⁾Monroe.

13
14
15
16 lines 13 - 29
17 on This page (left)
18 added to Section
19 7(C) as suggested,
20
21 Page 25 (right)
22
23
24
25
26
27
28
29

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 6 (E) becomes SECTION 7 (C)

1 (E) Any political subdi-
 2 vision, as defined by Article
 3 VI of this constitution, may
 4 incur debt by the issuance of
 5 negotiable bonds, and may
 6 pledge for the payment of all
 7 or part of the principal and
 8 interest of such bonds the
 9 proceeds derived or to be de-
 10 rived from that portion of the
 11 funds received by it from the
 12 Revenue Sharing Fund, as pro-
 13 vided in Paragraph (D) of this
 14 Section, to offset current
 15 losses caused by homestead
 16 exemptions granted by this
 17 Article. Unless otherwise pro-
 18 vided by the legislature, no
 19 portion of any moneys allocated
 20 within any parish out of any
 21 balance remaining in any parish
 22 distribution, as provided in
 23 Paragraph (D) hereof, may be
 24 pledged to the payment of the
 25 principal or interest of any

1 (E) Bonded Debt. A⁽¹⁾
 2 political subdivision, as defined
 3 by Article VI of this consti-
 4 tution, may incur debt by
 5 issuing negotiable bonds⁽²⁾ and⁽³⁾
 6 may pledge for the payment of
 7 all or part of the principal
 8 and interest of such bonds
 9 the proceeds derived or to be
 10 derived from that portion of
 11 the funds received by it from
 12 the Revenue Sharing Fund,⁽⁴⁾ to
 13 offset current losses caused
 14 by homestead exemptions granted
 15 by this Article. Unless other-
 16 wise provided by law,⁽⁵⁾ no moneys⁽⁶⁾
 17 allocated within any parish
 18 from the balance remaining in
 19 its distribution may be pledged⁽⁷⁾
 20 to the payment of the principal
 21 or interest of any bonds.
 22 Bonds issued under this Paragraph⁽⁸⁾
 23 shall be issued and sold as
 24 provided by law, and shall
 25 require approval of the State⁽⁹⁾
⁽¹⁰⁾

26	bonds. These bonds shall be	26	Bond Commission ⁽¹¹⁾ or its successor ⁽¹¹⁾
27	issued and sold as provided by	27	prior to issuance and sale.
28	law, and shall require the	28	
29	approval of the State Bond	29	
30	Commission, or its successor,	30	
31	prior to issuance and sale.	31	

SECTION 6 (E) becomes SECTION 7 (E)

COMMENT:

- (1) Standardization of language.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) See Elements, I, 4--comma omitted when subject common to two clauses and connective is "and"
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Standardization of language.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) Formalization of language.
- (8) Manual, Rule 5--substitute word for phrase.
- (9) Elements, V, 16--be clear.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (11) Webster's. Rule 4.4.1--omit needless commas.

SECTION 8 (A)

1	Section 8. Tax Assessor	1	Section 8. Tax Assessor
2	Section 8. (A) There shall	2	Section 8. (A) Orleans

3 be a tax assessor elected by the
4 qualified electors of each parish
5 in the state, parish of Orleans
6 excepted. His term of office
7 shall be four years and the
8 legislature shall define his
9 duties, fix his compensation,
10 and provide for his election.

3 Parish Excepted. ⁽¹⁾A tax assessor
4 shall be elected by the ⁽²⁾electors
5 of each parish, Orleans Parish ⁽⁴⁾
6 excepted. His term of office
7 shall be four years, ⁽⁵⁾and the
8 legislature shall provide for
9 his election, ⁽⁶⁾define his duties,
10 and fix his compensation.

COMMENT:

- (1) Manual, Rule 8--rewrite "there is."
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Ibid.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Elements, I, 4--place a comma before a conjunction introducing an independent clause.
- (6) Rearrangement of phrases to place "election" first in series.

SECTION 8(B)

11 (B) There shall be seven
12 assessors in the city of New
13 Orleans, who together shall
14 compose the Board of Assessors
15 for the parish of Orleans. One
16 shall be elected from each
17 municipal district of the city
18 of New Orleans, and they shall
19 be residents of the districts
20 from which they are elected.

11 (B) Orleans Parish Assessors.
12 There shall be seven assessors
13 in New Orleans, who shall ⁽¹⁾
⁽²⁾
14 compose the Board of Assessors
⁽³⁾
15 for Orleans Parish. One shall
16 be elected from each municipal
⁽⁴⁾
17 district of New Orleans, and
⁽⁵⁾
18 each shall be a resident of
⁽⁵⁾
19 the district from which he is
20 elected. The assessors shall be

21 Their terms shall be four years
22 and they shall be elected at
23 the same time as the municipal
24 officers of the city of New
25 Orleans.

21 elected at the same time as the
22 municipal officers of New Orleans,
23 for terms⁽⁴⁾ of four years each.
24
25

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SECTION 8 (B)

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Ibid.
- (3) Manual, Rule 5--substitute word for phrase.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Manual, Rule 11--singularization.
- (6) Rearrangement of words to allow "election" before "term."

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SECTION 8 (C)

1 (C) When a vacancy occurs
2 in the office of tax assessor
3 the duties of the office,
4 until it is filled by election
5 as provided by law, shall be
6 assumed by the chief deputy
7 assessor, except in the parish
8 of Orleans, where the Board of
9 Assessors for the parish of
10 Orleans shall appoint the
11 interim assessor.

1 (C) Vacancy. When a
2 vacancy occurs in the office
3 of tax assessor,⁽¹⁾ the duties of
4 the office, until filled by⁽²⁾
5 election as provided by law,
6 shall be assumed by the chief
7 deputy assessor, except in
8 Orleans Parish, where the
9 Board of Assessors shall appoint⁽³⁾
10 an interim assessor.⁽⁵⁾
11

COMMENT:

- (1) Webster's, Rule 4.2.1--commas to set off introductory adverbial clause.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Manual, Rule 5--substitute word for phrase.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Substitution of indefinite article for definite article.

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SECTION 9 becomes SECTION 9(A),(B),(C),(D)

1 Section 9. Tax Sales; Re-
2 demption of Property
3 Section 9. There shall be
4 no forfeiture of property for
5 the nonpayment of taxes, but at
6 the expiration of the year in
7 which said taxes are due, the
8 collector shall, without suit,
9 and after giving notice to the
10 delinquent in the manner pro-
11 vided by law, advertise for sale
12 in the official journal of the
13 parish or municipality, provided
14 there be an official journal in
15 such parish or municipality; or,
16 if not, then, as is now or may
17 be provided by law for sheriff's
18 sales, the property on which the
19 taxes are due in the manner pro-
20 vided for judicial sales, and

1 Section 9. Tax Sales
2 Section 9. (A) Tax
3 Sales; Redemption. There
4 shall be no forfeiture of
5 property for nonpayment of
6 taxes.⁽¹⁾ However, at the expir-
7 ation of the year in which
8 the taxes are due, the collector,⁽²⁾
9 without suit, and after giving
10 notice to the delinquent in
11 the manner provided by law,
12 shall advertise for sale the
13 property on which the taxes are
14 due.⁽³⁾ The advertisement shall
15 be published in the official
16 journal of the parish or muni-
17 cipality, in the manner provided
18 for judicial sales;⁽⁴⁾ or, if
19 there is no official journal, as
20 provided by law for sheriffs'

21 on the day of sale he shall sell
22 such portion of the property as
23 the debtor shall point out and
24 in case the debtor shall not
25 point out sufficient property,
26 the collector shall, at once
27 and without further delay, sell
28 the least quantity of property
29 which any bidder will buy for the
30 amount of taxes, interest and
31 costs. The sale shall be without
32 appraisalment and the property
33 sold shall be redeemable at any
34 time during three years from date
35 of recordation of the tax sale,
36 by paying the price given, in-
37 cluding costs and five per cent

21 sales. ⁽⁷⁾ On the day of sale, the
22 collector ⁽⁸⁾ shall sell the portion ⁽⁹⁾
23 of the property which the
24 debtor ⁽¹⁰⁾ points out. ⁽¹¹⁾ If the
25 debtor does not point out suffi-
26 cient property, the collector
27 shall sell immediately the least
28 quantity of property which any
29 bidder will buy for the amount
30 of the taxes, interest, and ⁽¹³⁾
31 costs. The sale shall be without
32 appraisalment. ⁽¹⁴⁾ The property sold
33 shall be redeemable for three ⁽¹⁵⁾
34 years ⁽¹⁶⁾ after the date of recor-
35 dation of the tax sale, by
36 paying the price given, including ⁽¹⁷⁾
37 costs, five percent penalty

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SECTION 9 becomes SECTION 9(A),(B),(C),(D)

1 penalty thereon, with interest
2 at the rate of one per cent per
3 month until redeemed. No
4 judgment annulling a tax sale
5 shall have effect until the price
6 and all taxes and costs are paid,
7 with ten percent per annum
8 interest on the amount of the
9 price and taxes paid from date

1 thereon, and interest at the rate
2 of one percent per month until
3 redemption. ⁽¹⁸⁾ No judgment
4 annulling a tax sale shall have
5 effect until the price and all
6 taxes and costs are paid, and
7 until ten percent per annum ⁽¹⁹⁾
8 interest on the amount of the
9 price and taxes paid from date

10 of respective payments, be pre-
11 viously paid to the purchaser;
12 provided, this shall not apply
13 to sales annulled on account of
14 taxes having been paid prior to
15 the date of sale, all deeds of
16 sale made, or that may be made,
17 by the collectors of taxes,
18 shall be received by courts in
19 evidence as prima facie valid
20 sales.

21 No sale of property for taxes
22 shall be set aside for any cause,
23 except on proof of payment of
24 the taxes for which the property
25 was sold prior to the date of
26 the sale, unless the proceeding
27 to annul is instituted within
28 six months from service of
29 notice of sale, which notice
30 shall not be served until the
31 time of redemption shall have
32 expired and within five years
33 from the date of the recordation
34 of the tax deed, if no notice is
35 given. The fact that taxes were
36 paid on a part of the property
37 sold, prior to the sale thereof,

10 of respective payments are ⁽²⁰⁾
11 paid to the purchaser; however, ⁽²¹⁾
12 this shall not apply to sales
13 annulled because the taxes ⁽²²⁾
14 were paid prior to the date of
15 sale. All deeds of sale made ⁽²³⁾
16 by a tax collector shall be ⁽²⁴⁾
17 received by courts as prima
18 facie evidence that a valid
19 sale was made. ⁽²⁵⁾

20 (B) Annulment. No sale
21 of property for taxes shall be
22 set aside for any cause, except
23 on proof of payment of the taxes
24 ⁽²⁷⁾ prior to the date of the sale,
25 unless the proceeding to annul
26 is instituted within six months
27 ⁽²⁸⁾ after service of notice of sale.
28 ⁽²⁹⁾ A notice of sale shall not be
29 served until the final day for
30 ⁽³⁰⁾ ⁽³¹⁾ redemption has ended. It must
31 be served within five years
32 ⁽³²⁾ after the date of the recordation
33 ⁽³³⁾ of the tax deed if no notice is
34 given. The fact that taxes
35 were paid on a part of the
36 property sold, prior to the
37 sale thereof, or that part of

SECTION 9 becomes SECTION 9(A), (B), (C), (D)

1 or that part thereof was not
2 subject to taxation, shall not
3 be cause for annulling the sale
4 as to any part thereof on which
5 the taxes for which it was sold
6 were due and unpaid.

7 The manner of notice and form
8 of proceeding to quiet tax titles
9 shall be provided by law. Taxes
10 on movables shall be collected
11 by seizure and sale by the tax
12 collector of the movable pro-
13 perty of the delinquent, whether
14 it be the property assessed or
15 not, sufficient to pay the tax.
16 Sale of such property shall be
17 made at public auction, without
18 appraisalment, after ten days
19 advertisement, made within ten
20 days from date of seizure, and
21 shall be absolute and without
22 redemption.

23 If the tax collector can find
24 no corporeal movables of the
25 delinquent to seize, he may levy
26 on incorporeal rights, by
27 notifying the debtor thereof, or
28 he may proceed by summary rule
29 in the courts to compel the

1 the property was not subject
2 to taxation, shall not be
3 cause for annulling the sale
4 of any part thereof on which
5 the taxes for which it was
6 sold were due and unpaid.

7 The manner of notice and
8 form of proceeding to quiet
9 tax titles shall be provided
10 by law.

11 (34) (C) Movables; Tax Sales.
12 When taxes on movables are
13 delinquent, the tax collector
14 shall seize and sell sufficient
15 movable property of the delin-
16 quent taxpayer to pay the tax,
17 whether or not the property
18 seized is the property which
19 was assessed. Sale of the
20 property shall be at public
21 auction, without appraisalment,
22 after ten days advertisement
23 published within ten days after
24 date of seizure. It shall be
25 absolute and without redemption.

26 If the tax collector can
27 find no corporeal movables of
28 the delinquent to seize, he may
29 levy on incorporeal rights, by

30 delinquents to deliver up for
31 sale property in his possession
32 or under his control.
33 The legislature shall be au-
34 thorized to postpone the payment
35 of taxes, only in cases of
36 overflow, general conflagration,

30 notifying the debtor thereof,
31 or he may proceed by summary
32 rule in the courts to compel
33 the delinquent to deliver for
34 sale property in his possession
35 or under his control.
36

SECTION 9 becomes SECTION 9 (A), (B) 3, (C)

1 general destruction of crops,
2 or other public calamity, and
3 may provide for the levying,
4 assessing and collecting such
5 postponed taxes under appro-
6 priate terms and conditions.
7 In such cases the legislature
8 may authorize the borrowing of
9 money by the state on its faith
10 and credit, by bond issue or
11 otherwise, and levy taxes, or
12 apply taxes already levied and
13 not appropriated, to secure
14 payment thereof, in order to
15 create a fund from which loans
16 may be made through the State
17 Board of Liquidation to the
18 governing authority of the
19 parish where the calamity befalls,

1 (D) Postponement of Taxes.
2 The legislature may postpone
3 the payment of taxes, but only
4 in cases of flood, general
5 conflagration, general crop
6 destruction, or other public
7 calamity, and may provide for
8 the levying, assessing, and
9 collecting of such postponed
10 taxes. In such case, the leg-
11 islature may authorize the
12 borrowing of money by the state
13 on its faith and credit, by
14 bond issue or otherwise, and
15 may levy taxes, or apply taxes
16 already levied and not appro-
17 priated, to secure payment
18 thereof, in order to create
19 a fund from which loans may be

20 to be applied to and not to ex-
21 ceed the deficiency and revenue
22 of the parish or any political
23 subdivision therein, or of which
24 the parish is a part, caused by
25 postponement of taxes. No loans
26 shall be made to the governing
27 authority of any parish without
28 the approval of the State Board
29 of Liquidation.

30
31
32
33

20 made through the Interim Emer-⁽⁵²⁾
21 gency Board to the governing
22 authority of the parish where
23 the calamity occurs. ⁽⁵³⁾ ⁽⁵⁴⁾ The money
24 loaned shall be applied to and
25 shall not exceed the deficiency
26 ⁽⁵⁵⁾ in revenue of the parish or a ⁽⁵⁶⁾
27 political subdivision therein
28 ⁽⁵⁷⁾ or of which the parish is a part,
29 caused by postponement of taxes.
30 No loan shall be made to a parish ⁽⁵⁸⁾ ⁽⁵⁹⁾
31 governing authority without the
32 approval of the Interim Emer-⁽⁵²⁾
33 gency Board.

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SECTION 9 becomes SECTION 9 (A), (B), (C), (D)

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(3) Manual, Rule 16--avoid hackneyed reference words.

(4) Elements, II, 16--keep related words together.

(5) Ibid.

(6) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences; Elements, II, 16--keep related words together.

(7) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(8) Elements, V, 16--be clear.

(9) Manual, Rule 6--avoid hackneyed reference words.

- (10) Manual, Rule 11--present tense.
- (11) Manual, Rule 5, substitute word for phrase; Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (12) Manual, Rule 5--substitute word for phrase.
- (13) Manual, Rule 20 and Elements, I, 2--commas in series.
- (14) Manual, Rule 10--short sentences.
- (15) Manual, Rule 5--substitute word for phrase.
- (16) Manual, Rule 3--make time periods clear.
- (17) Manual, Rule 20 and Elements, I, 2--commas in series.
- (18) Substitution of noun for verb to make prepositional phrase.
- (19) Elements, II, 15--parallelism.
- (20) Manual, Rule 11--indicative mood.
- (21) Standardization of language.
- (22) Manual, Rule 5--substitute word for phrase.
- (23) Manual, Rule 10--short sentences.
- (24) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (25) Manual, Rule 12--singularization.
- (26) Elements, V, 16--be clear.
- (27) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (28) Manual, Rule 3--make time periods clear.
- (29) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

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SECTION 9 becomes SECTION 9 (1), (2), (c), (d)

- (30) Manual, Rule 3--make time periods clear; Manual, Rule 5--substitute word for phrase.
- (31) Manual, Rule 10--short sentences.
- (32) Manual, Rule 3--make time periods clear.
- (33) Webster's, Rule 4.4.1--omit needless commas.
- (34) Manual, Rule 6--avoid hackneyed reference words.

- (35) Manual, Rule 5--substitute word for phrase.
- (36) Manual, Rule 11--active voice; Elements, II, 16--keep related words together.
- (37) Manual, Rule 6--avoid hackneyed reference words.
- (38) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (39) Elements, V, 16--be clear.
- (40) Manual, Rule 3--make time periods clear.
- (41) Manual, Rule 10--short sentences.
- (42) Manual, Rule 12--singularization.
- (43) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (44) Standardization of language.
- (45) Elements, V, 16--be clear.
- (46) Ibid.
- (47) Manual, Rule 5--substitute word for phrase.
- (48) Manual, Rule 20 and Elements, I, 2--commas in series.
- (49) Manual, Rules 5, 13 and Elements, II, 13 --omit needless words.
- (50) Manual, Rule 12--singularization; Webster's Rule 4.2.1--comma after introductory prepositional phrase.
- (51) Elements, II, 15--parallelism.
- (52) "State Board of Liquidation" changed to "Interim Emergency Board" to conform with language in C.P.No. 15.
- (53) Elements, V, 14--avoid fancy words.
- (54) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (55) Elements, V, 16--be clear.
- (56) Standardization of language.
- (57) Webster's, Rule 4.4.1--omit needless commas.
- (58) Manual, Rule 12--singularization.
- (59) Manual, Rule 5--substitute word for phrase.

DOCUMENT NO. XXIV

COMMITTEE PROPOSAL NO. 26: FIRST ENROLLMENT

REVENUE AND FINANCE

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE XI. REVENUE AND FINANCE
 2 Section 1. Assessment of
 3 Property; Classification;
 4 Assessors; Right of Tax-
 5 payer; Exemptions from Ad
 6 Valorem Property Taxation
 7 Section 1. (A) All property
 8 subject to ad valorem taxation
 9 shall be listed on the assess-
 10 ment rolls at its assessed
 11 valuation which shall be a per-
 12 centage of its fair market value;
 13 such percentage of fair market
 14 value shall be uniform throughout
 15 the state upon the same class of
 16 property.

1 ARTICLE XI. REVENUE AND FINANCE
 2 Section 1. Ad Valorem Taxes
 3 Section 1. (A) Assessments.
 4 ⁽¹⁾ Property subject to ad valorem
 5 taxation shall be listed on the
 6 assessment rolls at its assessed
 7 valuation, ⁽²⁾ which shall be a per-
 8 centage of its fair market value.
 9 ⁽³⁾ The percentage of fair market
 10 value shall be uniform throughout
 11 the state upon the same class of
 12 property.
 13
 14
 15
 16

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.

(2) Webster's, Rule 4.1.2 --- comma to set off nonrestrictive clause.

(3) Manual, Rule 6 ---avoid hackneyed reference words; Rule 10---short sentences; Rule 14---unrelated ideas in separate sentences.

SECTION 1 (B)

1 (B) The classifications of
2 property subject to ad valorem
3 taxation and the percentage of
4 fair market value applicable to
5 each such classification for
6 the purpose of determining
7 assessed valuation are as
8 follows:

9 CLASSIFICATIONS:	PERCENTAGES:
10 1. All land.....	10%
11 2. Improvements for 12 Residential 13 Purposes.....	10%
14 3. All other pro- perty.....	15%

1 (B) Classification. The
2 classifications of property sub-
3 ject to ad valorem taxation and
4 the percentage of fair market
5 value applicable to each classifi-
6 cation for the purpose of deter-
7 mining assessed valuation are as
8 follows:

9 Classifications	Percentages
10 1. Land (2)	10%
11 2. Improvements for 12 Residential 13 Purposes	10%
14 3. Other property (2)	15%

COMMENT:

(1) Manual, Rule 6---avoid hackneyed reference words;
Manual, Rules 5, 13 and Elements, II, 13---omit needless words.

(2) Manual, Rules 5, 13 and Elements, II, 13--- omit
needless words.

-2-

SECTION 1 (E) becomes SECTION 1 (C)

1 (E) Bona fide agricultural,
2 horticultural, marsh lands, and
3 timber lands, as defined by
4 general law, will be assessed
5 for the purpose of taxation at

[896]

1 (C) Use Value.
2 Bona fide agricultural, horti-
3 cultural, marsh and timber lands,
4 as defined by general law, shall
5 be assessed for tax purposes at

6 ten percent of use value rather
7 than fair market value. The
8 legislature may make similar
9 provisions for buildings of
10 historic architectural importance.

6 ten percent of use value rather
7 than fair market value. The
8 legislature may provide ⁽⁴⁾similarly
9 for buildings of historic archi-
10 tectural importance.

COMMENT:

- (1) Elements, II, 15---parallelism.
- (2) Standardization of language.
- (3) Manual, Rule 5---substitute word for phrase.
- (4) Ibid.

SECTION 1(C) becomes SECTION 1(D)

1 (C) Assessors shall determine
2 the fair market value of all pro-
3 perty subject to taxation within
4 their respective parishes and
5 districts except public service
6 properties which shall be valued
7 at fair market value by the
8 Louisiana Tax Commission. Fair
9 market value and use value of
10 property shall be determined in
11 accordance with criteria which
12 shall be established by the
13 legislature and which shall be

1 (D) Valuation. Each assessor⁽¹⁾
2 shall determine the fair
3 market value of all property
4 subject to taxation within his⁽¹⁾
5 respective parish or district⁽¹⁾
6 except public service properties,
7 which shall be valued at fair
8 market value by the Louisiana
9 Tax Commission or its successor.⁽²⁾
10 Fair market value and use value
11 of property shall be determined
12 in accordance with criteria
13 which shall be established by

14	uniformly applicable throughout	14	the legislature and which shall
15	the state.	15	(3) apply uniformly throughout the state.

COMMENT:

- (1) Manual, Rule 12---singularization.
- (2) Elements, V, 16---be clear.
- (3) Manual, Rule 11--active voice.

SECTION 1 (D) becomes SECTION 1 (E)

16	(D) The correctness of assess-	16	(E) Review. The correct-
17	ments by the assessor shall be	17	ness of assessments by the
18	subject to review by the governing	18	assessor shall be subject to
19	authority of the parish, then by	19	review first by the parish
20	the Louisiana Tax Commission, and	20	governing authority, then by
21	finally by the courts in ac-	21	the Louisiana Tax Commission
22	cordance with procedures	22	or its successor, and finally
23	established by law.	23	by the courts, all in accordance
		24	with procedures established
		25	by law.

COMMENT:

- (1) Elements, II, 15--parallelism.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) Elements, V, 16--be clear.

SECTION 1 (G) becomes SECTION 1 (F)

1	(G) All property subject to	1	(F) Reappraisal.
2	taxation shall be reappraised	2	All property subject to taxation

3 and valued in accordance with
4 the provisions of this Section
5 at intervals of not more than
6 four years.

3 shall be reappraised and valued
4 in accordance with this Section,⁽¹⁾⁽²⁾
5 at intervals of not more than
6 four years.

COMMENT:

(1) Standardization of language.

(2) Webster's, Rule 4.1.2--comma to set off nonrestrictive phrases.

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SECTION 2

1 Section 2. Rate of State
2 Property Taxation;
3 Limitation
4 Section 2. The rate of state
5 taxation on property for all
6 purposes shall not exceed, in
7 any one year, five and three-
8 quarter mills on the dollar of
9 its assessed value.

1 Section 2. State
2 Property Taxation; Rate
3 Limitation
4 Section 2. State taxation
5 on property for all purposes
6 shall not exceed an annual rate
7 of five and three-quarter mills
8 on the dollar of ⁽²⁾assessed
9 valuation. ⁽³⁾

COMMENT:

(1) Manual, Rule 5--substitute word for phrase.

(2) Manual. Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Standardization of language.

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SECTION 1 (F) becomes SECTION 3 (A) + (B)

1 (F) Homesteads shall be exempt
2 from ad valorem property taxation

1 Section 3. Homestead
2 Exemption

3 as follows:

4 From state, parish, and
5 special taxes, the bona fide
6 homestead, consisting of a tract
7 of land, or two or more tracts
8 of land with a residence on one
9 tract and a field, pasture, or
10 garden on the other tract or
11 tracts, not exceeding one
12 hundred sixty acres, buildings
13 and appurtenances, whether rural
14 or urban, owned and occupied by
15 any person, in the full amount of
16 three thousand dollars of the
17 assessed valuation; however, by
18 the favorable vote of two-thirds
19 of the elected members of each
20 house, the legislature may
21 increase this exemption to an
22 amount which shall not exceed
23 the full amount of five thousand
24 dollars of the assessed valuation.
25 Veterans of the armed forces of
26 the United States who have been
27 honorably discharged or separated
28 from such services or persons who
29 served in said armed forces, as
30 defined by general law, and
31 persons sixty-five years or older
32 shall be provided with a homestead
33 exemption of five thousand dollars

[900]

3 Section 3. (A) Homeowners.

4 (1) The bona fide homestead,
5 consisting of a tract of land or
6 two or more tracts of land with
7 a residence on one tract and a
8 field, pasture, or garden on the
9 other tract or tracts, not
10 exceeding one hundred sixty
11 acres, buildings and appurtenances,
12 whether rural or urban, owned and
13 occupied by any person, shall be
14 exempt from state, parish, and
15 special ad valorem taxes to the
16 extent of three thousand dollars
17 of the assessed valuation.

18 (2) By the law enacted by
19 two-thirds of the elected members
20 of each house, the legislature may
21 increase this homestead exemption
22 to an amount which shall not
23 exceed five thousand dollars of
24 the assessed valuation.

25 (3) The homestead exemption
26 of veterans of the armed forces
27 of the United States, honorably
28 discharged or separated from such
29 services or other persons who
30 served in said armed forces, as
31 defined by general law, and of
32 persons sixty-five years of age
33 or older shall be five thousand

34 of the assessed valuation. No
35 exemption shall extend to any
36 municipal or city taxes except the

34 dollars of the assessed valuation.
35 ⁽⁸⁾ ⁽⁹⁾ The homestead exemption
36 shall extend to the surviving

SECTION 1(F) becomes SECTION 3(A) + (B)

1 following: (1) in Orleans Parish
2 this exemption shall apply to
3 the state, the general city, the
4 school, the levee, and levee
5 board taxes; and (2) to any muni-
6 cipal or city taxes levied for
7 school purposes. The exemption
8 of homesteads shall extend to the
9 surviving spouse or minor child
10 or children of a deceased owner
11 and to the bona fide homestead
12 when occupied as such and title
13 thereto is in either husband or
14 wife, but this exemption shall
15 not be extended to more than one
16 homestead owned by the husband
17 or wife. Notwithstanding any-
18 thing in this Constitution to
19 the contrary, in order to pro-
20 vide equitable tax relief similar
21 to that granted to homeowners
22 through homestead property tax
23 exemptions, the legislature may
24 provide for tax relief to resi-

1 spouse or minor children of a
2 deceased owner and shall ⁽⁸⁾ apply
3 when the homestead is occupied as
4 such and title to it is in either
5 husband or wife but not to more
6 than one homestead owned by the
7 husband or wife.
8 ⁽¹¹⁾ (5) This exemption shall
9 not extend to municipal taxes. ⁽¹²⁾
10 However, the exemption shall apply
11 (a) in Orleans Parish, to state, ⁽¹³⁾ ⁽¹³⁾
12 general city, school, levee, and ⁽¹³⁾
13 levee district taxes and (b) to
14 any municipal taxes levied for
15 school purposes.
16 (B) Residential Lessees.
17 Notwithstanding any contrary ⁽¹⁵⁾
18 provision in this constitution,
19 the legislature may provide for
20 tax relief to residential lessees
21 in the form of credits or rebates
22 ⁽¹⁶⁾ in order to provide equitable
23 tax relief similar to that granted
24 to homeowners through homestead ⁽¹⁷⁾

25	dential lessees in the form of	25 exemptions.
26	credits or rebates.	26
27		27
28		28
29		29

COMMENT:

- (1) Webster's, Rule 4.4.1--omit needless commas.
- (2) Elements, V, 16 -- be clear
- (3) Manual, Rule 10--short sentences; Rule 14, unrelated ideas in separate sentences.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

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SECTION 1 (F) becomes SECTION 3 (A), (B)

- (5) Ibid.
- (6) Elements, V, 16--be clear.
- (7) Ibid.
- (8) Ibid.; Elements, II, 15--parallelism.
- (9) Manual, Rule 5--substitute word for phrase.
- (10) Manual, Rules, 5, 13 and Elements, II, 13--omit needless words.
- (11) Elements, V, 16--be clear.
- (12) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (13) Manual, Rules 5, 13, and Elements, II, 13--omit needless words.
- (14) Ibid.
- (15) Standardization of language.
- (16) Elements, II, 16--keep related words together.
- (17) Manual, Rules 5, 13, and Elements, II, 13--omit needless words.

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SECTION 3(A) becomes

SECTION 4(A)

10 Section 3. Other Property
 11 Exemptions
 12 Section 3. In addition to the
 13 homestead exemption provided for
 14 in Section 1 of this Article, the
 15 following property shall be exempt
 16 from ad valorem taxation:
 17 (A) All public lands; all other
 18 public property used for public
 19 purposes.

10 Section 4. Other Property
 11 Exemptions
 12 Section 4. In addition to
 13 the homestead exemption provided
 14 for in Section 3 of this Article,
 15 the following property and no
 16 other ⁽²⁾ shall be exempt from ad
 17 valorem taxation:
 18 (A) ⁽³⁾ Public lands; ⁽³⁾ other
 19 public property used for public
 20 purposes.

COMMENT:

(1) Section number changed to conform to suggested renumbering.

(2) "and no other" added here to allow deletion of Section 3 (H) as enrolled.

(3) Manual, Rules 5, 13 and Elements, II, 13-- omit needless words.

SECTION 3 (C) becomes

SECTION 4 (B)

1 (C) That owned by nonprofit
 2 corporations or associations or-
 3 ganized and operated exclusively
 4 for religious, dedicated places
 5 of burial, charitable, health,
 6 welfare, fraternal, or educational
 7 purposes, no part of the net
 8 earnings of which inure to the
 9 benefit of any private share-

1 (B) ⁽¹⁾ (1) Property owned by
 2 ⁽²⁾ a nonprofit corporation or ⁽²⁾
 3 ⁽²⁾ association organized and operated
 4 exclusively for religious, dedi-
 5 cated places of burial, charitable,
 6 health, welfare, fraternal, or
 7 educational purposes, no part of
 8 the net earnings of which inure
 9 to the benefit of any private

10 holder or member thereof and
11 which is declared to be exempt
12 from federal or state income tax;
13 property of bona fide labor or-
14 ganizations representing their
15 members or affiliates in
16 collective bargaining efforts;
17 organizations such as lodges and
18 clubs organized for charitable
19 and fraternal purposes and
20 practicing the same, and pro-
21 perties of nonprofit corporations
22 devoted to the promotion of
23 trade, travel, and commerce, and
24 trade, business, industry and
25 professional societies or
26 associations provided such pro-
27 perty is owned by nonprofit
28 corporations or associations
29 organized under the laws of the
30 state of Louisiana for such
31 purposes; except property owned,
32 operated, leased, or used for
33 commercial purposes, unrelated
34 to the exempt purposes of said
35 corporation or association.
36

10 shareholder or member thereof and
11 which is declared to be exempt
12 from federal or state income tax;
13 (2) property of a bona fide
14 labor organization representing
15 (2) its members or affiliates in
16 collective bargaining efforts; and
17 (1) (2) property of an organization
18 (2) such as a lodge or club organized
19 for charitable and fraternal
20 purposes and practicing the
21 same, and property of a non-
22 profit corporation devoted to
23 (3) promoting trade, travel, and
24 commerce, and also property of (4)
25 (2) a trade, business, industry or (2)
26 professional society or association, (2)
27 (5) if that property is owned by a (2)
28 nonprofit corporation or associ-
29 ation organized under the laws
30 of this state for such purposes. (6)
31 (7) None of the property listed
32 in Paragraph (B) shall be exempt if
33 owned, operated, leased, or used for
34 commercial purposes unrelated to
35 the exempt purposes of the cor- (8)
36 poration or association.

SECTION 3 (C) becomes SECTION 4 (B)

COMMENT:

- (1) Elements, II, 15---parallelism.
- (2) Manual, Rule 12---singularization.
- (3) Manual, Rule 5---substitute word for phrase.
- (4) Elements, V, 16---be clear.
- (5) Manual, Rule 6---avoid hackneyed reference words.
- (6) Manual, Rules 5, 13 and Elements, II, 13---omit needless words.
- (7) Elements, V, 16---be clear.
- (8) Manual, Rule 6---avoid hackneyed reference words.

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SECTION 3 (D) becomes SECTION 4 (C)

1 (D) Cash on hand or deposit,
2 stocks and bonds, except bank
3 stocks, the tax on which shall
4 be paid by the banking insti-
5 tution; obligations secured by
6 mortgage on property located in
7 Louisiana and the notes or other
8 evidence thereof; loans by life
9 insurance companies to policy-
10 holders, if secured solely by
11 their policies; the legal reserve
12 of domestic life insurance
13 companies; loans by homestead or
14 building and loan associations to
15 their members, if secured solely
16 by stock of said associations;

1 (C) (1) Cash on hand or
2 deposit;
3 (2) stocks and bonds, except
4 bank stocks, the tax on which
5 shall be paid by the banking
6 institution;
7 (3) obligations secured by
8 mortgage on property located in
9 Louisiana and the notes or other
10 evidence thereof;
11 (4) loans by life insurance
12 companies to policyholders, if
13 secured solely by their policies;
14 (5) the legal reserve of
15 domestic life insurance companies;
16 (6) loans by a ⁽¹⁾homestead or

17	debts due for merchandise or other	17	building and loan association to
18	articles of commerce or for ser-	18	⁽¹⁾ its members, if secured solely
19	vices rendered; obligations of	19	by stock of the associations;
20	the state or its political subdi-	20	(7) debts due for merchandise
21	visions; all personal property	21	or other articles of commerce or
22	used in the home or on loan in a	22	for services rendered;
23	public place; agricultural products	23	(8) obligations of the state
24	while owned by the producer,	24	or its political subdivisions;
25	agricultural machinery and other	25	⁽²⁾ (9) personal property used
26	implements used exclusively for	26	in the home or on loan in a
27	agricultural purposes, and all	27	public place;
28	animals on the farm, and property	28	(10) agricultural products
29	belonging to agricultural fair	29	while owned by the producer,
30	associations; all property used	30	agricultural machinery and other
31	for cultural, Mardi Gras carnival	31	implements used exclusively for
32	or civic activities and not operated	32	agricultural purposes, animals
33	for profit to the owners; all	33	on the farm, and property belonging
34	ships and oceangoing tugs, tow-	34	⁽¹⁾ to an agricultural fair associ-
35	boats, and barges engaged in	35	ation; ⁽³⁾
36	international trade and domiciled	36	(11) property used for cul-

SECTION 3(D) becomes SECTION 4(C)

1	in Louisiana ports, but this	1	tural, Mardi Gras carnival, or
2	exemption shall not apply to	2	civic activities and not oper-
3	harbor, wharf, shed, and other	3	ated for profit to the owners;
4	port dues, and no vessel operated	4	(12) rights-of-way granted to
5	in the coastal trade of the	5	the State Department of Highways;
6	continental United States shall	6	(13) boats using gasoline as
7	be within the exemption herein	7	motor fuel;

8 granted; boats using gasoline as
9 motor fuel; commercial vessels used
10 for gathering seafood for human
11 consumption; and rights-of-way
12 granted to the State Department
13 of Highways.

8 (14) commercial vessels used
9 for gathering seafood for human
10 consumption; and
11 (15) ships and oceangoing
12 tugs, towboats, and barges engaged
13 in international trade and
14 domiciled in Louisiana ports.
15 (4) However, this exemption shall
16 not apply to harbor, wharf, shed,
17 and other port dues or to any (5)
18 vessel operated in the coastal
19 trade of the continental United
20 States. (5)

COMMENT:

- (1) Manual, Rule 12--- singularization.
- (2) Manual, Rule 6---avoid hackneyed reference words.
- (3) Manual, Rules 5, 13 and Elements, II, 13---omit needless words.
- (4) Manual, Rule 10---short sentences; Rule 14---unrelated ideas in separate sentences.
- (5) Manual, Rule 5---substitute word for phrase.

SECTION 3(G) becomes SECTION 4(D)
(1)

1 (G) (1) All raw materials,
2 goods, commodities, and articles
3 imported into this state from
4 outside of the continental
5 United States:

1 (D) (1) Raw materials,
2 goods, commodities, and articles
3 imported into this state from
4 outside the continental United
5 States:

6 (a) So long as such imports
7 remain upon the public property
8 of the port authority or docks
9 of any common carrier where
10 such imports first entered this
11 state; or
12 (b) So long as any such
13 imports (other than minerals and
14 ores of the same kind as any
15 mined or produced in this state
16 and manufactured articles) are
17 held in this state in the
18 original form in bales, sacks,
19 barrels, boxes, cartons, con-
20 tainers, or other original
21 packages, and raw materials held
22 in bulk as all or a part of the
23 new material inventory of manu-
24 facturers or processors, solely
25 for manufacturing or processing;
26 or
27 (c) So long as any such imports
28 are held by an importer in any
29 public or private storage in the
30 original form in bales, sacks,
31 barrels, boxes, cartons, con-
32 tainers, or other original
33 packages and agricultural products
34 in bulk. This shall not apply
35 to a retail merchant holding such

(3)
6 (a) so long as the imports
7 remain on the public property
8 of the port authority or docks
9 of the common carrier where they
(4) (5)
10 first entered this state;
(5)
11 (b) so long as the imports
12 (other than minerals and ores
13 of the same kind as any mined
14 or produced in this state and
15 manufactured articles), are held
16 in this state in the original
17 form in bales, sacks, barrels,
18 boxes, cartons, containers, or
19 other original packages, and
20 raw materials held in bulk as
21 all or a part of the new material
22 inventory of manufacturers or
23 processors, solely for manu-
24 facturing or processing; or
(5)
25 (c) so long as the imports
26 are held by an importer in any
27 public or private storage in
28 the original form in bales,
29 sacks, barrels, boxes, cartons,
30 containers, or other original
31 packages and agricultural products
32 in bulk. This exemption shall
(6)
33 not apply to these imports when
(3)
34 held by a retail merchant as part
35 of his stock-in-trade for sale

36 imports as part of his stock-in-
37 trade for sale at retail.

36 at retail.
37 (1) Raw materials, goods

SECTION 3 (G) becomes SECTION 4 (D)

1 (2) All raw materials, goods,
2 commodities, and other articles
3 being held upon the public pro-
4 perty of a port authority or
5 docks of any common carrier or in
6 a warehouse, grain elevator, dock,
7 wharf, or public storage facility
8 in this state for export to a
9 point outside the continental
10 United States.

11 (3) All goods, commodities,
12 and personal property in public or
13 private storage while in transit
14 through this state which is (a)
15 moving in interstate commerce
16 through or over the territory of
17 the State of Louisiana; or (b)
18 which is in public or private
19 storage within the State of
20 Louisiana having been shipped
21 thereto from outside of the State
22 of Louisiana for storage in
23 transit to a final destination
24 outside of the State of Louisiana,
25 whether such destination was

1 commodities, and other articles
2 being held on the public pro-
3 perty of a port authority,⁽⁷⁾ on docks
4 of any common carrier,⁽⁷⁾ or in a
5 warehouse, grain elevator, dock,
6 wharf, or public storage facility
7 in this state for export to a
8 point outside the continental
9 United States.

10 (1) (3) (a) Goods, commodities,
11 and personal property in public
12 or private storage while in
13 transit through this state which
14 are⁽⁶⁾ moving in interstate
15 commerce through or over the
16 territory of the state or⁽⁸⁾
17 which are in public or private⁽⁶⁾
18 storage within Louisiana, having⁽⁸⁾
19 been shipped from outside⁽⁹⁾
20 Louisiana for storage in transit⁽⁸⁾
21 to a final destination outside⁽⁸⁾
22 Louisiana, whether such desti-
23 nation was specified when trans-
24 portation began or afterward.⁽⁶⁾
25 (b) Property described in⁽¹⁾

26 specified when transportation
27 begins or afterward.
28 All such property described in
29 this Paragraph (G) whether en-
30 titled to exemption or not shall
31 be reported to the proper taxing
32 authority on the forms required
33 by law.

26 Paragraph (D), whether or not ⁽²⁾
27 entitled to exemption, shall be
28 reported to the proper taxing
29 authority on the forms required
30 by law.
31
32
33

-16-

SECTION 3 (G) becomes SECTION 4 (D)

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13---omit needless words.
- (2) Do not use double preposition.
- (3) Manual, Rule 6---avoid hackneyed reference words.
- (4) Elements, V, 16---be clear.
- (5) Manual, Rule 6---avoid hackneyed reference words; Rule 5---substitute word for phrase.
- (6) Elements, V, 16---be clear.
- (7) Manual, Rule 20 and Elements, I, 2---commas in series.
- (8) Manual, Rules 5, 13 and Elements, II, 13---omit needless words.
- (9) Webster's, Rule 4.1.2---comma to set off non-restrictive participial phrase.
- (10) Manual, Rule 6---avoid hackneyed reference words.
- (11) Paragraph number changed to conform with suggested renumbering.
- (12) Elements, II, 16---keep related words together.

-17-

SECTION 3 (E) becomes SECTION 4 (E)

1 (E) From state, parish, and
2 special taxes, all motor vehicles
3 used on the public highways of
4 this state, provided that this
5 exemption shall not extend to
6 any general or special tax
7 levied by the governing authority
8 of any municipality, or district
9 created by any such municipality,
10 unless the governing authority
11 thereof shall provide for such
12 exemption by ordinance or
13 resolution.

1 (E) Motor vehicles used
2 on the public highways of this
3 state, from state, parish, and
4 special ad valorem taxes. ⁽¹⁾ ⁽²⁾ This
5 exemption shall not extend to
6 any general or special tax levied
7 by a ⁽³⁾ municipal governing authori-
8 ty, or ⁽⁴⁾ by a district created by
9 it, unless the governing authority
10 thereof provides for the ⁽⁶⁾ exemp-
11 tion by ordinance or resolution.
12
13

COMMENT:

- (1) Elements, V, 16--be clear.
- (2) Manual, Rule 14,--unrelated ideas in separate sentences.
- (3) Manual, Rule 5--substitute word for phrase.
- (4) Elements, II, 15--parallelism.
- (5) Manual, Rule 5--substitute word for phrase.
- (6) Manual, Rule 6--avoid hackneyed reference words.

SECTION 3 (F) becomes SECTION 4 (F)

14 (F) Notwithstanding any pro-
15 vision of this Section to the
16 contrary, the legislature may
17 authorize the State Board of
18 Commerce and Industry, under

14 (F) Notwithstanding any
15 ⁽¹⁾ contrary provision of this
16 Section, the legislature by ⁽²⁾
17 law may authorize the State
18 Board of Commerce and Industry

<p>19 such conditions and terms and 20 with such approval as the legis- 21 lature may specify, to provide 22 for the exemption from property 23 taxation of any new manufacturing 24 establishment or an addition or 25 additions to any manufacturing 26</p>	<p>19 or its successor, under such 20 terms and conditions and with 21 such approval as the legislature 22 specifies, to provide for the 23 exemption from property taxation 24 of a new manufacturing establish- 25 ment or an addition to a manufac- 26 turing establishment existing 27 in the state.</p>
--	--

SECTION 3(F) becomes SECTION 4(F)

<p>1 establishment already existing 2 in the state. 3 No exemption granted under 4 the authority of such laws as 5 may be enacted pursuant to 6 this Section shall extend for 7 a longer initial period than 8 five calendar years, or be 9 renewable for an additional 10 period in excess of five 11 additional calendar years.</p>	<p>1 No exemption granted under 2 the authority of laws enacted 3 under this Paragraph shall extend 4 for a longer initial period than 5 five calendar years, or be 6 renewable for a period exceeding 7 five additional calendar years. 8 9 10 11</p>
---	--

COMMENT:

- (1) Standardization of language.
- (2) Ibid.
- (3) Manual, Rule 5--substitute word for phrase; Rule 11-- present tense.
- (4) Standardization of language.

(5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 12--singularization.

(6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(7) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 11--present tense.

(8) Manual, Rule 5--substitute word for phrase.

(9) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(10) Manual, Rule 5--substitute word for phrase.

SECTION 3 (H) -

- 1 (H) No additional property
- 2 may be exempted from taxation.

DELETED here -
incorporated into
SECTION 4
[See page 10 (right)
lines 15-16]

SECTION 4 becomes SECTION 5

8 Section 4. No Impairment
9 of Existing Taxes or
10 Obligations
11 Section 4. The provisions of
12 this Article in no way shall be
13 construed or applied in such a
14 manner as to: (a) invalidate
15 taxes authorized and imposed
16 prior to the adoption of this
17 constitution; or (b) impair the
18 obligations, validity, or securi-
19 ty of any bonds or other debt

8 Section 5. No Impairment
9 of Existing Taxes or
10 Obligations
11 Section 5. ⁽¹⁾ This Article
12 shall not be ⁽²⁾ applied in ⁽³⁾ a manner
13 which will (a) invalidate taxes
14 authorized and imposed prior
15 to the effective date of this
16 constitution or (b) impair the
17 obligations, validity, or security
18 of any bonds or other debt
19 obligations authorized prior

20 obligations authorized prior to | 20 to the effective date of this
21 the adoption of this constitution. | 21 constitution.

COMMENT:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Manual, Rule 6--avoid hackneyed reference words.
- (4) Standardization of language.

SECTION 5 becomes SECTION 6

1 Section 5. Adjustment of Ad
 2 Valorem Tax Millages
 3 Section 5. Prior to the end
 4 of the third year after the
 5 effective date of the constitu-
 6 tion, the assessors and the
 7 Louisiana Tax Commission shall
 8 have determined the fair market
 9 value or use value of all property
 10 subject to taxation within the
 11 respective parishes to be used for
 12 the purpose of implementing the
 13 provisions of this Article.
 14 Except as hereinafter provided in
 15 this Paragraph, the total amount
 16 of ad valorem taxes collected by
 17 any taxing authority in the year
 18 in which the provisions of this

1 Section 6. Adjustment of
 2 Ad Valorem Tax Millages
 3 Section 6. Prior to the
 4 end of the third year after the
 5 effective date of this consti-
 6 tution, the assessors and the
 7 Louisiana Tax Commission shall
 8 complete determination of the
 9 fair market value or the use value
 10 of all property subject to tax-
 11 ation within each parish for
 12 use in implementing this Article.
 13 Except as provided in this
 14 Paragraph, the total amount of
 15 ad valorem taxes collected by
 16 any taxing authority in the year
 17 in which this Article is imple-
 18 mented shall not be increased

19 Article are implemented shall not
20 be increased or decreased because
21 of the provisions of this Article
22 above or below ad valorem taxes
23 collected by such taxing authority
24 in the year immediately preceding
25 the year in which the provisions
26 of this Article are implemented.
27 To accomplish this result, it
28 shall be the mandatory duty of
29 each affected taxing authority,
30 in the year in which the pro-
31 visions of this Article are
32 implemented, to adjust millages
33 upwards or downwards, without
34 regard to millage limitations
35 contained in this constitution;
36 however, whenever at the time
37 the adjustment is made the

19 or decreased because of its⁽⁷⁾
20 provisions above or below ad
21 valorem taxes collected by that⁽⁸⁾
22 taxing authority in the year
23 preceding implementation. To⁽⁹⁾
24 accomplish this result, it shall⁽¹⁰⁾
25 be mandatory for each affected
26 taxing authority, in the year⁽¹¹⁾
27 in which this Article is imple-
28 mented, to adjust millages upwards
29 or downwards without regard to⁽¹²⁾
30 millage limitations contained
31 in this constitution. However,⁽¹³⁾
32 if at the time the adjustment⁽¹⁴⁾
33 is made, the millages actually⁽¹⁵⁾
34 levied by a taxing authority
35 are less than or equal to the
36 maximum authorized to be levied,⁽¹⁶⁾
37 the maximum authorized millages⁽¹⁵⁾

-21-

SECTION 5 becomes SECTION 6

1 millage actually levied by a
2 taxing authority is less than or
3 equal to the maximum authorized
4 to be levied, the maximum millage
5 so authorized shall be increased
6 or decreased, without further
7 voter approval, in proportion to
8 the amount of the adjustment

1 shall be increased or decreased,
2 without further voter approval,
3 in proportion to the amount of
4 the adjustment upward or down-
5 ward. Thereafter, such millages⁽¹⁵⁾
6 shall remain in effect unless⁽¹⁷⁾
7 changed as permitted by this⁽¹⁸⁾
8 constitution. Nothing herein⁽¹⁹⁾

9 upward or downward. Such millages
10 shall thereafter remain in effect
11 subject to such changes as may be
12 permitted by this constitution.
13 Nothing provided herein shall be
14 construed to prohibit any taxing
15 authority from collecting, in
16 the year in which the provisions
17 of this Article are implemented
18 or in any subsequent year, a
19 larger dollar amount of ad valorem
20 taxes by means of the following:
21 (a) by levying additional or in-
22 creased millages as provided by
23 law; (b) by placing additional
24 property on the tax rolls; or
25 (c) by reason of increases in the
26 fair market value or use value
27 of property after the first
28 determination of such value on
29 the basis of which the provisions
30 of this Article are to be im-
31 plemented. The provisions of
32 this Section shall not apply to
33 millages required to be levied
34 for the payment of general
35 obligation bonds.

(20) (21)
9 shall prohibit a taxing authority
10 from collecting, in the year
11 in which this Article is imple-
12 mented or in any subsequent
13 year, a larger dollar amount of
14 ad valorem taxes by (a) levying
15 additional or increased millages
16 as provided by law; (b) placing
17 additional property on the tax
18 rolls; or (c) increases in the
19 fair market or use value of
20 property after the first deter-
21 mination of that value to imple-
22 ment this Article. This Section
23 shall not apply to millages
24 required to be levied for the
25 payment of general obligation
26 bonds.

SECTION 5 becomes SECTION 6

COMMENT:

- (1) Standardization of language.
- (2) Elements, V, 16--be clear.
- (3) Elements, II, 15--parallelism.
- (4) Manual, Rule 12--singularization.
- (5) Manual, Rule 5--substitute word for phrase.
- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Manual, Rule 5--substitute word for phrase.
- (8) Manual, Rule 6--avoid hackneyed reference words.
- (9) Manual, Rule 5--substitute word for phrase.
- (10) Ibid.
- (11) Webster's, Rule 4.4.1--omit needless commas.
- (12) Manual, Rule 10--short sentences.
- (13) Elements, V, 16--be clear.
- (14) Webster's, Rule 4.2.1--comma to separate introductory adverbial clause.
- (15) Elements, V, 16--be clear.
- (16) Manual, Rule 5-- substitute word for phrase.
- (17) Manual, Rule 5--substitute word for phrase.
- (18) Manual, Rule 11--present tense.
- (19) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (20) Ibid.
- (21) Standardization of language.
- (22) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (23) Manual, Rule 6--avoid hackneyed reference words.
- (24) Manual, Rule 5--substitute word for phrase.

SECTION 6 (A) becomes SECTION 7 (A)

1 Section 6. Revenue Sharing
2 Fund; Distribution; Pledge
3 of Proceeds
4 Section 6. (A) A special fund
5 is created in the state treasury
6 to be known as the Revenue
7 Sharing Fund.

1 Section 7. Revenue Sharing
2 Fund
3 Section 7. .(A) Creation of
4 Fund. The Revenue Sharing Fund
5 is created as a special fund in
6 the state treasury. (1)
7

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 6 (B) becomes SECTION 7 (B)

8 (B) There is hereby allocated
9 annually from the State General
10 Fund to the Revenue Sharing Fund
11 the sum of ninety million
12 dollars. The legislature may
13 appropriate additional sums to
14 the Revenue Sharing Fund.

8 (B) Annual Allocation. The
9 sum of ninety million dollars
10 is allocated annually from
11 the state general fund to the
12 revenue sharing fund. The
13 legislature may appropriate
14 additional sums to the fund. (2)

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(2) Ibid.

SECTION 6 (C) becomes SECTION 7 (C)

1 (C) The Revenue Sharing Fund
2 shall be distributed annually
3 as provided by the legislature
4 solely on the basis of population
5 and number of homesteads in each
6 parish in proportion to population
7 and the number of homesteads
8 throughout the state. Unless the
9 legislature provides otherwise,
10 population statistics of the last
11 federal decennial census shall be
12 utilized for this purpose.

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- lines 14-29
on this page
(right) formerly
part of SECTION
6 (D) as
enrolled -

1 (C) Distribution Formula.
2 The revenue sharing fund shall
3 be distributed annually as
4 provided by ⁽¹⁾ law solely on the
5 basis of population and number
6 of homesteads in each parish
7 in proportion to population
8 and the number of homesteads
9 throughout the state. Unless
10 otherwise provided by ⁽¹⁾ law,
11 population statistics of the
12 last federal decennial census
13 shall be utilized for this
14 purpose. After deductions in ⁽²⁾
15 each ⁽²⁾ parish for retirement
16 systems and commissions as
17 authorized by law, the remaining
18 funds, to the extent available,
19 shall be distributed by first
20 priority ⁽³⁾ to the tax recipient
21 bodies within the parish, as
22 defined by law, ⁽⁴⁾ to offset current
23 losses because of homestead
24 exemptions granted in this
25 Article. Any balance ⁽⁵⁾ remaining
26 in a ⁽⁶⁾ parish distribution shall
27 be allocated to the municipali-
28 ties and tax recipient bodies
29 within each parish as provided ⁽⁷⁾

COMMENT:

- (1) Standardization of language.

SECTION 6 (C) becomes SECTION 7 (C)

- (2) Webster's, Rule 4.4.1--omit needless commas.
- (3) Elements, II, 16--keep related words together.
- (4) Ibid.
- (5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (6) Standardization of language.
- (7) Ibid.

SECTION 6 (D) becomes SECTION 7 (D)

1 (D) The funds distributed to
 2 each parish as provided in
 3 Paragraph (C) shall be dis-
 4 tributed in Orleans Parish by
 5 the city treasurer of the city
 6 of New Orleans and in all other
 7 parishes by the parish tax
 8 collector. The funds allocated
 9 to the Monroe City School Board,
 10 or its successor, shall be dis-

1 (D) Distributing Officer.
 2 The funds distributed to each
 3 parish as provided in Paragraph
 4 (C) shall be distributed in
 5 Orleans Parish by the city
 6 treasurer of ⁽¹⁾New Orleans and
 7 in all other parishes by the
 8 parish tax collector. The funds
 9 allocated to the Monroe City
 10 School Board or its successor

11 tributed to and by the city
12 treasurer of the city of Monroe.
13 After deductions, in each
14 parish, for retirement systems
15 and commissions as authorized
16 by law, the remaining funds, to
17 the extent available, by first
18 priority shall be distributed
19 to the tax recipient bodies, as
20 defined by law, within the parish
21 to offset current losses because
22 of homestead exemptions granted
23 in this Article. Any balance
24 thereafter remaining in any
25 parish distribution shall be
26 allocated to the municipalities
27 and tax recipient bodies within
28 each parish in accordance with
29 law.

11 shall be distributed to and by
12 the city treasurer of Monroe.
13
14
15

lines 13 - 29
on This page (left)
added to Section
7(C) as suggested,
Page 25 (right)

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

SECTION 6 (E) becomes SECTION 7 (E)

1 (E) Any political subdi-
2 vision, as defined by Article
3 VI of this constitution, may
4 incur debt by the issuance of

1 (E) Bonded Debt. A⁽¹⁾
2 political subdivision, as defined
3 by Article VI of this consti-
4 tution, may incur debt by

5 negotiable bonds, and may
6 pledge for the payment of all
7 or part of the principal and
8 interest of such bonds the
9 proceeds derived or to be de-
10 rived from that portion of the
11 funds received by it from the
12 Revenue Sharing Fund, as pro-
13 vided in Paragraph (D) of this
14 Section, to offset current
15 losses caused by homestead
16 exemptions granted by this
17 Article. Unless otherwise pro-
18 vided by the legislature, no
19 portion of any moneys allocated
20 within any parish out of any
21 balance remaining in any parish
22 distribution, as provided in
23 Paragraph (D) hereof, may be
24 pledged to the payment of the
25 principal or interest of any
26 bonds. These bonds shall be
27 issued and sold as provided by
28 law, and shall require the
29 approval of the State Bond
30 Commission, or its successor,
31 prior to issuance and sale.

5 issuing ⁽²⁾negotiable bonds ⁽³⁾and
6 may pledge for the payment of
7 all or part of the principal
8 and interest of such bonds
9 the proceeds derived or to be
10 derived from that portion of
11 the funds received by it from
12 the revenue sharing fund, to ⁽⁴⁾
13 offset current losses caused
14 by homestead exemptions granted
15 by this Article. Unless other-
16 wise provided by law, ⁽⁵⁾no moneys ⁽⁶⁾
17 allocated within any parish
18 ⁽⁷⁾from the balance remaining in
19 ⁽⁸⁾its distribution ⁽⁴⁾may be pledged
20 to the payment of the principal
21 or interest of any bonds.
22 ⁽⁹⁾Bonds issued under this Paragraph
23 shall be issued and sold as
24 provided by law, and shall
25 require ⁽¹⁰⁾approval of the State
26 Bond Commission or its successor ⁽¹¹⁾
27 prior to issuance and sale.
28
29
30
31

SECTION 6 (E) becomes SECTION 7 (E)

COMMENT:

- (1) Standardization of language.
- (2) Manual, Rule 5--substitute word for phrase.
- (3) See Elements, I, 4--comma omitted when subject common to two clauses and connective is "and"
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Standardization of language.
- (6) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (7) Formalization of language.
- (8) Manual, Rule 5--substitute word for phrase.
- (9) Elements, V, 16--be clear.
- (10) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (11) Webster's, Rule 4.4.1--omit needless commas.

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SECTION 8 (A)

1 Section 8. Tax Assessor
2 Section 8. (A) There shall
3 be a tax assessor elected by the
4 qualified electors of each parish
5 in the state, parish of Orleans
6 excepted. His term of office
7 shall be four years and the
8 legislature shall define his
9 duties, fix his compensation,
10 and provide for his election.

1 Section 8. Tax Assessors
2 Section 8.(A) Election; Term.
3 ⁽¹⁾ A tax assessor shall be elected
4 by the ⁽²⁾ electors of each parish, ⁽³⁾
5 Orleans Parish ⁽⁴⁾ excepted. His
6 term of office shall be four
7 years. ⁽⁵⁾ His election, ⁽⁶⁾ duties,
8 and compensation shall be as
9 provided for by law. ⁽⁷⁾

COMMENT:

- (1) Manual, Rule 8--rewrite "there is."
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Ibid.
- (4) Manual, Rule 5--substitute word for phrase.
- (5) Manual, Rule 10--short sentences.
- (6) Rearrangement of phrases to place "election" first in series.
- (7) Standardization of language.

SECTION 8(B)

11 (B) There shall be seven
12 assessors in the city of New
13 Orleans, who together shall
14 compose the Board of Assessors
15 for the parish of Orleans. One
16 shall be elected from each
17 municipal district of the city
18 of New Orleans, and they shall
19 be residents of the districts
20 from which they are elected.
21 Their terms shall be four years
22 and they shall be elected at
23 the same time as the municipal
24 officers of the city of New
25 Orleans.

11 (B) Orleans Parish.
12 There shall be seven assessors
13 in New Orleans, who shall
14 compose the Board of Assessors
15 for Orleans Parish. One shall
16 be elected from each municipal
17 district of New Orleans, and
18 each shall be a resident of
19 the district from which he is
20 elected. The assessors shall be
21 elected at the same time as the
22 municipal officers of New Orleans,
23 for terms of four years each.
24 Their duties and compensation
25 shall be as provided for by law.

SECTION 8 (B)

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Ibid.
- (3) Manual, Rule 5--substitute word for phrase.
- (4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (5) Manual, Rule 11--singularization.
- (6) Rearrangement of words to allow "election" before "term."
- (7) Elements, V, 16--be clear.

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SECTION 8 (C)

1 (C) When a vacancy occurs
2 in the office of tax assessor
3 the duties of the office,
4 until it is filled by election
5 as provided by law, shall be
6 assumed by the chief deputy
7 assessor, except in the parish
8 of Orleans, where the Board of
9 Assessors for the parish of
10 Orleans shall appoint the
11 interim assessor.

1 (C) Vacancy. When a
2 vacancy occurs in the office
3 of tax assessor,⁽¹⁾ the duties of
4 the office, until filled by⁽²⁾
5 election as provided by law,
6 shall be assumed by the chief
7 deputy assessor, except in
8 Orleans Parish where the⁽³⁾
9 Board of Assessors shall appoint⁽⁴⁾
10 an interim assessor.⁽⁵⁾
11

COMMENT:

- (1) Webster's, Rule 4.2.1--commas to set off introductory adverbial clause.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(3) Manual, Rule 5--substitute word for phrase.

(4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

(5) Substitution of indefinite article for definite article.

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SECTION 9 becomes SECTION 9(A),(B),(C),(D)

1 Section 9. Tax Sales; Re-
2 demption of Property
3 Section 9. There shall be
4 no forfeiture of property for
5 the nonpayment of taxes, but at
6 the expiration of the year in
7 which said taxes are due, the
8 collector shall, without suit,
9 and after giving notice to the
10 delinquent in the manner pro-
11 vided by law, advertise for sale
12 in the official journal of the
13 parish or municipality, provided
14 there be an official journal in
15 such parish or municipality; or,
16 if not, then, as is now or may
17 be provided by law for sheriff's
18 sales, the property on which the
19 taxes are due in the manner pro-
20 vided for judicial sales, and
21 on the day of sale he shall sell
22 such portion of the property as

1 Section 9. Tax Sales
2 Section 9. (A) Tax Sales.
3 There shall be no forfeiture of
4 property for nonpayment of taxes.⁽¹⁾⁽²⁾
5 However, at the expiration of
6 the year in which the taxes are⁽³⁾
7 due, the collector, without suit,
8 and after giving notice to the
9 delinquent in the manner provided
10 by law,⁽⁴⁾ shall advertise for sale
11 the property on which the taxes⁽⁵⁾
12 are due.⁽⁶⁾ The advertisement shall
13 be published in the official
14 journal of the parish or munici-
15 pality, or, if there is no
16 official journal, as provided
17 by law for sheriffs' sales, in
18 the manner provided for judicial
19 sales.⁽⁶⁾⁽⁷⁾ On the day of sale, the
20 collector shall sell the portion⁽⁸⁾⁽⁹⁾
21 of the property which the debtor
22 points out.⁽¹⁰⁾⁽¹¹⁾ If the debtor does

23 the debtor shall point out and
24 in case the debtor shall not
25 point out sufficient property,
26 the collector shall, at once
27 and without further delay, sell
28 the least quantity of property
29 which any bidder will buy for the
30 amount of taxes, interest and
31 costs. The sale shall be without
32 appraisalment and the property
33 sold shall be redeemable at any
34 time during three years from date
35 of recordation of the tax sale,
36 by paying the price given, in-
37 cluding costs and five per cent
38

23 not point out sufficient property,
24 the collector shall sell immediate-⁽¹²⁾
25 ly the least quantity of property
26 which any bidder will buy for the
27 amount of the taxes, interest,⁽¹³⁾
28 and costs. The sale shall be
29 without appraisalment.⁽¹⁴⁾
30 (B) Redemption. The property
31 sold shall be redeemable for⁽¹⁵⁾
32 three years after the date of⁽¹⁶⁾
33 recordation of the tax sale, by
34 paying the price given, including⁽¹⁷⁾
35 costs, five percent penalty
36 thereon, and interest at the rate of one
37 percent per month until redemption.⁽¹⁸⁾ A
38 tax deed by a tax collector shall be prima

SECTION 9 becomes

SECTION 9(A),(B),(C),(D)

1 penalty thereon, with interest
2 at the rate of one per cent per
3 month until redeemed. No
4 judgment annulling a tax sale
5 shall have effect until the price
6 and all taxes and costs are paid,
7 with ten percent per annum
8 interest on the amount of the
9 price and taxes paid from date
10 of respective payments, be pre-
11 viously paid to the purchaser;
12 provided, this shall not apply

1 facie evidence that a valid sale was made.⁽¹⁹⁾
2 (C) Annulment. No sale
3 of property for taxes shall be
4 set aside for any cause, except
5 on proof of payment of the taxes
6 prior to the date of the sale,⁽²⁰⁾
7 unless the proceeding to annul
8 is instituted within six months⁽²¹⁾
9 after service of notice of sale.⁽²²⁾
10 A notice of sale shall not be
11 served until the final day for
12 redemption has ended.⁽²³⁾ It must⁽²⁴⁾

13 to sales annulled on account of
14 taxes having been paid prior to
15 the date of sale, all deeds of
16 sale made, or that may be made,
17 by the collectors of taxes,
18 shall be received by courts in
19 evidence as prima facie valid
20 sales.

21 No sale of property for taxes
22 shall be set aside for any cause,
23 except on proof of payment of
24 the taxes for which the property
25 was sold prior to the date of
26 the sale, unless the proceeding
27 to annul is instituted within
28 six months from service of
29 notice of sale, which notice
30 shall not be served until the
31 time of redemption shall have
32 expired and within five years
33 from the date of the recordation
34 of the tax deed, if no notice is
35 given. The fact that taxes were
36 paid on a part of the property
37 sold, prior to the sale thereof,

13 be served within five years
(25)
14 after the date of the recordation
(26)
15 of the tax deed if no notice is
16 given. The fact that taxes
17 were paid on a part of the
18 property sold prior to the sale
19 thereof, or that a part of the
(27)
20 property was not subject to
21 taxation, shall not be cause
(28)
22 for annulling the sale of any
23 part thereof on which the taxes
24 for which it was sold were due
25 and unpaid. No judgment annul-
26 ling a tax sale shall have effect
27 until the price and all taxes and
(29)
28 costs are paid, and until ten
29 percent per annum interest on
30 the amount of the price and taxes
31 paid from date of respective
(30)
32 payments are paid to the purchaser;
(31)
33 however, this shall not apply to
(32)
34 sales annulled because the taxes
35 were paid prior to the date of
(33)
36 sale.

SECTION 9 becomes SECTION 9(A),(B),(C),(D)

1 or that part thereof was not
2 subject to taxation, shall not
[928]

1 (D) Quieting Tax Title.
2 The manner of notice and form

3 be cause for annulling the sale
4 as to any part thereof on which
5 the taxes for which it was sold
6 were due and unpaid.

7 The manner of notice and form
8 of proceeding to quiet tax titles
9 shall be provided by law. Taxes
10 on movables shall be collected
11 by seizure and sale by the tax
12 collector of the movable pro-
13 perty of the delinquent, whether
14 it be the property assessed or
15 not, sufficient to pay the tax.
16 Sale of such property shall be
17 made at public auction, without
18 appraisalment, after ten days
19 advertisement, made within ten
20 days from date of seizure, and
21 shall be absolute and without
22 redemption.

23 If the tax collector can find
24 no corporeal movables of the
25 delinquent to seize, he may levy
26 on incorporeal rights, by
27 notifying the debtor thereof, or
28 he may proceed by summary rule
29 in the courts to compel the
30 delinquents to deliver up for
31 sale property in his possession
32 or under his control.

33 The legislature shall be au-

3 of proceeding to quiet tax
4 titles shall be provided by law.

5 (34) (E) Movables; Tax Sales.
6 When taxes on movables are
7 delinquent, the tax collector
8 shall seize and sell sufficient
9 movable property of the delinquent
10 taxpayer to pay the tax, whether
11 or not the property seized is the
12 property which was assessed. Sale
13 of the property shall be at public
14 auction, without appraisalment,
15 after ten days advertisement,
16 published within ten days after
17 date of seizure. It shall be
18 absolute and without redemption.

19 If the tax collector can
20 find no corporeal movables of
21 the delinquent to seize, he may
22 levy on incorporeal rights, by
23 notifying the debtor thereof,
24 or he may proceed by summary
25 rule in the courts to compel the
26 delinquent to deliver for sale
27 property in his possession or
28 under his control.

29 (F) Postponement of
30 Taxes. The legislature may
31 postpone the payment of taxes,
32 but only in cases of overflow,
33 general conflagration, general

34 thorized to postpone the payment
35 of taxes, only in cases of
36 overflow, general conflagration,
37

34 crop destruction, or other public
35 calamity, and may provide for the
36 levying, assessing, ⁽⁴⁵⁾ and collecting
37 of such postponed taxes. ⁽⁴⁶⁾ In such

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SECTION 9 becomes SECTION 9(A),(B),(C),(D)

1 general destruction of crops,
2 or other public calamity, and
3 may provide for the levying,
4 assessing and collecting such
5 postponed taxes under appro-
6 priate terms and conditions.
7 In such cases the legislature
8 may authorize the borrowing of
9 money by the state on its faith
10 and credit, by bond issue or
11 otherwise, and levy taxes, or
12 apply taxes already levied and
13 not appropriated, to secure
14 payment thereof, in order to
15 create a fund from which loans
16 may be made through the State
17 Board of Liquidation to the
18 governing authority of the
19 parish where the calamity befalls,
20 to be applied to and not to ex-
21 ceed the deficiency and revenue
22 of the parish or any political
23 subdivision therein, or of which

1 case, ⁽⁴⁷⁾ the legislature may authorize
2 the borrowing of money by the state
3 on its faith and credit, by bond
4 issue or otherwise, ⁽⁴⁸⁾ and may levy
5 taxes, or apply taxes already
6 levied and not appropriated, to secure
7 payment thereof, in order to create
8 a fund from which loans may be
9 made through the Interim Emergency
10 Board to the governing authority
11 of the parish where the calamity
12 occurs. ⁽⁵⁰⁾ ⁽⁵¹⁾ The money loaned shall be
13 applied to and shall not exceed the
14 deficiency in revenue of the parish
15 or a political subdivision therein
16 ⁽⁵⁴⁾ or of which the parish is a part,
17 caused by postponement of taxes.
18 ⁽⁵⁵⁾ ⁽⁵⁶⁾ No loan shall be made to a parish
19 governing authority without the
20 approval of the Interim Emergency
21 Board.

24	the parish is a part, caused by	24
25	postponement of taxes. No loans	25
26	shall be made to the governing	26
27	authority of any parish without	27
28	the approval of the State Board	28
29	of Liquidation.	29

SECTION 9 becomes SECTION 9(A),(B),(C),(D)

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (3) Manual, Rule 16--avoid hackneyed reference words.
- (4) Elements, II, 16--keep related words together.
- (5) Ibid.
- (6) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences; Elements, II, 16--keep related words together.
- (7) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (8) Elements, V, 16--be clear.
- (9) Manual, Rule 6--avoid hackneyed reference words.
- (10) Manual, Rule 11--present tense.
- (11) Manual, Rule 5, substitute word for phrase; Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (12) Manual, Rule 5--substitute word for phrase.
- (13) Manual, Rule 20 and Elements, I, 2--commas in series.
- (14) Manual, Rule 10--short sentences.
- (15) Manual, Rule 5--substitute word for phrase.

- (16) Manual, Rule 3--make time periods clear.
- (17) Manual, Rule 20 and Elements, I, 2--commas in series.
- (18) Substitution of noun for verb to make prepositional phrase.
- (19) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Elements V, 16--be clear.
- (20) Manual, Rules, 5, 13 and Elements, II, 13--omit needless words.
- (21) Manual, Rule 3--make time periods clear.
- (22) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (23) Manual, Rule 3--make time periods clear; Manual Rule 5--substitute word for phrase.
- (24) Manual, Rule 10--short sentences.
- (25) Manual, Rule 3--make time periods clear.
- (26) Webster's, Rule 4.4.1--omit needless commas.
- (27) Manual, Rule 6--avoid hackneyed reference words.
- (28) Manual, Rule 5--substitute word for phrase.
- (29) Elements, II, 15--parallelism.

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SECTION 9 becomes SECTION 9 (A), (B), (C), (D)

- (30) Manual, Rule 11--indicative mood.
- (31) Standardization of language.
- (32) Manual, Rule 5--substitute word for phrase.
- (33) Manual, Rule 10--short sentences.
- (34) Manual, Rule 11--active voice; Elements, II, 16--keep related words together.
- (35) Manual, Rule 6--avoid hackneyed reference words.
- (36) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (37) Elements, V, 16--be clear.

- (38) Manual, Rule 3--make time periods clear.
- (39) Manual, Rule 10--short sentences.
- (40) Manual, Rule 12--singularization.
- (41) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (42) Standardization of language.
- (43) Elements, V, 16--be clear.

- (44) Manual, Rule 5--substitute word for phrase.
- (45) Manual, Rule 20 and Elements, I, 2--commas in series.
- (46) Manual, Rules 5, 13 and Elements, II, 13 --omit needless words.
- (47) Manual, Rule 12--singularization; Webster's Rule 4.2.1--comma after introductory prepositional phrase.
- (48) Elements, II, 15--parallelism.
- (49) "State Board of Liquidation" changed to "Interim Emergency Board" to conform with language in C.P. No. 15.
- (50) Elements, V, 14--avoid fancy words.
- (51) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (52) Elements, V, 16--be clear.
- (53) Standardization of language.
- (54) Webster's, Rule 4.4.1--omit needless commas.
- (55) Manual, Rule 12--singularization.
- (56) Manual, Rule 5--substitute word for phrase.

SECTION 1 (H) becomes SECTION 10

<p>7 (H) The provisions of this</p> <p>8 Section shall become effective</p> <p>9 commencing January 1 of the year</p> <p>10 following the end of three years</p> <p>11 after the effective date of this</p>	<p>7 Section 10. Effective Date</p> <p>8 Section 10. ⁽¹⁾ Section 1</p> <p>9 and Section 3 of this Article</p> <p>10 shall become effective ⁽²⁾ January 1</p> <p>11 of the year following the end</p>
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12 constitution, and until that
13 date the provisions of the 1921
14 Constitution governing matters
15 covered by this Section shall
16 continue and be fully appli-
17 cable, notwithstanding any
18 contrary expiration date stated
19 in any provision thereof with
20 respect to the veterans home-
21 stead exemption.

12 of three years after the effective
13 date of this constitution.⁽³⁾ Until
14 that date,⁽⁴⁾ the provisions of the
15 Constitution of 1921 governing
16 matters covered by those Sections
17 shall continue to apply, notwith-⁽⁵⁾
18 standing any contrary expiration
19 date stated in any provision
20 thereof concerning the veterans'⁽⁶⁾
21 homestead exemption.

COMMENTS:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (3) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (4) Webster's, Rule 4.2.1--commas to set off introductory prepositional phrase.
- (5) Manual, Rule 5--substitute word for phrase.
- (6) Ibid.

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NOTES

C.P. No. 26 Floor Presentation is reproduced above as Document No. XXIV, dated 1/2/74, except pages 21-23, 33-34, and 37-38 reproduced below.

SECTION 5 becomes SECTION 6

1 Section 5. Adjustment of Ad
2 Valorem Tax Millages.
3 Section 5. Prior to the end
4 of the third year after the

1 Section 6. Adjustment of
2 Ad Valorem Tax Millages
3 Section 6. Prior to the
4 end of the third year after the

5 effective date of the constitu-
6 tion, the assessors and the
7 Louisiana Tax Commission shall
8 have determined the fair market
9 value or use value of all property
10 subject to taxation within the
11 respective parishes to be used for
12 the purpose of implementing the
13 provisions of this Article.
14 Except as hereinafter provided in
15 this Paragraph, the total amount
16 of ad valorem taxes collected by
17 any taxing authority in the year
18 in which the provisions of this
19 Article are implemented shall not
20 be increased or decreased because
21 of the provisions of this Article
22 above or below ad valorem taxes
23 collected by such taxing authority
24 in the year immediately preceding
25 the year in which the provisions
26 of this Article are implemented.
27 To accomplish this result, it
28 shall be the mandatory duty of
29 each affected taxing authority,
30 in the year in which the pro-
31 visions of this Article are
32 implemented, to adjust millages
33 upwards or downwards, without
34 regard to millage limitations

5 effective date of this consti-⁽¹⁾
6 tution, the assessors and the
7 Louisiana Tax Commission⁽²⁾ shall
8 complete determination of the
9 fairmarket value or the use value^(?)
10 of all property subject to tax-⁽⁴⁾
11 ation within each parish for
12 use in implementing this Article.⁽⁵⁾ ⁽¹⁾
13 Except as provided in this⁽⁶⁾
14 Paragraph, the total amount of
15 ad valorem taxes collected by
16 any taxing authority in the year
17 in which Sections 1 and 3 of this⁽⁷⁾
18 Article are implemented shall not be
19 increased or decreased⁽⁷⁾ because of their⁽⁸⁾
20 provisions⁽⁷⁾, above or below ad
21 valorem taxes collected by that⁽⁹⁾
22 taxing authority in the year
23 preceding implementation. To⁽¹⁰⁾
24 accomplish this result, it shall
25 be mandatory for each affected⁽¹¹⁾
26 taxing authority⁽⁷⁾ in the year
27 in which Sections 1 and 3 of this
28 Article are implemented, to adjust
29 millages upwards or downwards without⁽¹²⁾
30 regard to millage limitations con-
31 tained in this constitution, and the⁽¹³⁾
32 maximum authorized millages shall be⁽¹⁴⁾
33 increased or decreased, without further
34 voter approval, in proportion to the

35 contained in this constitution;
36 however, whenever at the time
37 the adjustment is made the

35 amount of the adjustment upward or
36
37

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SECTION 5 becomes SECTION 6

1 millage actually levied by a
2 taxing authority is less than or
3 equal to the maximum authorized
4 to be levied, the maximum millage
5 so authorized shall be increased
6 or decreased, without further
7 voter approval, in proportion to
8 the amount of the adjustment
9 upward or downward. Such millages
10 shall thereafter remain in effect
11 subject to such changes as may be
12 permitted by this constitution.
13 Nothing provided herein shall be
14 construed to prohibit any taxing
15 authority from collecting, in
16 the year in which the provisions
17 of this Article are implemented
18 or in any subsequent year, a
19 larger dollar amount of ad valorem
20 taxes by means of the following:
21 (a) by levying additional or in-
22 creased millages as provided by
23 law; (b) by placing additional
24 property on the tax rolls; or

1 downward. Thereafter, such millages⁽¹⁵⁾
2 shall remain in effect unless changed⁽¹⁶⁾
3 as permitted by this constitution.
4 Nothing herein shall prohibit a taxing⁽¹⁸⁾ ⁽²⁰⁾
5 authority from collecting, in the year⁽¹⁷⁾
6 in which Sections 1 and 3 of this
7 Article are implemented or in any sub-
8 sequent year, a larger dollar amount
9 of ad valorem taxes by (a) levying⁽²¹⁾
10 additional or increased millages as
11 provided by law; (b) placing additional⁽²¹⁾
12 property on the tax rolls; or (c) in-⁽²¹⁾
13 creases in the fair market or use value
14 of property after the first determina-
15 tion of that value to implement this⁽²²⁾ ⁽²³⁾
16 Article. This Section shall not apply⁽²³⁾
17 to millages required to be levied for
18 the payment of general obligation bonds

25	(c) by reason of increases in the	25
26	fair market value or use value	26
27	of property after the first	27
28	determination of such value on	28
29	the basis of which the provisions	29
30	of this Article are to be im-	30
31	plemented. The provisions of	31
32	this Section shall not apply to	32
33	millages required to be levied	33
34	for the payment of general	34
35	obligation bonds.	35

SECTION 5 becomes SECTION 6

COMMENT:

- (1) Standardization of language.
- (2) Elements, V, 16--be clear.
- (3) Elements, II, 15--parallelism.
- (4) Manual, Rule 12--singularization.
- (5) Manual, Rule 5--substitute word for phrase.
- (6) Manual, Rule 6--avoid hackneyed reference words.
- (7) Elements, V, 16 -- be clear.
- (8) Manual, Rule 5 -- substitute word for phrase.
- (9) Manual, Rule 6 -- avoid hackneyed reference words.
- (10) Manual, Rule 5 -- substitute word for phrase.
- (11) Ibid.
- (12) Webster's, Rule 4.4.1 -- omit needless commas.
- (13) Elements, V, 16 -- be clear; Manual, Rules 5, 13 and Elements II, 13 -- omit needless words.
- (14) Manual, Rule 5 -- substitute word for phrase.
- (15) Elements, V, 16 -- be clear.

- (16) Manual, Rule 5 -- substitute word for phrase.
- (17) Manual, Rule 11 -- present tense.
- (18) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.
- (19) Ibid.
- (20) Standardization of language.
- (21) Manual, Rules 5, 13 and Elements, II, 13 -- omit needless words.
- (22) Manual, Rule 6 -- avoid hackneyed reference words.
- (23) Manual, Rule 5 -- substitute word for phrase.

SECTION 9 Levees

SECTION 9 (A), (B), (C), (D)

1 Section 9. Tax Sales; Re-
 2 demption of Property
 3 Section 9. There shall be
 4 no forfeiture of property for
 5 the nonpayment of taxes, but at
 6 the expiration of the year in
 7 which said taxes are due, the
 8 collector shall, without suit,
 9 and after giving notice to the
 10 delinquent in the manner pro-
 11 vided by law, advertise for sale
 12 in the official journal of the
 13 parish or municipality, provided
 14 there be an official journal in
 15 such parish or municipality; or,
 16 if not, then, as is now or may
 17 be provided by law for sheriff's
 18 sales, the property on which the

1 Section 9. Tax Sales
 2 Section 9. (A) Tax Sales.
 3 There shall be no forfeiture of
 4 property for nonpayment of taxes.⁽¹⁾⁽²⁾
 5 However, at the expiration of
 6 the year in which the taxes are⁽³⁾
 7 due, the collector, without suit,
 8 and after giving notice to the
 9 delinquent in the manner provided
 10 by law,⁽⁴⁾ shall advertise for sale
 11 the property on which the taxes⁽⁵⁾
 12 are due.⁽⁶⁾ The advertisement shall
 13 be published in the official
 14 journal of the parish or munici-
 15 pality, or, if there is no
 16 official journal, as provided
 17 by law for sheriffs' sales, in
 18 the manner provided for judicial

19 taxes are due in the manner pro-
20 vided for judicial sales, and
21 on the day of sale he shall sell
22 such portion of the property as
23 the debtor shall point out and
24 in case the debtor shall not
25 point out sufficient property,
26 the collector shall, at once
27 and without further delay, sell
28 the least quantity of property
29 which any bidder will buy for the
30 amount of taxes, interest and
31 costs. The sale shall be without
32 appraisalment and the property
33 sold shall be redeemable at any
34 time during three years from date
35 of recordation of the tax sale,
36 by paying the price given, in-
37 cluding costs and five per cent
38

19 sales. ^{(6) (7)} On the day of sale, the
20 collector ⁽⁸⁾ shall sell ⁽⁹⁾ the portion
21 of the property which the debtor
22 ⁽¹⁰⁾ ⁽¹¹⁾ points out. If the debtor does
23 not point out sufficient property,
24 the collector shall sell ⁽¹²⁾ immediate-
25 ly the least quantity of property
26 which any bidder will buy for the
27 amount of the taxes, interest, ⁽¹³⁾
28 and costs. The sale shall be
29 without appraisalment. ⁽¹⁴⁾ A tax
30 deed by a tax collector shall be
31 prima facie evidence that a valid
32 ⁽¹⁵⁾ sale was made.

33 (B) Redemption. The property
34 sold shall be redeemable for ⁽¹⁶⁾
35 ⁽¹⁷⁾ three years after the date of
36 recordation of the tax sale, by
37 paying the price given, including
38 ⁽¹⁸⁾ costs, five percent penalty thereon,
and interest at the rate of one

SECTION 9 becomes

SECTION 9 (14) (15) (16) (17)

1 penalty thereon, with interest
2 at the rate of one per cent per
3 month until redeemed. No
4 judgment annulling a tax sale
5 shall have effect until the price
6 and all taxes and costs are paid,

1 percent per month until redemption.
2 (C) Annulment. No sale
3 of property for taxes shall be
4 set aside for any cause, except
5 on proof of payment of the taxes
6 ⁽²⁰⁾ prior to the date of the sale,

7 with ten percent per annum
8 interest on the amount of the
9 price and taxes paid from date
10 of respective payments, be pre-
11 viously paid to the purchaser;
12 provided, this shall not apply
13 to sales annulled on account of
14 taxes having been paid prior to
15 the date of sale, all deeds of
16 sale made, or that may be made,
17 by the collectors of taxes,
18 shall be received by courts in
19 evidence as prima facie valid
20 sales.

21 No sale of property for taxes
22 shall be set aside for any cause,
23 except on proof of payment of
24 the taxes for which the property
25 was sold prior to the date of
26 the sale, unless the proceeding
27 to annul is instituted within
28 six months from service of
29 notice of sale, which notice
30 shall not be served until the
31 time of redemption shall have
32 expired and within five years
33 from the date of the recordation
34 of the tax deed, if no notice is
35 given. The fact that taxes were
36 paid on a part of the property
37 sold, prior to the sale thereof,

7 unless the proceeding to annul
8 is instituted within six months
9 after service of notice of sale.
10 A notice of sale shall not be
11 served until the final day for
12 redemption has ended. It must
13 be served within five years
14 after the date of the recordation
15 of the tax deed if no notice is
16 given. The fact that taxes
17 were paid on a part of the
18 property sold prior to the sale
19 thereof, or that a part of the
20 property was not subject to
21 taxation, shall not be cause
22 for annulling the sale of any
23 part thereof on which the taxes
24 for which it was sold were due
25 and unpaid. No judgment annul-
26 ling a tax sale shall have effect
27 until the price and all taxes and
28 costs are paid, and until ten
29 percent per annum interest on
30 the amount of the price and taxes
31 paid from date of respective
32 payments are paid to the purchaser;
33 however, this shall not apply to
34 sales annulled because the taxes
35 were paid prior to the date of
36 sale.

SECTION 9: THE SAVING TOOLBOX

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (3) Manual, Rule 16--avoid hackneyed reference words.
- (4) Elements, II, 16--keep related words together.
- (5) Ibid.
- (6) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences; Elements, II, 16--keep related words together.
- (7) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (8) Elements, V, 16--be clear.
- (9) Manual, Rule 6--avoid hackneyed reference words.
- (10) Manual, Rule 11--present tense.
- (11) Manual, Rule 5, substitute word for phrase; Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (12) Manual, Rule 5--substitute word for phrase.
- (13) Manual, Rule 20 and Elements, I, 2--commas in series.
- (14) Manual, Rule 10--short sentences.
- (15) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Elements V, 16--be clear.
- (16) Manual, Rule 5--substitute word for phrase.
- (17) Manual, Rule 3--make time periods clear.
- (18) Manual, Rule 20 and Elements, I, 2--commas in series.
- (19) Substitution of noun for verb to make prepositional phrase.
- (20) Manual, Rules, 5, 13 and Elements, II, 13--omit needless words.
- (21) Manual, Rule 3--make time periods clear.
- (22) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (23) Manual, Rule 3--make time periods clear; Manual Rule 5--substitute word for phrase.

- (24) Manual, Rule 10--short sentences.
- (25) Manual, Rule 3--make time periods clear.
- (26) Webster's, Rule 4.4.1--omit needless commas.
- (27) Manual, Rule 6--avoid hackneyed reference words.
- (28) Manual, Rule 5--substitute word for phrase.
- (29) Elements, II, 15--parallelism.

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SECTION 9 becomes SECTION 9 (A), (B), (C), (D)

- (30) Manual, Rule 11--indicative mood.
- (31) Standardization of language.
- (32) Manual, Rule 5--substitute word for phrase.
- (33) Manual, Rule 10--short sentences.
- (34) Manual, Rule 11--active voice; Elements, II, 16--keep related words together.
- (35) Manual, Rule 6--avoid hackneyed reference words.
- (36) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (37) Elements, V, 16--be clear.
- (38) Manual, Rule 3--make time periods clear.
- (39) Manual, Rule 10--short sentences.
- (40) Manual, Rule 12--singularization.
- (41) Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
- (42) Standardization of language.
- (43) Elements, V, 16--be clear.
- (44) Manual, Rule 5--substitute word for phrase.
- (45) Manual, Rule 20 and Elements, I, 2--commas in series.
- (46) Manual, Rules 5, 13 and Elements, II, 13 --omit needless words.

- (47) Manual, Rule 12--singularization; Webster's Rule 4.2.1--comma after introductory prepositional phrase.
- (48) Elements, II, 15--parallelism.
- (49) "State Board of Liquidation" changed to "Interim Emergency Board" to conform with language in C.P. No. 15.
- (50) Elements, V, 14--avoid fancy words.
- (51) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
- (52) Elements, V, 16--be clear.
- (53) Standardization of language.
- (54) Webster's, Rule 4.4.1--omit needless commas.
- (55) Manual, Rule 12--singularization.
- (56) Manual, Rule 5--substitute word for phrase.

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January 4, 1974

*Action taken by Committee
on Revenue, Finance and Taxation
1/7/74*

CP 26 - Style and Drafting Committee - COMMENTS

*Adopted
1-7-74*
Section 1(D)

As enrolled, the first sentence refers to fair market value and provides that assessors shall determine that value. The second sentence refers both to fair market value and use value in speaking of legislative criteria and uniformity. The previous article authorizes the assessment at use value rather than fair market value. In none of these provisions is it clearly stated that assessors would determine use value of property.

However, in Section 6, which governs adjustment of millages, reference is made to the assessors and Louisiana Tax Commission completing "determination of the fair market value or the use value of all property...."

If the intent of the convention was to have assessors determine use value as well as fair market value, a sentence could be added to Section 1(D) to so provide. Perhaps it could read as follows:

"Each assessor shall determine the use value of property which is to be so assessed under the provisions of Paragraph C."

*Adopted language suggested by STD -
(page 11 given copy) and added
language on p. 13 between lines 7428*
Section 4(D)

In the section as enrolled, the phrase "dedicated places of burial" is grammatically incorrect. Also, placement of that

phrase indicates that the dedicated places of burial are exempt only when owned by nonprofit groups. The exemption is also subject to the other conditions of the Paragraph.

If the intent of the convention was to exempt dedicated places of burial without qualification, the phrase "dedicated places of burial" could be deleted from this paragraph and added as a numbered sentence in Section 4(C).

*Adopted
1-7-74*
Section 4(B)

Item 3 (property of an organization such as a lodge or club organized for charitable and fraternal purposes and practicing the same) may be ambiguous because of the reference to lodges or clubs. Is that enumeration meant as a limiting expression, or is it to give examples without limitation?

If the purpose is to limit, it might better read, "property of a lodge or club or similar organization...." If the purpose is otherwise, it could read, "property of an organization organized for charitable and fraternal purposes...."

Further, since Item 1 of the Paragraph includes nonprofit corporations or associations for charitable or fraternal purposes, is Item 3 necessary? The Tax Commission appears to favor its retention.

The Committee on Style and Drafting requests the views of the Committee on Revenue, Finance and Taxation as whether to leave the Section as enrolled or to make the changes mentioned.

*Adopted
1-7-74*
Section 4(C), 4(D)(1), 4(D)(2)

All three Sections use traditional language in referring

to "the continental United States." Since the nation has added two states, one of which (Hawaii) is not part of the continental United States, and the other of which (Alaska) may or may not be part of the continental United States, it may be preferable to delete the word "continental" in these expressions.

Committee recommended

deletion of the word "continental" and insertion of the words "states of the" on p. 14 line 19, page 15 line 4 and page 6 line 8.

1/11/74

COMMITTEE PROPOSAL NO. 26: FIRST ROLLMENT

Changes recommended by Committee on Revenue, Finance and Taxation and Committee on Style and Drafting to clarify ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTIONS AS ADOPTED:
INCORPORATING CHANGES
RECOMMENDED BY COMMITTEE
ON STYLE AND DRAFTING

FURTHER CHANGES RECOMMENDED
BY BOTH COMMITTEES TO CLARIFY
POSSIBLE AMBIGUITIES

SECTION 1(D)

1 (D) Valuation. Each
2 assessor shall determine the
3 fair market value of all pro-
4 perty subject to taxation within
5 his respective parish or district
6 except public service properties,
7 which shall be valued at fair
8 market value by the Louisiana
9 Tax Commission or its successor.
10 Fair market value and use value
11 of property shall be determined
12 in accordance with criteria
13 which shall be established by

1 (D) Valuation. Each
2 assessor shall determine the
3 fair market value of all property
4 subject to taxation within his
5 respective parish or district
6 except public service properties,
7 which shall be valued at fair
8 market value by the Louisiana
9 Tax Commission or its successor.
10 ⁽¹⁾ Each assessor shall determine the
11 use value of property which is
12 to be so assessed under the
13 provisions of Paragraph (C). ⁽¹⁾

14 law and which shall apply uniformly
15 throughout the state.
16
17
18
19

14 Fair market value and use value
15 of property shall be determined
16 in accordance with criteria
17 which shall be established by
18 law and which shall apply uniforml
19 throughout the state.

SECTION 1 (D)

CAVEAT: As enrolled and styled, the first sentence refers to fair market value and provides that assessors shall determine that value. The second sentence refers both to fair market value and use value in speaking of legislative criteria and uniformity. Section 1 (C) authorizes assessment at use value rather than fair market value. Neither Section clearly states that assessors would determine use value of property.

However, in Section 6, which governs adjustment of millages, reference is made to the assessors and Louisiana Tax Commission completing "determination of the fair market value or the use value of all property"

If the intent of the convention was to have assessors determine use value as well as fair market value, a sentence could be added to Section 1 (D) to provide, as suggested above.

- 2 -

Section 4 (B)

(B) (1) Property owned by
any profit corporation or
association organized and operated
exclusively for religious, dedi-
cated places of burial, charitable,
health, welfare, fraternal, or
educational purposes, no part of

Part of SECTION 4 (C) (possible change in item 10)

(C) (1) Cash on hand or 10
deposit;
(2) stocks and bonds, except
bank stocks, the tax on which shall
be paid by the banking institution;
(3) obligations secured by
mortgage on property located in

8 the net earnings of which inure
9 to the benefit of any private
10 shareholder or member thereof and
11 which is declared to be exempt
12 from federal or state income tax;

13 (2) property of a bona fide
14 labor organization representing
15 its members or affiliates in
16 collective bargaining efforts; and

17 (3) property of an organization
18 such as a lodge or club organized
19 for charitable and fraternal
20 purposes and practicing the
21 same, and property of a non-
22 profit corporation devoted to
23 promoting trade, travel, and
24 commerce, and also property of
25 a trade, business, industry or
26 professional society or association
27 if that property is owned by a
28 nonprofit corporation or associ-
29 ation organized under the laws
30 of this state for such purposes.

31 None of the property listed
32 in Paragraph (B) shall be exempt if
33 owned, operated, leased, or used for
34 commercial purposes unrelated to
35 the exempt purposes of the cor-
36 poration or association.

8 Louisiana and the notes or other
9 evidence thereof;

10 (4) loans by life insurance
11 companies to policyholders, if
12 secured solely by their policies;

13 (5) the legal reserve of
14 domestic life insurance companies;

15 (6) loans by a homestead or
16 building and loan association to
17 its members, if secured solely by
18 stock of the associations;

19 (7) debts due for merchandise
20 or other articles of commerce or for
21 services rendered;

22 (8) obligations of the state
23 or its political subdivisions;

24 (9) personal property used
25 in the home or on loan in a public
26 place;

27 (10) irrevocably dedicated
28 places of burial held by individ-
29 uals for purposes of burial of
30 themselves or members of their
31 families;

32
33
34 (Rest of Section continued with
35 listings renumbered as shown in
36 Amendment No. 34.)

Section 4(B) + 4(C)

CAVEAT: Section 4 (B) as enrolled and styled, the phrase "dedicated places of burial" is grammatically incorrect. Also, placement of that phrase indicates that the dedicated places of burial are exempt only when owned by nonprofit groups. The exemption is also subject to the other conditions of the Paragraph.

If the intent of the convention was to exempt dedicated places of burial without qualification, the phrase "dedicated places of burial" could be deleted from Section 4 (B) and added as suggested above, as a numbered item in Section 4 (C).

- 4 -

Section 4(C)(15)

1 (15) ships and ocean-
2 going tugs, towboards, and
3 barges engaged in interna-
4 tional trade and domiciled
5 in Louisiana ports. However,
6 this exemption shall not apply
7 to harbor, wharf, shed, and
8 other port dues or to any
9 vessel operated in the coastal
10 trade of the continental
11 United States.

1 (15) ships and oceangoing
2 tugs, towboats, and barges engaged
3 in international trade and
4 domiciled in Louisiana ports.
5 However, this exemption shall
6 not apply to harbor, wharf, shed,
7 and other port dues or to any
8 vessel operated in the coastal
9 trade of the ⁽¹⁾ states of the United
10 States.
11

SECTION 4 D (1)

1 (D) (1) Raw materials,
2 goods, commodities, and articles
3 imported into this state from

1 (D) (1) Raw materials,
2 goods, commodities, and articles
3 imported into this state from

4 outside the continental United
5 States:
6 (a) so long as the imports
7 remain on the public property
8 of the port authority or docks
9 of the common carrier where they
10 first entered this state;
11 (b) so long as the imports
12 (other than minerals and ores
13 of the same kind as any mined
14 or produced in this state and
15 manufactured articles) are held
16 in this state in the original
17 form in bales, sacks, barrels,
18 boxes, cartons, containers, or
19 other original packages, and
20 raw materials held in bulk as
21 all or a part of the new material
22 inventory of manufacturers or

(1)
4 outside the states of the United
5 States:
6 (a) so long as the imports
7 remain on the public property
8 of the port authority or docks
9 of the common carrier where they
10 first entered this state;
11 (b) so long as the imports
12 (other than minerals and ores
13 of the same kind as any mined
14 or produced in this state and
15 manufactured articles) are held
16 in this state in the original
17 form in bales, sacks, barrels,
18 boxes, cartons, containers, or
19 other original packages, and
20 raw materials held in bulk as
21 all or a part of the new material
22 inventory of manufacturers or

- 5 -

SECTION 4 (D)(1)

23 processors, solely for manu-
24 facturing or processing; or
25 (c) so long as the imports
26 are held by an importer in any
27 public or private storage in
28 the original form in bales,
29 sacks, barrels, boxes, cartons,

23 processors, solely for manu-
24 facturing or processing; or
25 (c) so long as the imports
26 are held by an importer in any
27 public or private storage in
28 the original form in bales,
29 sacks, barrels, boxes, cartons,

30 containers, or other original
31 packages and agricultural products
32 in bulk. This exemption shall
33 not apply to these imports when
34 held by a retail merchant as part
35 of his stock-in-trade for sale
36 at retail.

30 containers, or other original
31 packages and agricultural product
32 in bulk. This exemption shall
33 not apply to these imports when
34 held by a retail merchant as part
35 of his stock-in-trade for sale
36 at retail.

SECTION 4(D)(2)

1 (2) Raw materials, goods,
2 commodities, and other articles
3 being held on the public pro-
4 perty of a port authority, on docks
5 of any common carrier, or in a
6 warehouse, grain elevator, dock,
7 wharf, or public storage facility
8 in this state for export to a
9 point outside the states of
10 the United States.

1 (2) Raw materials, goods,
2 commodities, and other articles
3 being held on the public pro-
4 perty of a port authority, on doc
5 of any common carrier, or in a
6 warehouse, grain elevator, dock,
7 wharf, or public storage facilit
8 in this state for export to a
9 point outside the continental
10 United States.

SECTION 4(C)(15), 4(D)(1)

CAVEAT: All three Sections use traditional language in referring to "the continental United States." Since the nation has added two states, one of which (Hawaii) is not part of the continental United States, and the other of which (Alaska) may or may not be part of the continental United States, it may be preferable to use the words "states of the" in lieu of the word "continental" in these expressions.

4(D)(2)

PROPOSAL AS AMENDED

(F) Notwithstanding any contrary provision of this Section, the State Board of Commerce and Industry or its successor, with the approval of the governor, may enter into contracts for the exemption from ad valorem taxes of any new manufacturing establishment or an addition to any existing manufacturing establishment, on such terms and conditions as the board, with the approval of the governor, deems to be in the best interest of the state.

No exemption from taxes shall be granted under authority of this Paragraph for a longer initial term than five calendar years. In like manner, the exemption may be renewed for an additional period of five years.

Any property exempted shall be listed on the assessment rolls submitted to the Louisiana Tax Commission or its successor, but no taxes shall be collected thereon during the period of exemption.

The terms "manufacturing establishment" and "addition" or "additions" as used herein mean a new plant or establishment or an addition or additions to any existing plant or establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, new qualities, or new combinations of matter which already has gone through some artificial process.

SUGGESTED CHANGES

(F) Notwithstanding any contrary provision of this Section, the State Board of Commerce and Industry or its successor, with the approval of the governor, may enter into contracts for the exemption from ad valorem taxes of a new manufacturing establishment or an addition to an existing manufacturing establishment, on such terms and conditions as the board, with the approval of the governor deems in the best interest of the state.

The exemption shall be for an initial term of no more than five calendar years, and may be renewed for an additional five years. All property exempted shall be listed on the assessment rolls and submitted to the Louisiana Tax Commission or its successor, but no taxes shall be collected thereon during the period of exemption.

The terms "manufacturing establishment" and "addition" as used herein mean a new plant or establishment or an addition or additions to any existing plant or establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, qualities, or combinations of matter which already has gone through some artificial process.

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November 2, 1973

Judge Albert Tate, Jr.
Chairman
Drafting Committee
Constitution Convention 1973
Baton Rouge, Louisiana

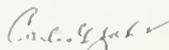
Dear Judge Tate:

Attached is a copy of Committee Proposal No. 26 by Delegate Rayburn, et al, which was adopted by the Convention.

As you will see in Paragraph "(C)" following the word "religious" and before the word "charitable" is the exemption "dedicated places of burial." I believe it is obvious that a drafting mistake was made and that this clause or exemption should follow the end of the first exemption or after the words "income tax" as shown on the attached copy.

I talked to Delegate Tom Casey, one of the authors of this Amendment and who suggested including dedicated places of burial in the Amendment, and he agreed that this was a drafting mistake.

Yours very sincerely,


Carlos G. Spaht

CGS:ap

Attachment:
as stated

FLOOR AMENDMENT

Amendment proposed by Delegate Rayburn, Cesar, Plunhard, McDaniel to
Committee Proposal No. 26 by Delegate Rayburn, et al.
Amendment reprinted as engrossed proposal as follows:

AMENDMENT NO. 1

On page 3, delete lines 5 through 32, both inclusive, in their entirety and on page 4, delete lines 1 through 20, both inclusive, in their entirety, and all floor amendments adopted thereto and insert in lieu thereof the following:

"(C) That owned by nonprofit corporations or associations organized and operated exclusively for religious, dedicated places of burial, charitable, health, welfare, fraternal, or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or member thereof and which is declared to be exempt from Federal and state income tax, property of bona fide labor organizations representing their members or affiliates in collective bargaining efforts; organizations such as lodges and clubs organized for charitable and fraternal purposes and practicing the same, and properties of nonprofit corporations devoted to the promotion of trade, travel, and commerce, and trade, business, industry and professional societies or associations provided such property is owned by nonprofit corporations or associations organized under the laws of the State of Louisiana for such purposes; except immovable property owned, operated, leased, or used for commercial purposes, unrelated to the exempt purposes of said corporation or association.

MEMORANDUM

November 21, 1973

TO: Committee on Style and Drafting

Attached is a memorandum which I have prepared to point out what appears to me to be so obvious error in drafting the clause on the exemption from ad valorem taxation as it pertains to places of burial.

I have furnished a copy of this memorandum to your Chairman, Judge Tate and thought I should also furnish a copy to each of you for your use when you meet next week.

Carlos G. Spelt
Carlos G. Spelt

CCS:ep

Attachment

MEMORANDUM

TO: Senator Rayburn, Chairman - Committee on Revenue, Finance and Taxation - CC '73

FROM: Carlos G. Spelt, Representing Louisiana Cemetery Association

IN RE: EXEMPTION OF PLACES OF BURIAL

In the Floor Amendment by you and delegates Comar, Planchard and McDaniel to Committee Proposal No. 26 adopted by the Convention, places of burial were included in the exemption in this language: "dedicated places of burial" in Subparagraph (C) (see copy of Floor Amendment attached).

It is my understanding that it was the intention of the authors of this Amendment to exempt from ad valorem taxation only places that have been dedicated to the public as places of burial of the dead, and to make taxable any other lands adjacent or otherwise owned by the cemetery and not dedicated and which could be used or sold for other purposes.

The Louisiana Cemetery Association has no objection to this and agrees that any properties owned by a cemetery or mausoleum not dedicated and taken out of commerce should be taxed.

If this is the intention and purpose of the language in the Amendment, then it is obvious that the clause "dedicated places of burial" should have been inserted in Subparagraph (D), as shown on the attached sheet, instead of in Subparagraph (C). Otherwise, burial lots or crypts, whether there are bodies in them or not, are taxable unless the "dedicated places of burial" are "owned by non-profit corporations or associations organized and operated exclusively for religious, dedicated places of burial, charitable, health, welfare, fraternal, or educational purposes" In other words, every burial lot or crypt not in a church, city-owned or national cemetery in Baton Rouge and throughout the state would be subject to assessment and taxation.

As a practical matter, there are very few places left in any of the cemeteries in Baton Rouge except in those operated for-profit, and I would estimate that 98% to 99% of all burial in Baton Rouge are in one

of the three beautiful, well-kept, perpetual care cemeteries in Baton Rouge, Louisiana. These are all operated for-profit or endowment care, for-profit cemeteries operating under the provisions of Louisiana Revised Statute 8:201, et. seq., which statute strictly regulates cemeteries and requires that 10% of the sales price of each lot or crypt sold be placed in trust for the perpetual care of the cemetery or mausoleum. All of their lots and crypts, as well as walkways, chapels, roads, statues, lakes, etc., have been perpetually dedicated to burial purposes and can never be used for any other purpose.

Article 207 of the Louisiana Constitution of 1879 exempted "places of burial" as does Article 10, Paragraph 4, of the Constitution of 1921. These long-standing recognized exemptions clearly represent the public policy of our state, which is actually no different from the public policy of every state in the United States, where the cemetery is recognized as a place or area set apart, either by governmental authority or private enterprise, for the interment of the dead. Generally speaking, the term has been accepted as including not only lots for the depositing of the bodies of the dead, but also, in connection therewith, avenues, walks and grounds for shrubbery and ornamental purposes.

In the case of Metairie Cemetery Association vs. Board of Assessors, 37 La. Ann. 32, our Supreme Court made the following statement, among others, where the Board of Assessors of Orleans Parish sought to assess and tax the portions of Metairie Cemetery which were dedicated but in which burials had not been made:

"What would be the security of those who venerate their dead, if the tax gatherer might enter such sacred precincts and sell at the public outcry the land adjoining their tombs to some publican who might build thereon a barroom or a brothel."

-2-

Further, the Orleans Court of Appeal has held that the question of who is the owner of a tomb in a cemetery is controlled by the rules and requirements of the owner of the cemetery, and that the cemetery lots, plots, tombs, etc., are not subject to the general provisions of our law with respect to the transfer of real estate. (See: Petit, Applicant vs. DePass, 5 La.App. 40 (Orl. App. 1926).

In so holding, the court was merely following what the Louisiana Legislature has provided in Section 397 of the Revised Statutes of 1870. (See also: Farrelly vs. Metairie Cemetery Association, 44 La. Ann. 28, 10 So. 386; and Leleux vs. Victor, 55 So.2d 662). These earlier provisions have been carried into the Louisiana Revised Statutes of 1950 (La. R.S. 8:1).

It is for these same reasons of strong public sentiment, based upon the deepest respect for the dead, that public cemeteries are exempt from taxation and from seizure and sale for debt, and are not susceptible of mortgage, whether legal or conventional, so much so that the Louisiana Legislature, ever since 1870, has made it unlawful for a Recorder of Mortgage to record or certify even the existence of a privilege or mortgage bearing on such cemeteries, or any portions thereof. (La. R.S. 8:3).

It is, therefore, suggested that the very act of assessing cemeteries for tax purposes will violate the public policy, as expressed in the prohibition against the acceptance by a Parish Recorder of the recordation of a mortgage on cemetery property. Thus, in La. R.S. 47:1993, we find that one

step in the assessing process of real estate throughout the State of Louisiana is the filing of the approved assessment lists with the Recorder of Mortgages in order to constitute notice to all interested parties of the assessment because immediately upon filing these lists, there arises a lien, a legal mortgage, upon the property so assessed.

This is also why the Legislature, in 1940, further made it unlawful, and even a crime, to use, lease or sell any land which is platted, laid out, or dedicated for cemetery purposes and in which human bodies are interred, or any part of such tract, for the purpose of prospecting, drilling or mining. (La. R.S. 8:4).

-3-

Thus, the Courts of Louisiana, as well as those of other states, have interpreted the meaning of "dedicated." I quote the following from the American Law of Charities by Carl Zollman:

"Section 764. Cemetery. Tests of Exemption. Dedication.

"Ownership and use of land for cemetery purposes are the ordinary statutory tests of exemption. 'The mere organization of a company, under the cemetery acts, and the purchase of land thereafter, without expenditure to improve or develop it, but the mere passive holding of the land, as it were, by a species or mortmain, is not enough to bring the claim for exemption within the language and spirit of this legislation.' Where, therefore, land 'dedicated' to cemetery purposes is exempted, a mere appropriation on paper is not enough. Even the use of a parcel of it for growing trees or shrubs, cutting turf, and depositing stone, wood, and other materials, to be ultimately used in preparing and ornamenting it, is not sufficient. The land, in order to be exempt, must actually be used for burial, or at least divided off, or at least laid out into lots and avenues."

Therefore, it is clear that if the exemption is limited to "dedicated places of burial" such property is out of commerce and not subject to any other use or purpose, and there could be no abuses or unfair advantages taken by the owners of any cemetery or mausoleum. The purposes of the Committee would thus be accomplished by having the Styling and Drafting Committee to place the language "dedicated places of burial" as shown on the attached sheet.

-4-

The exemption of this tax shall extend to the surviving spouse or minor child or children of a deceased owner and to the bona fide homestead when occupied as such and title there-to is in either husband or wife, but this exemption shall not be extended to more than one homestead owned by the husband or wife. Notwithstanding anything in this Constitution to the contrary, in order to provide equitable tax relief similar to that granted to homeowners through homestead property tax exemptions, the legislature may provide for tax relief to residential lessees in the form of credits or rebates.

(C) All property subject to taxation shall be reappraised and valued in accordance with the provisions of this Section at intervals of not more than four years.

(H) The provisions of this Section shall become effective commencing January 1 of the year following the end of three

years after the effective date of this constitution, and until that date the provisions of the 1921 Constitution governing matters covered by this Section shall continue and be fully applicable, notwithstanding any contrary expiration date stated in any provision thereof with respect to the veterans homestead exemption.

Section 2. Rate of State Property Taxation; Limitation

Section 2. The rate of state taxation on property for all purposes shall not exceed, in any one year, five and three-quarter mills on the dollar of its assessed value.

Section 3. Other Property Exemptions

Section 3. In addition to the homestead exemption provided for in Section 1 of this Article, the following property shall be exempt from ad valorem taxation:

(A) All public lands; all other public property used for public purposes.

(C) That owned by nonprofit corporations or associations organized and operated exclusively for religious, dedicated places of burial, charitable, health, welfare, fraternal, or educational purposes, no part of the net earnings of which

Page 3

(B) All

C. P. Inc. Co

insure to the benefit of any private shareholder or member thereof and which is declared to be exempt from federal or state income tax; property of bona fide labor organizations representing their members or affiliates in collective bargaining effort; organizations such as lodges and clubs organized for charitable and fraternal purposes and practicing the same, and properties of nonprofit corporations devoted to the promotion of trade, travel, and commerce, and trade, business, industry and professional societies or associations provided such property is owned by nonprofit corporations or associations organized under the laws of the state of Louisiana for such purposes; except property owned, operated, leased, or used for commercial purposes, unrelated to the exempt purposes of said corporation or association.

(D) Cash on hand or deposit, stocks and bonds, except bank stocks, the tax on which shall be paid by the banking institution; obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof; loans by life insurance companies to policyholders, if secured solely by their policies; the legal reserve of domestic life insurance companies; loans by homestead or building and loan associations to their members, if secured solely by stock of said associations; debts due for merchandise or other articles of commerce or for services rendered; obligations of the state or its political subdivisions; all personal property used in the home or on loan in a public place; agricultural products while owned by the

27 producer, agricultural machinery and other implements used exclus-
28 sively for agricultural purposes, and all animals on the farm, and
29 property belonging to agricultural fair associations; all property
30 used for cultural, Mardi Gras carnival or civic activities and not
31 operated for profit to the owners; all ships and ocean-going boats,

32 towboats, and barges engaged in international trade and registered
33 in Louisiana ports, but this exception shall not apply to wharves,
34 wharf, shed, and other port docks, and to vessels operating in
35 Louisiana ports.

1/13/74

DOCUMENT NO. XXXVII

COMMITTEE PROPOSAL NUMBER 30: FIRST ENROLLMENT

SCHEDULE

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE XIV. SCHEDULE
2 * * *
3 Section 2. Board of Regents
4 Section 2. On the effective
5 date of this constitution, the
6 members of the Louisiana Coordin-
7 ating Council for Higher Educa-
8 tion appointed by the governor
9 whose terms have not expired shall
10 become members of the Board of
11 Regents until their respective
12 terms expire. The governor shall
13 appoint such additional members
14 as are required to complete the
15 full membership of the board in
16 accordance with and for the
17 purpose of effectuating the
18 provisions of Article IX,
19 Section 7.

1 ARTICLE XIV. SCHEDULE
2 * * *
3 Section 2. Board of Regents
4 Section 2. On the effective
5 date of this constitution, each ⁽¹⁾
6 member of the Louisiana Coordin-
7 ating Council for Higher Educa-
8 tion appointed by the governor
9 whose term has not expired shall ⁽²⁾
10 become a member of the Board of ⁽³⁾
11 Regents until his respective ⁽⁴⁾
12 term expires. ⁽⁵⁾ The governor shall
13 appoint additional members ⁽⁶⁾ ⁽⁷⁾
14 required to complete the member- ⁽⁸⁾
15 ship of the board in accordance ⁽¹⁰⁾
16 with and to effectuate Article IX, ⁽¹¹⁾
17 Section 5.
18
19

SECTION 3

1 Section 3. Board of
2 Supervisors of Louisiana
3 State University and Agricul-
4 tural and Mechanical College
5 Section 3. On the effective
6 date of this constitution, the
7 members of the Board of Supervisors
8 of Louisiana State University and
9 Agricultural and Mechanical College
10 whose term will not have expired
11 shall become members of the Board
12 of Supervisors of Louisiana State
13 University and Agricultural and
14 Mechanical College until their
15 respective terms expire. The
16 governor shall appoint such
17 additional members as are required
18 in accordance with and for the
19 purpose of effectuating the
20 provisions of Article IX,
21 Section 9.

1 Section 3. Board of
2 Supervisors of Louisiana
3 State University and Agri-
4 cultural and Mechanical
5 College
6 Section 3. On the effective
7 date of this constitution, each ⁽¹⁾
8 member of the Board of Super-
9 visors of Louisiana State Univ-
10 ersity and Agricultural and
11 Mechanical College whose term ⁽²⁾
12 has not expired shall become a ⁽³⁾
13 member of the Board of Super-
14 visors of Louisiana State Univ-
15 ersity and Agricultural and ⁽⁴⁾
16 Mechanical College until his ⁽⁵⁾
17 respective term expires. The ⁽⁶⁾
18 governor shall appoint additional ⁽⁷⁾
19 members required in accordance
20 with and to effectuate Article IX, ⁽⁸⁾
21 Section 7.

-2-

SECTION 4

1 Section 4. State Board of Ele-
2 mentary and Secondary Educa-
3 tion; Board of Trustees for
4 State Colleges and Univer-

[954]

1 Section 4. State Board of Ele-
2 mentary and Secondary Educa-
3 tion; Board of Trustees for
4 State Colleges and Univer-

sities

Section 4. On the effective

date of this constitution, each mem-

ber of the State Board of Education

whose term will not have expired

shall have the right to elect to

become a member of the State Board

of Elementary and Secondary Educa-

tion or the Board of Trustees for

State Colleges and Universities and

to serve until the expiration of

the term to which he was elected.

The legislature shall establish

procedures by which the right

herein granted shall be exercised,

and by which the secretary of

state shall be notified as to

those elections which must be held,

and by which the governor shall be

notified as to the appointments

which must be made, to complete the

full membership of the boards men-

tioned herein. Such elections and

appointments shall be made in

accordance with and for the purpose

of effectuating the provisions of

Article IX, Sections 4 and 8.

sities

Section 4. On the effective

date of this constitution, each

member of the State Board of

Education whose term has not

expired may elect to become a

member of either the State Board

of Elementary and Secondary

Education or the Board of

Trustees for State Colleges and

Universities. He shall serve

until the expiration of the

term for which he was elected.

The legislature shall provide by

law the procedures by which this

right shall be exercised, the

secretary of state notified of

those elections which must be

held, and the governor notified

of the appointments which must

be made to complete the member-

ship of the boards. The elections

and appointments shall be made

in accordance with and to

effectuate Article IX, Sections

3 and 6.

SECTION 5

Section 5. Boards; New

Section 5. Boards; New

2 Appointments.
3 Section 5. In making new
4 appointments to a board created by
5 Sections 7, 8 or 9 of Article IX,
6 the governor shall consider
7 appropriate representation on the
8 board by alumni of the institu-
9 tions under the control of the
10 board.

2 Appointments
3 Section 5. In making new
4 appointments to a board created
5 by Sections 5, 6, or 7 of
6 Article IX, the governor shall
7 consider appropriate represen-
8 tation on the board by alumni
9 of the institutions under the
10 control of the board.

-4-

NOTES

C.P. No. 30 Floor Presentation is re-
produced above as Document No. XXXVII, dated
1/13/74.

11/12/73

DOCUMENT IX

COMMITTEE PROPOSAL NO. 33: FIRST ENROLLMENT

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1, ARTICLE X. ELECTIONS
2 Section 2. Election Code; Right
3 to Vote
4 Section 2. Subject to and not
5 inconsistent with the provisions of
6 this constitution, the legislature
7 shall adopt an election code which
[956]

1 ARTICLE X. ELECTIONS
2 Section 1. Right to Vote;
3 Election Code
4 Section 1. Except as other-
5 wise provided by this consti-
6 tution, the right to vote is
7 guaranteed to all citizens of

8 shall provide for the permanent re-
9 gistration of voters and for the
10 conduct of all elections; except as
11 otherwise provided in this consti-
12 tution, the right to vote in elec-
13 tions is guaranteed to all citizens
14 of this state.

8 the state. Subject to and
9 not inconsistent with this
10 constitution, the legisla-
11 ture shall adopt an elec-
12 tion code which shall pro-
13 vide for permanent regis-
14 tration of voters and for
15 the conduct of all elec-
16 tions.

COMMENT:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II,
13 - omit needless words.
- (3) Ibid.
- (4) Ibid.
- (5) Title and sentences rearranged to allow
guarantee of right to vote before providing
for registration of voters and conduct of
election.

1

SECTION 3 becomes SECTION 2

1 Section 3. Secret Ballot
2 Section 3. In all elections by
3 the people, voting shall be by
4 secret ballot, and the legislature
5 shall provide a method for absentee
6 voting. Proxy voting shall be pro-
7 hibited. All ballots cast shall
8 be counted publicly and preserved
9 inviolate as provided by law until

1 Section 2. Secret Ballot;
2 Absentee Voting; Preserva-
3 tion of Ballot
4 Section 2. In all elections
5 by the people, voting shall be
6 by secret ballot, and the leg-
7 islature shall provide a method
8 for absentee voting. Proxy
9 voting is prohibited. Ballots

10 any election contests have been
11 settled.

12 In all elections by persons in
13 a representative capacity, the vote
14 shall be viva-voce.

15
16

10 shall be counted publicly and
11 preserved inviolate as pro-
12 vided by law until any election
13 contests have been settled.

14 In all elections by persons
15 in a representative capacity,
16 voting shall be ⁽³⁾viva-voce⁽⁴⁾.

COMMENT:

- (1) Manual, Rule 11 - present tense.
- (2) Manual, Rules 5, 13 and Elements, II,
13 - omit needless words.
- (3) Manual, Rule 5 - substitute word for
phrase.
- (4) Manual, Rule 19 - avoid italics.

SECTION 6 becomes SECTION 3

1 Section 6. Privilege from
2 Arrest
3 Section 6. Every qualified
4 elector shall be privileged from
5 arrest in going to and returning
6 from voting and while exercising
7 the right to vote in all cases,
8 except felony or breach of the
9 peace.

1 Section 3. Privilege from
2 Arrest
3 Section 3. Except for felony
4 or breach of the peace, every
5 elector shall be privileged
6 from arrest while going to and
7 returning from voting and while
8 exercising the right to vote.
9

COMMENT:

(1) Manual, Rule 18 - place exceptions first when specific.

(2) Elements, II, 15 - parallelism.

SECTION 18 becomes SECTION 4

1 Section 18. Prohibited Use
2 of Public Funds

1 Section 4. Prohibited Use of
2 Public Funds

3 Section 18. No public funds
4 shall be used to urge any elector
5 to vote for or against any candi-
6 date or proposition, nor appro-
7 priated to any candidate or political
8 organization. However, this provi-
9 sion shall not prohibit the use of
10 public funds for the dissemination
11 of factual information relative to
12 any proposition appearing on an
13 election ballot.

3 Section 4. No public funds
4 shall be used to urge an elector
5 to vote for or against a candi-
6 date or proposition, nor appro-
7 priated to a candidate or polit-
8 ical organization. This pro-
9 vision shall not prohibit the
10 use of public funds for the dis-
11 semination of factual informa-
12 tion relative to any proposition
13 appearing on an election ballot

COMMENT:

(1) Standardization of language.

(2) Manual, Rules 5, 13 and Elements, II,
13 - omit needless words.

SECTION 11 becomes SECTION 5

1 Section 11. Registrars of

1 Section 5. Registrar of

2 Voters
3 Section 11. Subject to and
4 not inconsistent with the pro-
5 visions of this constitution, the
6 governing authority of each par-
7 ish shall appoint a parish regis-
8 trar of voters, whose compensation,
9 removal from office for cause,
10 bond, powers, and functions shall
11 be provided by law. Upon qualify-
12 ing as a candidate for public
13 office, the registrar of voters
14 shall forfeit his office. No law
15 shall provide for the removal from
16 office of a registrar by the ap-
17 pointing governing authority.

2 Voters
3 Section 5. Subject to and not
4 inconsistent with this constitu-
5 tion, the governing authority of
6 each parish shall appoint a
7 registrar of voters, whose com-
8 pensation, removal from office
9 for cause, bond, powers, and
10 functions shall be provided by
11 law. Upon qualifying as a
12 candidate for other public of-
13 fice, a registrar shall forfeit
14 his office. No law shall pro-
15 vide for the removal from of-
16 fice of a registrar by the
17 appointing governing authority.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II,
13 - omit needless words.

(2) Ibid.

(3) Elements, V, 16 -- be clear.

(4) Manual, Rule 5 - substitute word for phrase.

DOCUMENT XII

COMMITTEE PROPOSAL NO. 33: FIRST ENROLLMENT

ELECTIONS

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1, ARTICLE X. ELECTIONS
 2 Section 2. Election Code; Right
 3 to Vote
 4 Section 2. Subject to and not
 5 inconsistent with the provisions of
 6 this constitution, the legislature
 7 shall adopt an election code which
 8 shall provide for the permanent re-
 9 gistration of voters and for the
 10 conduct of all elections; except as
 11 otherwise provided in this consti-
 12 tution, the right to vote in elec-
 13 tions is guaranteed to all citizens
 14 of this state.
 15
 16

1 ARTICLE X. ELECTIONS
 2 Section 1. Election Code
 3 Section 1. ⁽¹⁾The legisla-
 4 ture shall adopt an election
 5 code which shall provide for
 6 ⁽²⁾permanent registration of
 7 voters and for the conduct
 8 of all elections. ⁽³⁾
 9
 10
 11
 12
 13
 14
 15
 16

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II,
13 - omit needless words.

(2) Ibid.

(3) Guarantee of right to vote deleted in this Article because it duplicates Section 7 of C. P. No. 25, Bill of Rights.

1

SECTION 3 becomes SECTION 2

1 Section 3. Secret Ballot
2 Section 3. In all elections by
3 the people, voting shall be by
4 secret ballot, and the legislature
5 shall provide a method for absentee
6 voting. Proxy voting shall be pro-
7 hibited. All ballots cast shall
8 be counted publicly and preserved
9 inviolate as provided by law until
10 any election contests have been
11 settled.
12 In all elections by persons in
13 a representative capacity, the vote
14 shall be viva-voce.
15
16

1 Section 2, Secret Ballot;
2 Absentee Voting; Preser-
3 vation of Ballot
4 Section 2. In all elec-
5 tions by the people, voting
6 shall be by secret ballot. ⁽¹⁾
7 The legislature shall provide
8 a method for absentee voting.
9 Proxy voting is ⁽²⁾ prohibited.
10 Ballots ⁽³⁾ shall be counted
11 publicly and preserved in-
12 violate as provided by law
13 until any election contests
14 have been settled. In all
15 elections by persons in a
16 representative capacity,
17 voting ⁽⁴⁾ shall be viva-voce. ⁽⁵⁾

COMMENT:

(1) Manual, Rule 10 - short sentences; Rule 14 - unrelated ideas in separate sentences.

(2) Manual, Rule 11 - present tense.

(3) Manual, Rules 5, 13 and Elements, II, 13 - omit needless words.

(4) Manual, Rule 5 - substitute word for phrase.

(5) Manual, Rule 19 - avoid italics.

2

SECTION 6 becomes SECTION 3

1 Section 6. Privilege from
2 Arrest
3 Section 6. Every qualified
4 elector shall be privileged from
5 arrest in going to and returning
6 from voting and while exercising
7 the right to vote in all cases,
8 except felony or breach of the
9 peace.

1 Section 3. Privilege from
2 Arrest
3 Section 3. While going to
4 and returning from voting and
5 while ⁽¹⁾exercising the right to
6 vote, an elector shall be
7 privileged from arrest, ex-
8 cept for felony or breach
9 of the peace.

COMMENT:

(1) Elements, II, 15 - parallelism

3

SECTION 18 becomes SECTION 4

1 Section 18. Prohibited Use
2 of Public Funds
3 Section 18. No public funds
4 shall be used to urge any elector
5 to vote for or against any candi-
6 date or proposition, nor appro-

1 Section 4. Prohibited
2 Use of Public Funds
3 Section 4. Public funds
4 shall not be used to urge an
5 ⁽¹⁾elector to vote for or
6 against a candidate or pro-

7 priated to any candidate or political
8 organization. However, this provi-
9 sion shall not prohibit the use of
10 public funds for the dissemination
11 of factual information relative to
12 any proposition appearing on an
13 election ballot.

7 position, or be appropriated
8 to a candidate or political
9 organization. ⁽¹⁾ This pro-
10 vision shall not prohibit
11 the use of public funds for
12 ⁽²⁾ dissemination of factual
13 information relative to a ⁽¹⁾
14 proposition appearing on an
15 election ballot.

COMMENT:

(1) Standardization of language.

(2) Manual, Rules 5, 13 and Elements, II,
13 - omit needless words.

4

SECTION 11 becomes SECTION 5

1 Section 11. Registrars of
2 Voters
3 Section 11. Subject to and
4 not inconsistent with the pro-
5 visions of this constitution, the
6 governing authority of each par-
7 ish shall appoint a parish regis-
8 trar of voters, whose compensation,
9 removal from office for cause,
10 bond, powers, and functions shall
11 be provided by law. Upon qualify-
12 ing as a candidate for public
13 office, the registrar of voters

[964]

1 Section 5. Registrar of
2 Voters
3 Section 5. ⁽¹⁾ The governing
4 authority of each parish
5 shall appoint a registrar of ⁽²⁾
6 voters, whose compensation,
7 removal from office for cause,
8 bond, powers, and functions
9 shall be provided by law.
10 Upon qualifying as a candi-
11 date for other public office, ⁽³⁾
12 a registrar shall forfeit ⁽⁴⁾
13 his office. No law shall

14 shall forfeit his office. No law
15 shall provide for the removal from
16 office of a registrar by the ap-
17 pointing governing authority.

14 provide for the removal from
15 office of a registrar by the
16 appointing authority.

COMMENT:

- (1) Manual, Rules 5, 13 and Elements, II,
13 - omit needless words.
- (2) Ibid.
- (3) Elements, V, 16 -- be clear.
- (4) Manual, Rule 5 - substitute word for phrase.
- (5) Manual, Rules 5, 13 and Elements, II,
- omit needless words

5

NOTES

C.P. No. 33 Floor Presentation is re-
produced above as Document No. XII, dated
11/12/73, except page 4 reproduced below.

SECTION 18 becomes SECTION 4

1 Section 18. Prohibited Use
2 of Public Funds
3 Section 18. No public funds
4 shall be used to urge any elector
5 to vote for or against any candi-
6 date or proposition, nor appro-
7 priated to any candidate or political
8 organization. However, this provi-
9 sion shall not prohibit the use of
10 public funds for the dissemination
11 of factual information relative to
12 any proposition appearing on an

1 Section 4. Prohibited Use
2 of Public Funds
3 Section 4. No public funds
4 shall be used to urge any elector
5 to vote for or against any candi-
6 date or proposition, or be
7 appropriated to a candidate or
8 political organization. ⁽¹⁾ This
9 provision shall not prohibit the
10 use of public funds for dis-
11 semination of factual information
12 relative to a proposition ap- ⁽²⁾

13 election ballot.

14

13 pearing on an election ballot.

14

COMMENT:

- (1) Standardization of language.
- (2) Manual, Rules 5, 13 and Elements, II, 13 - omit needless words.

4

COMMITTEE ON STYLE AND DRAFTING

Staff Draft (November 2, 1973)

Notes and Caveats to the styling of the Elections Article:

Section 5, (as suggested); Section 11 (as enrolled)

NOTE: In this and subsequent articles, the phrase "subject" to and not inconsistent with this constitution" is used. It may be advisable for the committee to discuss the meaning of and use of this phrase throughout the constitution.

E. L. HENRY
Chairman
NORMA M. DUNCAN
Director of Research

MEMORANDUM

TO: Members of the Committee on Style and Drafting
FROM: Albert Tate, Jr., Chairman
RE: Style and Drafting of the Elections Article

I have spoken with Chairman Alphonse Jackson of the Committee on Bill of Rights and Elections who indicated concurrence with the styling changes suggested for the Elections article, (Committee Proposal No. 33) as indicated in Document XII adopted November 21, 1973, except for the following:

1. On page 3 (Section 3), line 6, it is suggested that the phrase "qualified elector" be used instead of simply "elector" as was done in the restyled version.
2. On page 4, (Section 4), it is suggested that lines 3 through 6 read as adopted by the convention: "No public funds shall be used to urge an elector to vote for or against a candidate or pro-"

cc: Chairman Jackson
Representative Jenkins

December 21, 1973



STATE OF LOUISIANA CONSTITUTIONAL CONVENTION IN PROGRESS | 1001 PINE ST. BATON ROUGE, LOUISIANA 70801
TELEPHONE 382-3014

Style & Drafting Committee Changes are indicated in ink in right-hand column. Sorry, no time to re-type!

COMMITTEE PROPOSAL NO. 34: FIRST ENROLMENT

NATURAL RESOURCES

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE VIII. NATURAL RESOURCES

1 ARTICLE VIII. NATURAL RESOURCES

1/11/74

2 Section 1. Natural Resources
3 and Environment; Public
4 Policy

5 Section 1. The natural re-
6 sources of the state, including air
7 and water, and the healthful,
8 scenic, historic, and esthetic
9 quality of the environment shall
10 be protected, conserved, and re-
11 plenished, insofar as possible and
12 consistent with the health, safe-
13 ty, and welfare of the people.
14 The legislature shall implement
15 this policy by appropriate legis-
16 lation.

2 Section 1. Natural Resources and
3 Environment; Public Policy

4 Section 1. The natural resources
5 of the state, including air and
6 water, and the healthful, scenic,
7 historic, and esthetic quality of
8 the environment shall be protected,
9 conserved, and replenished insofar
10 as possible and consistent with the
11 health, safety, and welfare of the
12 people. The legislature shall enact
13 laws to implement this policy.

-1-

SECTION 2 (A)(B)

1 Section 2. Natural Gas;
2 Public Policy; Inter-
3 state and Intrastate Pipe-
4 lines

5 Section 2. Natural gas is
6 hereby declared to be affected
7 with a public interest and not with-
8 standing any provisions of this
9 constitution relative to the pow-
0 ers and duties of the Public
1 Service Commission, the legisla-
2 ture shall provide for its regula-
3 tion by such regulatory authority

1 Section 2. Natural Gas

2 Section 2. (A) Public Policy;
3 Regulation. Natural gas is declared
4 to be affected with a public interest.
5 Notwithstanding any provision of this
6 constitution relative to the powers
7 and duties of the Public Service Com-
8 mission, the legislature shall pro-
9 vide by law for [its] regulation of natural gas by the
10 regulatory authority it designates.
11 It may designate the Public Service
12 Commission as the regulatory author-
13 ity.

4 as it may designate. The legisla-
5 ture in its discretion, however,
6 may grant such authority to the
7 Public Service Commission.

8 No intrastate natural gas pipe-
9 line or gas gathering line shall
0 be connected with an interstate
1 natural gas pipeline, and no
2 interstate natural gas pipeline
3 shall be connected with an intra-
4 state natural gas pipeline without
5 a certificate of public convenience
6 and necessity issued as provided
7 by law after due application for
8 such connection and hearing
9 thereon.

14 (B) Pipelines. No intrastate
15 natural gas pipeline or gas gathering
16 line shall be connected ⁽¹¹⁾ to an in-
17 terstate natural gas pipeline, and
18 no interstate natural gas pipeline
19 shall be connected ⁽¹¹⁾ to an intrastate
20 natural gas pipeline without a certi-
21 ficate of public convenience and
22 necessity issued as provided by law
23 after application for ⁽¹²⁾ the connection ⁽¹³⁾
24 and hearing thereon.

-2-

SECTION 4 becomes SECTION 3

1 Section 4. Alienation of Water
2 Bottoms

3 Section 4. The legislature
4 shall neither alienate nor author-
5 ize the alienation of the beds of
6 navigable water bodies, except
7 for purposes of reclamation by the
8 riparian owner to recover land lost
9 through erosion. This Section
10 shall not prevent the leasing of
11 state lands or water bottoms for

[968]

1 Section 3. Alienation of Water
2 Bottoms

3 Section 3. The legislature shall
4 neither alienate nor authorize the
5 alienation of the bed of a navigable ⁽¹⁾ ⁽²⁾
6 water body, ⁽³⁾ except for purposes of
7 reclamation by the riparian owner to
8 recover land lost through erosion.
9 This Section shall not prevent the
10 leasing of state lands or water
11 bottoms for mineral or other purpose

12 mineral or other purposes. Except
13 as provided herein, no bed of any
14 navigable water body may be re-
15 claimed except for public use.

12 Except as provided in this Section,
13 ⁽⁵⁾ the bed of a ⁽⁶⁾ navigable water body
14 ⁽⁷⁾ may be reclaimed only for public use.
15

-3-

SECTION 5 (A), (B) becomes SECTION 4(A), (B)

1 Section 5. Reservation of
2 Mineral Rights; Prescription
3 Section 5. (A) Reservation of
4 Mineral Rights. The mineral rights
5 on all property sold by the state
6 shall be reserved, except where
7 the owner or other person having
8 the right to redeem may buy or re-
9 deem property sold or adjudicated
10 to the state for taxes.

1 Section 4. Reservation of Minera
2 Rights; Prescription
3 Section 4. (A) Reservation of
4 Mineral Rights. The mineral rights
5 ⁽¹⁾ on property sold by the state shall
6 ⁽²⁾ be reserved, except when the owner or
7 ⁽³⁾ person having the right to redeem
8 ⁽⁴⁾ ⁽⁴⁾ buys or redeems property sold or adjudicated
9 to the state for taxes.
10

11 (B) Prescription. Lands and
12 mineral interests of the state,
13 any school board, and any levee
14 district shall not be lost by
15 prescription.

11 (B) Prescription. Lands and
12 mineral interests of the state, of
13 ⁽⁵⁾ a school board, or of a levee ⁽⁵⁾ distric
14 shall not be lost by prescription.
15

-4-

SECTION 6.1 becomes SECTION 5

1 Section 6.1. Public Notice;
2 Public Bidding Requirements
3 Section 6.1. No conveyance,
4 lease, royalty agreement or uniti-
5 zation agreement involving minerals
6 or mineral rights owned by the State
7 of Louisiana shall be confected
8 without prior public notice or
9 public bidding as shall be pro-
10 vided by law.

1 Section 5. Public Notice;
2 Public Bidding Requirements
3 Section 5. No conveyance,
4 lease, royalty agreement, or uniti-
5 zation agreement involving mineral
6 or mineral rights owned by this⁽¹⁾
7 state shall be confected without
8 prior public notice ~~and~~ public
9 bidding as shall be provided by
10 law.

SECTION 8 [becomes SECTION 6]

1 Section 8. Royalty Funds
2 Section 8. As used in Article
3 XI, Section 4(D), "state-owned
4 property" means state-owned land,
5 lake and river beds, and other
6 water bottoms belonging to the state
7 or the title to which is in the
8 public for mineral development.
9 The governing authority of a par-
10 ish may fund its one-tenth of the
11 royalties from mineral leases on
12 such state-owned property into
13 general obligation bonds of the
14 parish in accordance with law.
15 Neither the provisions of this
[970]

~~1 Section 6. Royalty Funds
2 Section 6. As used in Article
3 XI, Section 4(D), "state-owned
4 property" means state-owned land,
5 lake and river beds, and other
6 water bottoms belonging to the
7 state or the title to which is in
8 the public for mineral development.
9 A parish governing authority may⁽¹⁾
10 fund its one-tenth of the royalties
11 from mineral leases on such state
12 owned property into general obliga-
13 tion bonds of the parish in accord-
14 ance with law. Neither this Section⁽²⁾
15 nor Article XI, Section 4, Para-~~

16 Section nor the provisions of
17 Article XI, Section 4(D) shall
18 apply to those properties comprising
19 the Russell Sage Wildlife and Game
20 Refuge.

16 ⁽⁴⁾ graph (D) shall apply to the prop-
17 ⁽⁵⁾ erties comprising the Russell Sage
18 Wildlife and Game Refuge.
19
20

CAVEAT:

The Committee recommends that Section 8 be included in CP 15 of Revenue, Finance and Taxation.

SECTION 9 becomes SECTION 6

1 Section 9. Tidelands Ownership
2 Section 9. Revenues and
3 royalties obtained from minerals
4 located beyond the seaward boundary
5 of the state belong to the state.

1 Section ^{6.} [7] Tidelands Ownership
2 Sect. ^{6.} [7] Revenue and royalties
3 obtained from minerals located be-
4 yond the seaward boundary of the state
5 belong to the state.

SECTION 10 becomes

SECTION 7

6 Section 10. Offshore Mineral
7 Revenues; Use of Funds
8 Section 10. Funds derived
9 from offshore mineral leases and

6 Sectio ^{7.} [8] Offshore Mineral
7 Revenues; Use of Funds
8 Section ^{7.} [8] Funds derived from
9 offshore mineral leases and held in

10 held in escrow under agreement be-
11 tween the state and the United
12 States pending settlement of the
13 dispute between the parties
14 when received shall be deposited
15 in the state treasury. Those funds
16 and the interest from their
17 investment, except the portion
18 otherwise allocated or dedicated
19 in this constitution, shall be
20 used by the treasurer in the
21 purchase, retirement, and payment
22 in advance of maturity of then
23 existing bonded indebtedness of
24 the state or invested for such
25 purpose.

26 If any of these funds can-
27 not be so expended within one

10 escrow under agreement between the
11 state and the United States pending
12 settlement of the dispute between
13 the parties shall be deposited in
14 the state treasury when received.
15 ~~These~~ funds and the interest from
16 their investment, except the por-
17 tion otherwise allocated or dedi-
18 cated by this constitution, shall
19 be used by the state treasurer to
20 purchase, retire, and pay in advance
21 of maturity the existing bonded
22 indebtedness of the state or shall
23 be invested for that purpose. If
24 any of these funds cannot be so
25 expended within one year, the leg-
26 islature may appropriate annually,
27 for capital improvements or for

SECTION 10 becomes SECTION ~~10~~

1 year, the legislature may annually
2 appropriate for capital improve-
3 ments, or for the purchase of land,
4 ten percent of the remaining funds,
5 not to exceed ten million dollars
6 in one year.

1 the purchase of land, ten percent
2 of the remaining funds, not to ex-
3 ceed ten million dollars in one
4 year.
5
6

CAVEAT: The committee recommends that any ambiguity which may

crisis concerning the use of the funds in escrow might be eliminated by the insertion at the beginning of line 15 the following:

"Upon such settlement,"

-8-

SECTION 12 becomes SECTION ~~9~~ (A),(B)

1 Section 12. Wildlife and
2 Fisheries Commission
3 Section 12. The wildlife
4 of the state, including all
5 aquatic life, is hereby placed
6 under the control and supervision
7 of the Louisiana Wildlife and
8 Fisheries Commission, which shall
9 consist of seven members appointed
10 by the governor, subject to con-
11 firmation by the Senate, six of
12 whom shall serve for overlapping
13 terms of six years and one of whom
14 shall serve for a term concurrent
15 with that of the governor. Three
16 shall be electors of the coastal
17 parishes and representatives of the

1 Section ⁸~~9~~. Wildlife and
2 Fisheries Commission
3 Section ⁸~~9~~ (A) Members;
4 Terms. The control and supervision
5 of the wildlife of the state, in-
6 cluding all aquatic life, is vested
7 in the Louisiana Wildlife and
8 Fisheries Commission ⁽³⁾ consisting
9 of seven members appointed by the
10 governor, subject to confirmation
11 by the Senate. Six members shall
12 serve overlapping terms of six
13 years, and one member shall serve
14 a term concurrent with that of the
15 governor. ⁽⁴⁾ Three members shall be electors
16 of the coastal parishes and representatives
17 of the commercial fishing and fur

~~SENATE~~

18 commercial fishing and fur indus-
19 tries, and four shall be electors
20 from the state at large other
21 than representatives of the com-
22 mercial fishing and fur industries,
23 as provided by law.

24 No member who has served for
25 six years or more shall be eligible
26 for reappointment.

27 The functions, duties, and
28 responsibilities of the commission,
29 and the compensation of its members
30 shall be provided by law.

18 industries, and four shall be
19 electors from the state at large
20 ^{other than} [who are not] representatives of the
21 commercial fishing and fur in-
22 dustries, as provided by law. No
23 member who has served ⁽⁵⁾ six years or
24 more shall be eligible for reap-
25 pointment.

26 (B) Duties; Compensation. The
27 functions, duties, and responsi-
28 bilities of the commission, and
29 the compensation of its members
30 shall be provided by law.

*CAVEAT: The substantive Committee
may wish to consider whether the
Wildlife and Fisheries Commission is
to be specifically included in the
executive branch. This can be accomplished
by deleting from line 8 "and
the Wildlife and Fisheries Commission shall be provided by law."*

SECTION 13 (A),(B) becomes SECTION ⁹ ~~11~~ (A),(B)

1 Section 13. Forestry;
2 Acreage Taxes; Forestry
3 Commission; State Forester
4 Section 13. (A) Forestry
5 shall be practiced in the state,
6 and the legislature is authorized

1 Section ⁹ [10], Forestry
2 Section ⁹ [10] (A) Forestry;
3 Acreage Taxes. Forestry shall be
4 practiced in the state, and the
5 legislature may enact laws therefo
⁽¹⁾
⁽²⁾ ⁽³⁾
6 It may authorize parish governing

7 to make provisions therefor. The
8 legislature may authorize the
9 governing authorities of the
10 parishes to levy acreage taxes, not
11 to exceed two cents per acre, for
12 the purpose of this Section. The
13 provisions of this constitution
14 relative to the exemption of home-
15 steads from taxation, are hereby
16 extended and made applicable to the
17 tax hereby authorized.

18 (B) Forestry Commission. The
19 practice of forestry is hereby
20 placed under the Louisiana Forestry
21 Commission. The commission shall
22 consist of seven members, five of
23 whom shall be appointed by the
24 governor subject to confirmation by
25 the Senate for overlapping terms of
26 five years each, as provided by
27 law, and two of whom, namely the
28 head of the Department of Forestry
29 at Louisiana State University and
30 Agricultural and Mechanical College
31 and the director of the Wildlife and
32 Fisheries Commission, shall serve
33 as ex. officio members.

7 authorities to levy acreage taxes,
8 not to exceed two cents per acre,
9 for the purposes of this Section.
10 The provisions of this constitution
11 exempting homesteads from taxation
12 shall apply to forestry acreage
13 taxes.

14 (B) Forestry Commission. The
15 practice of forestry is placed
16 under the Louisiana Forestry Com-
17 mission consisting of seven mem-
18 bers. The head of the Department
19 of Forestry at Louisiana State
20 University and Agricultural and
21 Mechanical College and the director
22 of the Wildlife and Fisheries Com-
23 mission shall serve as ex officio
24 members. The governor shall ap-
25 point the remaining five members,
26 subject to confirmation by the
27 Senate, for overlapping terms of
28 five years, as provided by law.

29 CAVEAT NO. 1: 1322
30 *Same as caveat to*
31 *proposed Section 8 on*
32 *Wildlife and Fisheries*
33 *Commission (see p. 17)*

CAVEAT NO. 2: *The Committee feels that*
the intent of the convention was that the
head of the Dept. of Forestry and the Director of the

SECTION 13 (C) becomes SECTION ~~13~~ ¹¹

1 (C) State Forester. The com-
2 mission shall appoint a state
3 forester. He must be a graduate
4 from an accredited school of
5 forestry and have at least four
6 years of forestry experience, as
7 provided by law.

1 (C) State Forester.
2 mission shall appoint a state
3 forester. He shall be a graduate
4 of an accredited school of forestry
5 and have at least four years of
6 forestry experience, as provided
7 by law.

SECTION 15 [becomes SECTION 11]

1 Section 15. Department of
2 Wildlife and Fisheries;
3 Commissioned Enforcement
4 Officers
5 Section 15. Nothing in Article
6 VII of this constitution relating
7 to civil service shall be construed
8 to prevent the legislature from
9 supplementing any civil service
10 pay plan for regularly commissioned
11 officers of the Enforcement Divi-
12 sion of the Department of Wild-
13 life and Fisheries.
14

1 Section 11. Department of
2 Wildlife and Fisheries;
3 Commissioned Enforcement
4 Officers
5 Section 11. Nothing in
6 Article VII of this constitution
7 relating to civil service shall
8 prevent the legislature from
9 enacting laws supplementing any
10 civil service pay plan for
11 regularly commissioned officers
12 of the Enforcement Division of
13 the Department of Wildlife and
14 Fisheries.

CAUTION: The Committee recommends that

*Section 15 Re
included in CP 9
(Civil Service,
Sec. 1(J)(Ka)*

-12-

NOTES

Document No. XXXIV, dated 1/8/74, is reproduced above, dated 1/11/74, indicating changes by the committee in handwritten notes.

January 12, 1974

TO: Albert Tate, Jr., Chairman
Committee on Style and Drafting

FROM: Alvin Singletary, Secretary
Committee on Natural Resources and Environment

RE: Style and Drafting changes for Committee Proposal No. 34,
First Enrollment

The Committee on Natural Resources and Environment approved all of the style and drafting changes adopted by the Committee on Style and Drafting, as shown in Document No. XXXIV, dated 1/11/74, except the following:

- 1) On page 2, line 16, the word "to" was deleted and in lieu thereof the word "with" was inserted

- 2) On page 2, line 19, the word "to" was deleted and in lieu thereof the word "with" was inserted
- 3) On page 5, line 6, at the end of the line, the word "this" was deleted and the word "the" was inserted in lieu thereof
- 4) On page 6, accepted the CAVEAT deleting the section [Section 6] on Royalty Fund and transferring same to Committee Proposal No. 15 of Revenue, Finance and Taxation
- 5) On page 7, at the beginning of line 15, the word "Those" was deleted and the words "Upon such settlement, these" was inserted in lieu thereof
- 6) On page 7, line 20, the word "and" was deleted and the word "or" was inserted in lieu thereof
- 7) On page 8, delete the CAVEAT
- 8) On page 9, line 2, after the word "Committee" delete the word "and shall" and insert the following: "The committee shall be in the Executive Branch and shall consist"
- 9) On page 10, line 17, after the partial word "mission" delete the word "and shall" and insert in lieu thereof the following: "The commission shall be in the Executive Branch and shall consist"
- 10) On page 10, line 24, delete the words "and ex officio" at the end of the line and insert in lieu thereof the word "ex officio"
- 11) On pages 9 and 10, delete all CAVEATS

-1-

1/11/74

COMMITTEE PROPOSAL NO. 34: FIRST ENROLLMENT

NATURAL RESOURCES

Styling Suggestions from Committee on Style and Drafting:

Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE VIII. NATURAL RESOURCES

1 ARTICLE VIII. NATURAL RESOURCES

[977]

2 Section 1. Natural Resources
3 and Environment; Public
4 Policy
5 Section 1. The natural re-
6 sources of the state, including air
7 and water, and the healthful,
8 scenic, historic, and esthetic
9 quality of the environment shall
10 be protected, conserved, and re-
11 plenished, insofar as possible and
12 consistent with the health, safe-
13 ty, and welfare of the people.
14 The legislature shall implement
15 this policy by appropriate legis-
16 lation.

2 Section 1. Natural Resources and
3 Environment; Public Policy
4 Section 1. The natural resources
5 of the state, including air and
6 water, and the healthful, scenic,
7 historic, and esthetic quality of
8 the environment shall be protected,
9 conserved, and replenished ⁽¹⁾ insofar
10 as possible and consistent with the
11 health, safety, and welfare of the
12 people. The legislature shall enact ⁽²⁾
13 laws to implement this policy.

-1-

1 Section 2. Natural Gas;
2 Public Policy; Inter-
3 state and Intrastate Pipe-
4 lines
5 Section 2. Natural gas is
6 hereby declared to be affected
7 with a public interest and not with-
8 standing any provisions of this
9 constitution relative to the pow-
10 ers and duties of the Public
11 Service Commission, the legisla-
12 ture shall provide for its regula-

1 Section 2. Natural Gas
2 Section 2. (A) Public Policy;
3 Regulation. Natural gas is declared
4 to be affected with a public interest
5 Notwithstanding any provision of this
6 constitution relative to the powers
7 and duties of the Public Service Com-
8 mission, the legislature shall pro-
9 vide by law for regulation of
10 natural gas by the regulatory authori-
11 ty it designates. It may designate
12 the Public Service Commission as

13 tion by such regulatory authority
14 as it may designate. The legisla-
15 ture in its discretion, however,
16 may grant such authority to the
17 Public Service Commission.

18 No intrastate natural gas pipe-
19 line or gas gathering line shall
20 be connected with an interstate
21 natural gas pipeline, and no
22 interstate natural gas pipeline
23 shall be connected with an intra-
24 state natural gas pipeline without
25 a certificate of public convenience
26 and necessity issued as provided
27 by law after due application for
28 such connection and hearing
29 thereon.

(1)
13 the regulatory authority.

(B) Pipelines. No intrastate
14 natural gas pipeline or gas gathering
15 line shall be connected with an in-
16 terstate natural gas pipeline, and
17 no interstate natural gas pipeline
18 shall be connected with an intrastate
19 natural gas pipeline without a certi-
20 ficate of public convenience and
21 necessity issued as provided by law
22 after ⁽¹²⁾ application for ⁽¹²⁾ the connection
23 and hearing thereon.
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SECTION 4 becomes SECTION 3

1 Section 4. Alienation of Water
2 Bottoms

3 Section 4. The legislature
4 shall neither alienate nor author-
5 ize the alienation of the beds of
6 navigable water bodies, except
7 for purposes of reclamation by the
8 riparian owner to recover land lost
9 through erosion. This Section

1 Section 3. Alienation of Water
2 Bottoms

3 Section 3. The legislature shall
4 neither alienate nor authorize the
5 alienation of the bed of a navigable
6 water body, except for purposes of
7 reclamation by the riparian owner to
8 recover land lost through erosion.
9 This Section shall not prevent the

<p>10 shall not prevent the leasing of</p> <p>11 state lands or water bottoms for</p> <p>12 mineral or other purposes. Except</p> <p>13 as provided herein, no bed of any</p> <p>14 navigable water body may be re-</p> <p>15 claimed except for public use.</p>	<p>10 leasing of state lands or water</p> <p>11 bottoms for mineral or other purpose</p> <p>12 Except as provided in this Section,</p> <p>13 the bed of a navigable water body</p> <p>14 may be reclaimed only for public use</p> <p>15</p>
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SECTION 5 (A), (B) becomes SECTION 4(A), (B)

<p>1 Section 5. Reservation of</p> <p>2 Mineral Rights; Prescription</p> <p>3 Section 5. (A) Reservation of</p> <p>4 Mineral Rights. The mineral rights</p> <p>5 on all property sold by the state</p> <p>6 shall be reserved, except where</p> <p>7 the owner or other person having</p> <p>8 the right to redeem may buy or re-</p> <p>9 deem property sold or adjudicated</p> <p>10 to the state for taxes.</p>	<p>1 Section 4. Reservation of Mineral</p> <p>2 Rights; Prescription</p> <p>3 Section 4. (A) Reservation of</p> <p>4 Mineral Rights. The mineral rights</p> <p>5 on property sold by the state shall</p> <p>6 be reserved, except when the owner or</p> <p>7 person having the right to redeem</p> <p>8 buys or redeems property sold or adjudicated</p> <p>9 to the state for taxes.</p> <p>10</p>
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<p>11 (B) Prescription. Lands and</p> <p>12 mineral interests of the state,</p> <p>13 any school board, and any levee</p> <p>14 district shall not be lost by</p> <p>15 prescription.</p>	<p>11 (B) Prescription. Lands and</p> <p>12 mineral interests of the state, of</p> <p>13 a school board, or of a levee district</p> <p>14 shall not be lost by prescription.</p> <p>15</p>
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Section 6.1. Public Notice

Section 5. Public Notice

1 Section 6.1. Public Notice;
 2 Public Bidding Requirements
 3 Section 6.1. No conveyance,
 4 lease, royalty agreement or uniti-
 5 zation agreement involving minerals
 6 or mineral rights owned by the State
 7 of Louisiana shall be conveyed
 8 without prior public notice or
 9 public bidding as shall be pro-
 10 vided by law.

1 Section 5. Public Notice;
 2 Public Bidding Requirement
 3 Section 5. No conveyance,
 4 lease, royalty agreement, or uniti-
 5 zation agreement involving mineral;
 6 or mineral rights owned by the
 7 (1) state shall be conveyed without
 8 prior public notice or public
 9 bidding as shall be provided by
 10 law.

Section 8. Royalty Funds

1 Section 8. Royalty Funds
 2 Section 8. As used in Article
 3 XI, Section 4(D), "state-owned
 4 property" means state-owned land,
 5 lake and river beds, and other
 6 water bottoms belonging to the state
 7 or the title to which is in the
 8 public for mineral development.
 9 The governing authority of a par-
 10 ish may fund its one-tenth of the
 11 royalties from mineral leases on
 12 such state-owned property into
 13 general obligation bonds of the
 14 parish in accordance with law.
 15 Neither the provisions of this

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NOTE: This Section has
 been included in CP 15
 (Revenue and Finance) at
 Section 4(E)

16 Section nor the provisions of 16
17 Article XI, Section 4(D) shall 17
18 apply to those properties comprising 18
19 the Russell Sage Wildlife and Game 19
20 Refuge. 20

Section 9 becomes SECTION 6

1	Section 9. Tidelands Ownership	1	Section 6. Tidelands Ownership
2	Section 9. Revenues and	2	Section 6. Revenues and royalties
3	royalties obtained from minerals	3	obtained from minerals located be-
4	located beyond the seaward boundary	4	yond the seaward boundary of the state
5	of the state belong to the state.	5	belong to the state.

SECTION 10 becomes SECTION 7

6	Section 10. Offshore Mineral	6	Section 7. Offshore Mineral
7	Revenues; Use of Funds	7	Revenues; Use of Funds
8	Section 10. Funds derived	8	Section 7. Funds derived from
9	from offshore mineral leases and	9	offshore mineral leases and held in
10	held in escrow under agreement be-	10	escrow under agreement between the
11	tween the state and the United	11	state and the United States pending
12	States pending settlement of the	12	settlement of the dispute between
13	dispute between the parties	13	the parties (1) shall be deposited in
14	when received shall be deposited	14	the state treasury when received. (2)
15	in the state treasury. Those funds	15	(3) These funds and the interest from
16	and the interest from their	16	their investment, except the por-
17	investment, except the portion	17	tion otherwise allocated or dedi-
18	otherwise allocated or dedicated	18	(4) cated by this constitution, shall
19	in this constitution, shall be	19	(5) (6) be used by the state treasurer to
20	used by the treasurer in the	20	(6) (6) (6) purchase, retire, or pay in advance

21 purchase, retirement, and payment
22 in advance of maturity of then
23 existing bonded indebtedness of
24 the state or invested for such
25 purpose.

26 If any of these funds can-
27 not be so expended within one

21 of maturity ⁽⁷⁾ the existing bonded
22 indebtedness of the state or shall ⁽⁸⁾
23 be invested for that purpose. If ⁽⁹⁾
24 any of these funds cannot be so
25 expended within one year, the leg-
26 ⁽¹⁰⁾islature may appropriate annually,
27 ⁽¹¹⁾ for capital improvements or for

Section 10 becomes SECTION 7

1 year, the legislature may annually
2 appropriate for capital improve-
3 ments, or for the purchase of land,
4 ten percent of the remaining funds,
5 not to exceed ten million dollars
6 in one year.

1 the purchase of land, ten percent
2 of the remaining funds, not to ex-
3 ceed ten million dollars in one
4 year.
5
6

SECTION 12 becomes SECTION 8 (A)(B)

1 Section 12. Wildlife and
2 Fisheries Commission
3 Section 12. The wildlife
4 of the state, including all
5 aquatic life, is hereby placed
6 under the control and supervision
7 of the Louisiana Wildlife and
8 Fisheries Commission, which shall
9 consist of seven members appointed
10 by the governor, subject to con-

1 Section 8. Wildlife and
2 Fisheries Commission
3 Section 8. (A) Members;
4 Terms. The control and supervision ⁽¹⁾
5 of the wildlife of the state, in- ⁽²⁾
6 cluding all aquatic life, is vested ⁽³⁾
7 in the Louisiana Wildlife and
8 Fisheries Commission, consisting ⁽⁴⁾
9 of seven members appointed by the
10 governor, subject to confirmation

11 firmation by the Senate, six of
12 whom shall serve for overlapping
13 terms of six years and one of whom
14 shall serve for a term concurrent
15 with that of the governor. Three
16 shall be electors of the coastal
17 parishes and representatives of the
18 commercial fishing and fur indus-
19 tries, and four shall be electors
20 from the state at large other
21 than representatives of the com-
22 mercial fishing and fur industries,
23 as provided by law.

24 No member who has served for
25 six years or more shall be eligible
26 for reappointment.

27 The functions, duties, and
28 responsibilities of the commission,
29 and the compensation of its members
30 shall be provided by law.

11 by the Senate. ⁽⁴⁾ Six members shall
12 ⁽⁵⁾ serve overlapping terms of six
13 ⁽⁶⁾ years, and one member shall serve ⁽⁷⁾
14 a term concurrent with that of the ⁽⁸⁾
15 governor. Three members shall be electors
16 of the coastal parishes and representatives
17 of the commercial fishing and fur
18 industries, and four shall be
19 electors from the state at large
20 other than representatives of the
21 commercial fishing and fur in-
22 dustries, as provided by law. No
23 ⁽⁵⁾ member who has served six years or
24 more shall be eligible for reap-
25 pointment.

26 (B) Duties; Compensation. The
27 functions, duties, and responsi-
28 bilities of the commission, and
29 the compensation of its members
30 shall be provided by law.

1 Section 13. Forestry;
2 Acreage Taxes; Forestry
3 Commission; State Forester
4 Section 13. (A) Forestry
5 shall be practiced in the state,
6 and the legislature is authorized

1 Section 9. Forestry
2 Section 9. (A) Forestry;
3 Acreage Taxes. Forestry shall be
4 practiced in the state, and the
5 legislature may enact laws therefor
6 It may authorize parish governing

7 to make provisions therefor. The
8 legislature may authorize the
9 governing authorities of the
10 parishes to levy acreage taxes, not
11 to exceed two cents per acre, for
12 the purpose of this Section. The
13 provisions of this constitution
14 relative to the exemption of home-
15 steads from taxation, are hereby
16 extended and made applicable to the
17 tax hereby authorized.

18 (B) Forestry Commission. The
19 practice of forestry is hereby
20 placed under the Louisiana Forestry
21 Commission. The commission shall
22 consist of seven members, five of
23 whom shall be appointed by the
24 governor subject to confirmation by
25 the Senate for overlapping terms of
26 five years each, as provided by
27 law, and two of whom, namely the
28 head of the Department of Forestry
29 at Louisiana State University and
30 Agricultural and Mechanical College
31 and the director of the Wildlife and
32 Fisheries Commission, shall serve
33 as ex officio members.

7 authorities to levy acreage taxes,
8 not to exceed two cents per acre,
9 for the purposes of this Section.
10 The provisions of this constitution
11 exempting homesteads from taxation
12 shall apply to forestry acreage
13 taxes.

14 (B) Forestry Commission. The
15 practice of forestry is placed
16 under the Louisiana Forestry Com-
17 mission, consisting of seven mem-
18 bers. The head of the Department
19 of Forestry at Louisiana State
20 University and Agricultural and
21 Mechanical College and the director
22 of the Wildlife and Fisheries Com-
23 mission shall serve ex officio as
24 members. The governor shall ap-
25 point the remaining five members,
26 subject to confirmation by the
27 Senate, for overlapping terms of
28 five years, as provided by law.

Section 13 (C) becomes Section 9 (C)

1 (C) State Forester. The com-

1 (C) State Forester. The co-

2 mission shall appoint a state
3 forester. He must be a graduate
4 from an accredited school of
5 forestry and have at least four
6 years of forestry experience, as
7 provided by law.

2 mission shall appoint a state
3 forester. He shall be a graduate
4 of an accredited school of forestry
5 and have at least four years of
6 forestry experience, as provided
7 by law.

-11-

Section 15 is deleted.

1 Section 15. Department of
2 Wildlife and Fisheries;
3 Commissioned Enforcement
4 Officers
5 Section 15. Nothing in Article
6 VII of this constitution relating
7 to civil service shall be construed
8 to prevent the legislature from
9 supplementing any civil service
10 pay plan for regularly commissioned
11 officers of the Enforcement Divi-
12 sion of the Department of Wild-
13 life and Fisheries.
14

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3 NOTE: This Section has been
4 included in CP 9 (Civil
Service) at Section 1(J)(1)(a)

-12-

1/12/74

COMMITTEE ON ARTICLE 34: FIRST ENROLLMENT

Changes recommended by the Committee on Natural Resources and Environment and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTIONS AS ADOPTED:
INCORPORATING CHANGES
RECOMMENDED BY COMMITTEE
ON STYLE AND DRAFTING

FURTHER CHANGES RECOMMENDED
BY BOTH COMMITTEES TO
CLARIFY POSSIBLE
AMBIGUITIES

1 Section 7. Offshore Mineral
2 Revenues; Use of Funds

3 Section 7. Funds derived from
4 offshore mineral leases and held in
5 escrow under agreement between the
6 state and the United States pending
7 settlement of the dispute between
8 the parties shall be deposited in
9 the state treasury when received.

10 These funds and the interest from
11 their investment, except the por-
12 tion otherwise allocated or dedi-
13 cated by this constitution, shall
14 be used by the state treasurer to
15 purchase, retire, or pay in advance
16 of maturity the existing bonded
17 indebtedness of the state or shall
18 be invested for that purpose. If
19 any of these funds cannot be so
20 expended within one year, the leg-
21 islature may appropriate annually,
22 for capital improvements or for
23 the purchase of land, ten percent
24 of the remaining funds, not to ex-
25 ceed ten million dollars in one
26 year.

1 Section 7. Offshore Mineral Revenues:
2 Use of Funds

3 Section 7. Funds derived from off-
4 shore mineral leases and held in escrow
5 under agreement between the state and the
6 United States pending settlement of the
7 dispute between the parties shall be de-
8 posited in the state treasury when re-
9 ceived. Upon such settlement, these
10 funds and the interest from their invest-
11 ment, except the portion otherwise allo-
12 cated or dedicated by this constitution,
13 shall be used by the state treasurer to
14 purchase, retire, or pay in advance of
15 maturity the existing bonded indebtedness
16 of the state or shall be invested for that
17 purpose. If any of these funds cannot
18 be so expended within one year, the
19 legislature may appropriate annual-
20 ly, for capital improvements or
21 for the purchase of land, ten
22 percent of the remaining funds,
23 not to exceed ten million dollars
24 in one year.

CAVEAT: The committee thought that adding 2 words "upon such settlement,"
at the beginning of the second sentence made it completely clear
that the date of receipt of funds would be upon settlement and not
upon deposit in a crow.

SECTION 8 (A)

1
2
3 Section 8. (A) Members;
4 Terms. The control and supervision
5 of the wildlife of the state, in-
6 cluding all aquatic life, is vested
7 in the Louisiana Wildlife and
8 Fisheries Commission, consisting
9 of seven members appointed by the
10 governor, subject to confirmation
11 by the Senate. Six members shall
12 serve overlapping term of six
13 years, and one member shall serve
14 a term concurrent with that of the
15 governor. Three members shall be electors
16 of the coastal parishes and representatives
17 of the commercial fishing and fur
18 industries, and four shall be
19 electors from the state at large
20 other than representatives of the
21 commercial fishing and fur in-
22 dustries, as provided by law. No
23 member who has served six years or
24 more shall be eligible for reap-
25 pointment.

26 (B) Duties; Compensation. The
[988]

1 Section 8. Wildlife
2 and Fisheries Commission
3 Section 8. (A) Members;
4 Terms. The control and super-
5 vision of the wildlife of the
6 state, including all aquatic
7 life, is vested in the Louisiana
8 Wildlife and Fisheries Commis-
9 sion. The commission shall be
10 in the executive branch and
11 shall consist of seven members
12 appointed by the governor, sub-
13 ject to confirmation by the
14 Senate. Six members shall
15 serve overlapping terms of six
16 years, and one member shall
17 serve a term concurrent with
18 that of the governor. Three
19 members shall be electors of the
20 coastal parishes and representa-
21 tives of the commercial fishing
22 and fur industries, and four
23 shall be electors from the state
24 at large other than representa-
25 tives of the commercial fishing
26 and fur industries, as provided

27 functions, duties, and responsi-
28 bilities of the commission, and
29 the compensation of its members,
30 shall be provided by law.

27 by law. No member who has
28 served six years or more shall
29 be eligible for reappointment.

30 (B) Duties; Compensation.

31 The functions, duties, and
32 responsibilities of the com-
33 mission, and the compensation
34 of its members, shall be pro-
35 vided by law.

CAVEAT: As enrolled and styled, Section 4(A) leaves
uncertain whether or not the Wildlife and Fisheries
Commission is in the executive branch. If the
commission wishes to clarify the issue, it
could adopt language as suggested above.

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under the Louisiana Forestry Com-
mission, consisting of seven mem-
bers. The head of the Department
of Forestry at Louisiana State
University and Agricultural and
Mechanical College and the director
of the Wildlife and Fisheries Com-
mission shall serve ex officio as
members. The governor shall ap-
point the remaining five members,
subject to confirmation by the

1 (B) Forestry Commission. The
2 practice of forestry is placed
3 under the Louisiana Forestry
4 Commission. The commission shall
5 be in the executive branch and
6 shall consist of seven members.
7 The head of the Department of
8 Forestry at Louisiana State Univer-
9 sity and Agricultural and Mechan-
10 ical College and the director of
11 the Wildlife and Fisheries Com-
12 mission shall serve ex officio
13 as members. The governor shall

14 Senate, for overlapping terms of
15 five years, as provided by law.
16

14 appoint the remaining five mem-
15 bers, subject to confirmation by
16 the Senate, for overlapping terms
17 of five years, as provided by law.

CAVEAT: As enrolled and styled, Section 9(B)
leaves uncertain whether or not the
Forestry Commission is in the
executive branch. If the convention
wishes to clarify the issue, it could
adopt language as suggested above.

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PROPOSED NO. 35

COMMITTEE REPORT NO. 35: FIRST BRANCH

DISTRIBUTION OF POWERS

Staff Styling Suggestions: Comparative Presentation

<u>PROPOSAL AS INTRODUCED</u>	<u>SUGGESTED CHANGES</u>
1 ARTICLE II. DISTRIBUTION OF	1 ARTICLE II. DISTRIBUTION OF POWERS
2 POWERS	2 Section 1. Three branches
3 Section 1. Three branches	3 Section 1. The powers of government
4 Section 1. The powers of	4 of the state are divided into three
5 government of the State or	5 branches: legislative, executive, and
6 powers are divided into	6 judicial.
7 three distinct branches -	7
8 legislative, executive, and	8
9 judicial.	9

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1 Section 2. Limitations of
 2 Each Branch
 3 Section 2. No one of these
 4 branches, nor any person holding
 5 office in one of them, shall
 6 exercise power belonging to
 7 either of the others, except
 8 as otherwise provided in this
 9 constitution.

1 Section 2. Limitations of
 2 Branches
 3 Section 2. Except as otherwise pro-
 4 vided by this constitution, no branch
 5 and no person holding office in one of
 6 them shall exercise power belonging to
 7 either of the others.
 8
 9

1 ARTICLE III. CIVILIAN-MILITARY
 2 SECTION 3. Civilian-Military
 3 Relations
 4 Section 3. The military shall
 5 be subordinate to the civil power.

1 SECTION 11. Civilian-Military
 2 SECTION 3. Civilian-Military Re-
 3 lations
 4 Section 1. The military shall be
 5 subordinate to the civil power.

SECTION 4

6 Section 4. Right to Direct
 7 Participation
 8 Section 4. No person shall
 9 be denied the right to observe
 10 the deliberations of public

SECTION 2

6 Section 2. Right to Direct Par-
 7 ticipation
 8 Section 2. No person shall be
 9 denied the right to observe the de-
 10 liberations of public bodies and

11 bodies and examine public
12 documents, except in cases
13 established by law.

11 examine public documents, except in
12 cases established by law.
13

1 Section 3. All officers
2 shall take the following oath
3 or affirmation: "I, (A B), do
4 solemnly swear (or affirm) that
5 I will support the constitution
6 and laws of the United States
7 and the constitution and laws
8 of this state and that I will
9 faithfully and impartially
10 discharge and perform all the
11 duties incumbent upon me as
12 according
13 to the best of my ability and
14 understanding, so help me God."

1 Section 3. Oath of Office
2 Section 3. Every official shall
3 take the following oath or affirmation.
4 "I, (A B), do solemnly swear (or affirm)
5 that I will support the constitution and
6 laws of the United States and the con-
7 stitution and laws of this state and
8 that I will faithfully and impartially
9 discharge and perform all the duties
10 incumbent upon me as
11 according to the best of my ability and
12 understanding, so help me God."
13
14

1 Section 6. State Capital
2 Section 6. The capital of
3 Louisiana is the city of Baton
4 Rouge.

1 Section 4. State Capital
2 Section 6. The capital of
3 Louisiana is the city of Baton Rouge.
4

Section 7. Forced Heirship and Trusts

5 Section 7. Forced Heirship
6 and Trusts
7 Section 7. No law shall
8 abolish forced heirship. The
9 determination of forced heirs,
10 the amount of the forced portion,
11 and the grounds for disinheritance
12 shall be provided by law. Trusts
13 may be authorized by law and a
14 forced portion may be placed in
15 trust.

5 Section 5. Forced Heirship and
6 Trusts
7 Section 5. No law shall abolish
8 forced heirship. The determination
9 of forced heirs, the amount of the
10 forced portion, and the grounds for
11 disinheritance shall be provided by
12 law. Trusts may be authorized by law,
13 and a forced portion may be placed in
14 trust.
15

1 Section 9. No law shall
 2 permit foreign or domestic multi-
 3 bank holding companies or multi-
 4 parish branch banking, unless
 5 enacted by two-thirds of the
 6 elected members of each house of
 7 the legislature. This Section
 8 shall not prohibit multi-parish
 9 banks which were lawfully op-
 10 erating as such prior to Janu-
 11 ary 1, 1974; however, no such
 12 bank may extend its operations
 13 to any parish in which it was
 14 not operating prior to said
 15 date unless authorized to do so
 16 by a general law enacted by two-
 17 thirds of the elected members
 18 of each house.

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1 Section 10. Rules, regulations
 2 and procedures adopted by all
 3 state administrative and quasi-
 4 judicial agency code

1 Section 7. Rules, regulations,
 2 and procedures adopted by all state
 3 administrative and quasi-judicial

6 subject 1. ...
7 ...
8 ...
9 ...

6 ...
7 ...
8 ...
9 ...

10 Section 11. Preservation of
11 Linguistic and Cultural
12 Origin
13 Section 11. The right of
14 the people to preserve, foster,
15 and promote their respective
16 historic linguistic and cultural
17 origin is recognized.

10 Section 8. Preservation of
11 Linguistic and Cultural Origin
12 Section 8. The right of the
13 people to preserve, foster, and pro-
14 mote their respective historic linguistic
15 and cultural origin is recognized.

NOTES

Document No. XXXII, dated 1/8/74, is reproduced as Document No. XXXII, dated 1/11/74, without change or notation.

RE: Style and Drafting Changes
Committee Proposal No. 16

The Committee on Bill of Rights and Elections adopts the style and drafting changes suggested by your committee in Document XXXII dated 1/8/74, with the following exceptions:

1) On page 4, line 4, after the word and, substitute "1," delete "(A B)" and insert in line thereof "1. 1." in the same manner as the digits are presented on page 5, line 10.

2) On page 7, line 11, delete the word "origin" and insert in line thereof "Origin" and on page 7, line 11, delete the word "origin" and insert in line thereof the word "Origin."

3) The Committee has substituted the new section 11, "Linguistic and Cultural Origin," adopted by the convention, and substituted in Delegate Proposal 4. 17, First Enrollment, line 12, the words and phrase, "Lotteries; and line" by deleting and the word "and phrase," "State Lottery; and line" by "and line" and the word "and phrase" thereon are not applicable. In addition, the committee recognizes that in Delegate Proposal No. 16, there is a typo, and to delete the word "deleted" for the word "to be presented."

4) The Committee recommends the following order for arrangement of documents in the Appendix:

- | | |
|---|----------------------------------|
| 1. State Central | 6. First Enrollment, 1st Enroll. |
| 2. List of Bills | 7. State Central, 1st Enroll. |
| 3. Civilian Military Relations | 8. State Central, 2nd Enroll. |
| 4. State Central, 1st Enroll. | 9. State Central, 3rd Enroll. |
| 5. Amendments of the Bill of Rights and Elections | 10. State Central, 4th Enroll. |



TO: Delegate Albert Tate, Jr., Chairman
Committee on Style and Drafting

FROM: Delegate Alphonse Jackson, Jr.
Committee on Bill of Rights and Elections

1/11/73

COMMITTEE PROPOSAL NO. 35: FIRST ENROLLMENT

DISTRIBUTION OF POWERS

Styling Suggestions from Committee on Style and Drafting:

Comparative Presentation

SECTIONS ADOPTED BY CONVENTION

CHANGES RECOMMENDED BY COMMITTEE

1 ARTICLE II. DISTRIBUTION OF
2 POWERS
3 Section 1. Three Branches
4 Section 1. The powers of
5 government of the State of
6 Louisiana are divided into
7 three distinct branches--
8 legislative, executive, and
9 judicial.

1 ARTICLE II. DISTRIBUTION OF POWERS
2 Section 1. Three Branches
3 Section 1. The powers of government
4 of the state are divided into three
5 separate branches: legislative, execu-
6 tive, and judicial.
7
8
9

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SECTION 2

1 Section 2. Limitations on
2 Each Branch
3 Section 2. No one of these
4 branches, nor any person holding
5 office in one of them, shall
6 exercise power belonging to
7 either of the others, except
8 as otherwise provided in this
9 constitution.

1 Section 2. Limitations on
2 Each Branch
3 Section 2. Except as other-
4 wise provided by this constitu-
5 tion, no one of these branches,
6 nor any person holding office in
7 one of them, shall exercise power
8 belonging to either of the others.
9

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SECTION 3 becomes SECTION 1

1 ARTICLE XII. GENERAL PROVISIONS
2 Section 3. Civilian-Military
3 Relations
4 Section 3. The military shall
5 be subordinate to the civil power.

1 ARTICLE XII. GENERAL PROVISIONS
2 Section 1. Civilian-Military Re-
3 lations
4 Section 1. The military shall be
5 subordinate to the civil power.

SECTION 4 becomes SECTION 2

6 Section 4. Right to Direct
7 Participation
8 Section 4. No person shall
9 be denied the right to observe
10 the deliberations of public
11 bodies and examine public
12 documents, except in cases
13 established by law.

6 Section 2. Right to Direct Par-
7 ticipation
8 Section 2. No person shall be
9 denied the right to observe the de-
10 liberations of public bodies and
11 examine public documents, except in
12 cases established by law.
13

-3-

SECTION 5 becomes SECTION 3

1 Section 5. All officers
2 shall take the following oath
3 or affirmation: "I, (A B), do
4 solemnly swear (or affirm) that
5 I will support the constitution
6 and laws of the United States
7 and the constitution and laws
8 of this state and that I will
9 faithfully and impartially

1 Section 3. Oath of Office
2 Section 3. Every official shall
3 take the following oath or affirmation:
4 "I, . . . , do solemnly swear (or
5 affirm) that I will support the
6 constitution and laws of the United
7 States and the constitution and laws
8 of this state and that I will
9 faithfully and impartially discharge

10	discharge and perform all the	10	and perform all the duties incumbent
11	duties incumbent upon me as	11	upon me as . . . , ⁽²⁾ according to the
12	according	12	best of my ability and understanding,
13	to the best of my ability and	13	so help me God."
14	understanding, so help me God."	14	

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SECTION 6 becomes SECTION 4

1	Section 6. State Capital	1	Section 4. State Capital
2	Section 6. The capital of	2	Section 4. The capital of
3	Louisiana is the city of Baton	3	Louisiana is the city of Baton Rouge.
4	Rouge.	4	

SECTION 7 becomes SECTION 5

5	Section 7. Forced Heirship	5	Section 5. Forced Heirship and
6	and Trusts	6	Trusts
7	Section 7. No law shall	7	Section 5. No law shall abolish
8	abolish forced heirship. The	8	forced heirship. The determination
9	determination of forced heirs,	9	or forced heirs, the amount of the
10	the amount of the forced portion,	10	forced portion, and the grounds for
11	and the grounds for disinheriton	11	disinheriton shall be provided by
12	shall be provided by law. Trusts	12	law. Trusts may be authorized by law
13	may be authorized by law and a	13	and a forced portion may be placed in
14	forced portion may be placed in	14	trust.
15	trust.	15	

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SECTION 9 becomes SECTION 6

1	Section 9. Limitations of	1	Section 6. Limitations of Banking
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[998]

2 Banking
3 Section 9. No law shall
4 permit foreign or domestic multi-
5 bank holding companies or multi-
6 parish branch banking, unless
7 enacted by two-thirds of the
8 elected members of each house of
9 the legislature. This Section
10 shall not prohibit multi-parish
11 banks which were lawfully op-
12 erating as such prior to Janu-
13 ary 1, 1974; however, no such
14 bank may extend its operations
15 to any parish in which it was
16 not operating prior to said
17 date unless authorized to do so
18 by a general law enacted by two-
19 thirds of the elected members
20 of each house.

2 Section 6. No law shall permit
3 foreign or domestic multi-bank holding
4 companies or multi-parish branch banking,
5 unless enacted by two-thirds of the
6 elected members of each house of the
7 legislature. This Section shall not
8 prohibit multi-parish banks which were
9 lawfully operating as such prior to
10 January 1, 1974; however, no such bank
11 may extend its branches to any parish
12 in which it was not operating prior to said
13 date unless authorized to do so by a
14 general law enacted by two-thirds of
15 the elected members of each house.

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SECTION 10 becomes SECTION 7

1 section 10. Administrative and
2 Quasi-Judicial Agency Code
3 Section 10. Rules, regulations
4 and procedures adopted by all
5 state administrative and quasi-
6 judicial agencies, boards and
7 commissions shall be published
8 in one or more codes and made
9 available to the public.

1 Section 7. Administrative and
2 Quasi-Judicial Agency Code
3 Section 7. Rules, regulations,
4 and procedures adopted by all state
5 administrative and quasi-judicial
6 agencies, boards, and commissions
7 shall be published in one or more
8 codes and made available to the public
9

SECTION 11 becomes SECTION 8

10 Section 11. Preservation of
 11 Linguistic and Cultural
 12 Origin
 13 Section 11. The right of
 14 the people to preserve, foster,
 15 and promote their respective
 16 historic linguistic and cultural
 17 origin is recognized.

10 Section 8 . Preservation of
 11 Linguistic and Cultural Origins⁽¹⁾
 12 Section 8 . The right of the
 13 people to preserve, foster, and pro-
 14 mote their respective historic linguistic
 15 and cultural origins⁽¹⁾ is recognized.
 16
 17

1/12/74

COMMITTEE PROPOSAL NO. 36: FIRST ENROLLMENT

Changes recommended by Committee on Bill of Rights and Elections and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTIONS AS ADOPTED:
INCORPORATING CHANGES
RECOMMENDED BY COMMITTEE
ON STYLE AND DRAFTING

FURTHER CHANGES RECOMMENDED
BY BOTH COMMITTEES TO CLARIFY
POSSIBLE AMBIGUITIES

1 ARTICLE XIII. CONSTITUTIONAL
 REVISION
 2 Section 1. Amendments
 3 Section 1. (A) Procedure.
 4 An amendment to this constitu-
 5 tion may be proposed by joint
 6 resolution at any regular ses-
 7 sion of the legislature, but the
 8 resolution shall be prefiled, at
 9 least ten days before the begin-
 10 ning of the session, in accord-

1 ARTICLE XIII. CONSTITUTIONAL
 REVISION
 2 Section 1. Amendments
 3 Section 1. (A) Procedure. An
 4 amendment to this constitution may
 5 be proposed by joint resolution at
 6 any regular session of the legis-
 7 lature, but the resolution shall
 8 be prefiled, at least ten days before
 9 the beginning of the session, in
 10 accordance with the rules of the

11 ance with the rules of the
12 houses of the legislature. An
13 amendment to this constitution
14 may be proposed at any extra-
15 ordinary session of the legis-
16 lature if it is within the
17 objects of the call of the
18 session and is introduced in the
19 first five calendar days thereof.
20 If two-thirds of the elected mem-
21 bers of each house concur in the
22 resolution, pursuant to all of
23 the procedures and formalities
24 required for passage of a bill
25 except submission to the governor,
26 the secretary of state shall have
27 the proposed amendment published
28 once in the official journal of
29 each parish within not less

(1) (1)
11 house in which introduced. An
12 amendment to this constitution may
13 be proposed at any extraordinary
14 session of the legislature if it
15 is within the objects of the call
16 of the session and is introduced
17 in the first five calendar days
18 thereof. If two-thirds of the
19 elected members of each house concur
20 in the resolution, pursuant to all
21 of the procedures and formalities
22 required for passage of a bill
23 except submission to the governor,
24 the secretary of state shall have
25 the proposed amendment published
26 once in the official journal of
27 each parish within not less than
28 thirty nor more than sixty days
29 preceding the election at which

SECTION 1 (A)

1 than thirty nor more than sixty
2 days preceding the election at
3 which the proposed amendment is to be
4 submitted to the electorate.
5 Each joint resolution shall
6 specify the statewide election
7 at which the proposed amendment
8 shall be submitted. Special elec-

1 the proposed amendment is to be
2 submitted to the electors. Each
3 joint resolution shall specify
4 the statewide election at which
5 the proposed amendment shall be
6 submitted. Special elections for
7 submitting proposed amendments may
8 be authorized by law.

9 tions for submitting proposed
10 amendments may be authorized by
11 law.

CAVEAT: The Section, as enrolled and styled, requires that a joint resolution proposing a constitutional amendment be submitted "in accordance with the rules of the houses of the legislature." Some ambiguity may exist about whether a resolution introduced in one house must conform to the rules of the second house. Perhaps clarifying language could be inserted, so that the first sentence would read as suggested above.

- 2 -

SECTION 1 (C)

1 (C) Ratification. If a
2 majority of the electors voting
3 on the proposed amendment
4 approve it, it shall become part
5 of this constitution, effective
6 twenty days after the governor
7 has proclaimed its adoption,
8 unless the amendment provides
9 otherwise. A proposed amend-
10 ment directly affecting not
11 more than five parishes or areas
12 within not more than five par-
13 ishes shall become part of this
14 constitution only when approved
15 by a majority of the electors
16 voting thereon in the state and

[1002]

1 (C) Ratification. If a
2 majority of the electors voting
3 on the proposed amendment approve
4 it, ⁽¹⁾ the governor shall proclaim
5 its adoption, ⁽¹⁾ and it shall become
6 part of this constitution, effective
7 twenty days after the proclamation,
8 unless the amendment provides
9 otherwise. A proposed amendment
10 directly affecting not more than
11 five parishes or areas within not
12 more than five parishes shall
13 become part of this constitution
14 only when approved by a majority
15 of the electors voting thereon in
16 the state and also a majority of

17 also a majority of the electors
18 voting thereon in each affected
19 parish. However, a proposed
20 amendment directly affecting not
21 more than five municipalities,
22 and only such municipalities,
23 shall become part of this con-
24 stitution only when approved by
25 a majority of the electors voting
26 thereon in the state and also a
27 majority of the electors voting
28 thereon in each such municipality.

17 the electors voting thereon in
18 each affected parish. However,
19 a proposed amendment directly
20 affecting not more than five muni-
21 cipalities, and only such munici-
22 palities, shall become part of this
23 constitution only when approved by
24 a majority of the electors voting
25 thereon in the state and also a
26 majority of the electors voting
27 thereon in each such municipality.

CAVEAT: The Section, as enrolled and styled, states that a constitutional amendment shall become effective twenty days "after the governor has proclaimed its adoption..." Nowhere does it require the governor to make such a proclamation. Section 2, however, requires the governor to proclaim the adoption of a constitutional revision or a new constitution if it is approved by a majority of the electors voting. Perhaps, for clarity, the first sentence of Section 1 (C) should be revised to read as suggested above.

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1/13/74

DOCUMENT XXXVI

COMMITTEE PROPOSAL NO. 36: FIRST ENROLLMENT

CONSTITUTIONAL REVISION

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE XIII. CONSTITUTIONAL REVISION
2 Section 1. Amendments
3 Section 1. (A) An amendment to

1 ARTICLE XIII. CONSTITUTIONAL REVISION
2 Section 1. Amendments
(1)
3 Section 1. (A) Procedure. An

4 this constitution may be proposed
5 by joint resolution at any regular
6 session of the legislature, provided
7 that such resolution has been
8 prefiled, in accordance with the
9 Rules of the houses of the legis-
10 lature, at least ten days before
11 the beginning of the session. An
12 amendment to this constitution may
13 be proposed at any extraordinary
14 session of the legislature if it is
15 within the objects of the call of
16 the session and is introduced in
17 the first five calendar days
18 thereof. If two-thirds of the
19 members elected to each house con-
20 cur in the resolution, pursuant to
21 all the procedures and formalities
22 required for passage of a bill
23 except submission to the governor,
24 the secretary of state shall cause
25 the proposed amendment to be pub-
26 lished in the official journal of
27 each parish once within not less
28 than thirty nor more than sixty
29 days preceding the election at
30 which the proposed amendment is

1 submitted to the electorate. Each
2 joint resolution shall specify the

4 amendment to this constitution
5 may be proposed by joint resolu-
6 tion at any regular session of the
7 legislature, but the resolution
8 shall be prefiled, in accordance
9 with the rules of the houses of
10 the legislature, at least ten days
11 before the beginning of the
12 session. An amendment to this
13 constitution may be proposed at
14 any extraordinary session of the
15 legislature if it is within the
16 objects of the call of the session
17 and is introduced in the first five
18 calendar days thereof. If two-thirds
19 of the elected members of each house
20 concur in the resolution, pursuant to
21 all of the procedures and formalities
22 required for passage of a bill
23 except submission to the governor,
24 the secretary of state shall have
25 the proposed amendment published
26 once in the official journal of
27 each parish within not less than
28 thirty nor more than sixty days
29 preceding the election at which
30 the proposed amendment is

1 to be submitted to the electors.
2 Each joint resolution shall

SECTION 1(A) (11)

3 statewide election at which the
4 proposed amendment shall be submitted.
5 Special elections for submitting pro-
6 posed amendments may be authorized
7 by law.

3 specify the statewide election
4 at which the proposed amendment
5 shall be submitted. Special
6 elections for submitting proposed
7 amendments may be authorized by law.

SECTION 1 (C) becomes SECTION 1 (B)

8 (C) When more than one amendment
9 is submitted at the same election,
10 each shall be submitted so as to
11 enable the electors to vote on them
12 separately. A proposed amendment
13 shall be confined to one object and
14 shall set forth the entire article,
15 sections, or other subdivisions
16 thereof as revised or only the art-
17 icle, sections, or other subdivi-
18 sions which are to be added; pro-
19 vided that a section or other
20 subdivision may be repealed by ref-
21 erence. However, the legislature
22 may propose, as one amendment, a
23 revision of an entire article of
24 this constitution which revision
25 may contain multiple objects or
26 changes. The proposed amendment
27 shall have a title containing a
28 brief summary of the changes
29 proposed.

8 (B) Form of Proposal. ⁽¹⁾A
9 proposed amendment shall have a
10 title containing a brief ⁽²⁾
11 summary of the changes proposed.
12 A proposed amendment shall be
13 confined to one object and shall
14 set forth the entire article,
15 ⁽³⁾ or the sections ⁽⁴⁾ or other sub-
16 ⁽⁵⁾ divisions thereof, as proposed
17 to be revised or only the
18 article, sections, or other
19 ⁽⁶⁾ subdivisions proposed to be
20 ⁽⁷⁾ added. However, the legislature
21 may propose, as one amendment,
22 a revision of an entire article
23 of this constitution which ⁽⁸⁾
24 may contain multiple ⁽⁹⁾
25 objects or changes. A section
26 or other subdivision may be
27 ⁽¹⁰⁾ repealed by reference. When
28 more than one amendment is
29 submitted at the same election,

30
31
32

30 each shall be submitted so as
31 to enable the electors to
32 vote on them separately.

SECTION 1 (B) becomes SECTION 1 (C)

1 (B) If a majority of the electors
2 voting on the proposed amendment shall
3 approve it, then it shall become part
4 of this constitution, effective twenty
5 days after the governor has proclaimed
6 its adoption, unless the amendment
7 otherwise provides. A proposed amend-
8 ment directly affecting not more than
9 five parishes or areas within not more
10 than five parishes shall become part
11 of this constitution only when ap-
12 proved by a majority of the electors
13 voting thereon in the state and also
14 a majority of the electors voting
15 thereon in each affected parish. How-
16 ever, a proposed amendment directly
17 affecting not more than five municipi-
18 palities, and only such municipalities
19 shall become part of this constitution
20 only when approved by a majority of
21 the electors voting thereon in the
22 state and also a majority of the
23 electors voting thereon in each such

1 (C) Ratification. If a
2 majority of the electors voting
3 on the proposed amendment approve
4 it, it shall become part of this
5 constitution, effective twenty days
6 after the governor has proclaimed
7 its adoption, unless the amendment
8 provides otherwise. A proposed
9 amendment directly affecting not more
10 than five parishes or areas within
11 not more than five parishes shall be-
12 come part of this constitution only
13 when approved by a majority of the
14 electors voting thereon in the state
15 and also a majority of the electors
16 voting thereon in each affected
17 parish. However, a proposed amendment
18 directly affecting not more than five
19 municipalities, and only such municipi-
20 palities, shall become part of this
21 constitution only when approved by a
22 majority of the electors voting thereon
23 in the state and also a majority of the

24 municipality.

24 electors voting thereon in each such

25 municipality.

SECTION 2

1 Section 2. Convention Called
 2 by Legislature
 3 Section 2. The legislature, by
 4 a two-thirds vote of the elected
 5 membership of each house, may pro-
 6 vice by law for the calling of a
 7 constitutional convention. The
 8 convention may be called whenever
 9 the legislature considers it
 10 desirable to revise or propose a
 11 new constitution. The revision
 12 or the proposed constitution and
 13 any alternative propositions
 14 agreed upon by the convention shall
 15 be submitted to the people for
 16 their ratification or rejection.
 17 If the proposal is approved by a
 18 majority of the electors voting
 19 thereon, the governor shall
 20 proclaim it to be the Constitution
 21 of the State of Louisiana.

1 Section 2. Constitutional
 2 Convention
 3 Section 2. ⁽¹⁾By law enacted
 4 by two-thirds of the elected
 5 members of each house, ⁽²⁾the
 6 legislature may provide for the
 7 calling of a constitutional
 8 convention. ⁽³⁾A convention may be
 9 called whenever the legislature
 10 considers it desirable to revise
 11 or propose a new constitution.
 12 The revision or the proposed
 13 constitution and any alternative
 14 propositions agreed upon by the
 15 convention shall be submitted
 16 to the people for their ratifi-
 17 cation or rejection. If the
 18 proposal is approved by a
 19 majority of the electors voting
 20 thereon, the governor shall
 21 proclaim it to be the Constitution
 22 of the State of Louisiana.

SECTION 4 becomes SECTION 3

1 Section 4. Laws Effectuating
2 Amendments
3 Section 4. Whenever the
4 legislature shall submit amend-
5 ments to this constitution, it
6 may at the same session enact laws
7 to carry them into effect, to
8 become operative when the pro-
9 posed amendments have been
10 ratified.

1 Section 3. Laws Effectuating
2 Amendments
3 Section 3. Whenever the
4 legislature shall submit amend-
5 ments to this constitution, it
6 may at the same session enact laws
7 to carry them into effect, to
8 become operative when the pro-
9 posed amendments have been
10 ratified.

NO CHANGE

CAVEAT # 1:

Section 1(A)

The Section, as enrolled and styled, requires that a joint resolution proposing a constitutional amendment be submitted "in accordance with the rules of the houses of the legislature." Some ambiguity may exist about whether a resolution introduced in one house must conform to the rules of the second house. Perhaps clarifying language could be inserted, so that the first sentence would read as follows:

"Section 1. (A) Procedure. An amendment to this constitution may be proposed by joint resolution at any regular session of the legislature, but the resolution shall be prefiled, in accordance with the rules of the house in which introduced."

CAVEAT # 2:

Section 1(C)

The Section, as enrolled and styled, states that a constitutional amendment shall become effective twenty days "after the governor has proclaimed its adoption...." Nowhere does it require the governor to make such a proclamation. Section 2, however, requires the governor to proclaim the adoption of a constitutional revision or a new constitution if it is approved by a majority of the electors voting. Perhaps,

for clarity, the first sentence of Section 1(C) should be revised to read as follows:

"Section 1. (C) Ratification. If a majority of the electors voting on the proposed amendment approve it, the governor shall proclaim its adoption, and it shall become part of this constitution, effective twenty days after the proclamation, unless the amendment provides otherwise."

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January 14, 1974

TO: Chairman Tate
Committee on Style and Drafting
FROM: Chairman Jackson
Committee on Bill of Rights and Elections
RE: Style and Drafting Changes in Committee Proposal No. 36
Constitutional Revision (First Enrollment)

The Committee on Bill of Rights and Elections approves the changes proposed by the Committee on Style and Drafting in Document No. XXXVI dated 1/13/74, with the following exceptions:

1) On page 1, delete lines 7 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"legislature, if prefiled at least ten days before the beginning of the session in accordance with the

rules of the houses of the legislature. An amendment to this"

2) On page 4, delete lines 3 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"Whenever the legislature considers it desirable to revise this constitution or propose a new constitution, it may provide for the calling of a constitutional convention by law enacted by two-thirds of the elected members of each house."

3) On page 4, line 22, after the first word "of", delete the words "the State of"

4) In CAVEAT No. 1 delete the CAVEAT and insert in lieu thereof the following:

"Section 1. (A) Procedure. An amendment to this constitution may be proposed by joint resolution at any regular session of the legislature, if prefiled at least ten days before the beginning of the session in accordance with the rules of the house in which introduced."

COMMITTEE PROPOSAL NO. 36: FIRST ENROLLMENT
CONSTITUTIONAL REVISION

SECTIONS ADOPTED BY THE CONVENTION

CHANGES SUGGESTED BY THE COMMITTEE

1	ARTICLE XIII. CONSTITUTIONAL PROVISION:	1	ARTICLE XIII. CONSTITUTIONAL REVISION
2	Section 1. Amendments	2	Section 1. Amendments
3	Section 1. (A) An amendment to	3	Section 1. (A) Procedure. An
4	this constitution may be proposed	4	amendment to this constitution
5	by joint resolution at any regular	5	may be proposed by joint resolu-
6	session of the legislature, provided	6	tion at any regular session of the
7	that such resolution has been	7	legislature, ⁽¹⁾ but the resolution
8	prefiled, in accordance with the	8	⁽³⁾ shall be prefiled, ⁽⁴⁾ at least ten

9 Rules of the houses of the legis-
10 lature, at least ten days before
11 the beginning of the session. An
12 amendment to this constitution may
13 be proposed at any extraordinary
14 session of the legislature if it is
15 within the objects of the call of
16 the session and is introduced in
17 the first five calendar days
18 thereof. If two-thirds of the
19 members elected to each house con-
20 cur in the resolution, pursuant to
21 all the procedures and formalities
22 required for passage of a bill
23 except submission to the governor,
24 the secretary of state shall cause
25 the proposed amendment to be pub-
26 lished in the official journal of
27 each parish once within not less
28 than thirty nor more than sixty
29 days preceding the election at
30 which the proposed amendment is

1 submitted to the electors. Each
2 joint resolution shall specify the
3 statewide election at which the
4 proposed amendment shall be submitted.
5 Special elections for submitting pro-
6 posed amendments may be authorized
7 by law.

[1010]

9 days before the beginning of
10 the session, ⁽⁴⁾ in accordance with
11 the rules ⁽⁵⁾ of the houses of the
12 legislature. An amendment to this
13 constitution may be proposed at
14 any extraordinary session of the
15 legislature if it is within the
16 objects of the call of the session
17 and is introduced in the first five
18 calendar days thereof. If two-thirds
19 of the elected members ⁽⁶⁾ of each house
20 concur in the resolution, pursuant to
21 all of the procedures and formalities
22 required for passage of a bill
23 except submission to the governor,
24 the secretary of state shall have ⁽⁸⁾
25 the proposed amendment published ⁽⁹⁾
26 once in the official journal of
27 each parish within not less than
28 thirty nor more than sixty days
29 preceding the election at which
30 the proposed amendment is

Section 10(10)
1 to be submitted to the electors.
2 Each joint resolution shall
3 specify the statewide election
4 at which the proposed amendment
5 shall be submitted. Special
6 elections for submitting proposed
7 amendments may be authorized by law.

SECTION 1 (C) becomes SECTION 1 (B)

8 (C) When more than one amendment
9 is submitted at the same election,
10 each shall be submitted so as to
11 enable the electors to vote on them
12 separately. A proposed amendment
13 shall be confined to one object and
14 shall set forth the entire article,
15 sections, or other subdivisions
16 thereof as revised or only the art-
17 icle, sections, or other subdivi-
18 sions which are to be added; pro-
19 vided that a section or other
20 subdivision may be repealed by ref-
21 erence. However, the legislature
22 may propose, as one amendment, a
23 revision of an entire article of
24 this constitution which revision
25 may contain multiple objects or
26 changes. The proposed amendment
27 shall have a title containing a
28 brief summary of the changes
29 proposed.
30
31
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8 (B) Form of Proposal. ⁽¹⁾A
9 proposed amendment shall have a
10 title containing a brief ⁽²⁾
11 summary of the changes proposed,
12 ⁽³⁾ shall be confined to one object; ⁽⁴⁾
13 and shall set forth the entire
14 article, ⁽⁴⁾ or the sections ⁽⁵⁾ or
15 other subdivisions thereof, as
16 ⁽⁶⁾ proposed to be revised or only
17 the article, sections, or other
18 subdivisions ⁽⁷⁾ proposed to be
19 ⁽⁸⁾ added. However, the legislature
20 may propose, as one amendment,
21 a revision of an entire article
22 of this constitution which may ⁽⁹⁾
23 contain multiple objects or
24 changes. ⁽¹⁰⁾ A section or other
25 subdivision may be repealed
26 by reference. ⁽¹¹⁾ When more than
27 one amendment is submitted at
28 the same election, each shall
29 be submitted so as to enable
30 the electors to vote on them
31 separately.
32

Section 10(B) Article 5, Section 1

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1 (C) ...
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Section 2

Section 2: The importance of
the individual in the
community.

1. The individual is the basic unit of society.
2. The individual is the source of all human values.
3. The individual is the creator of all human progress.
4. The individual is the foundation of all human institutions.
5. The individual is the center of all human activity.
6. The individual is the basis of all human freedom.
7. The individual is the source of all human responsibility.
8. The individual is the creator of all human culture.
9. The individual is the foundation of all human civilization.
10. The individual is the center of all human existence.
11. The individual is the source of all human hope.
12. The individual is the basis of all human dignity.
13. The individual is the creator of all human meaning.
14. The individual is the foundation of all human purpose.
15. The individual is the center of all human destiny.

Section 2: The importance of
the individual in the
community.

1. The individual is the basic unit of society.
2. The individual is the source of all human values.
3. The individual is the creator of all human progress.
4. The individual is the foundation of all human institutions.
5. The individual is the center of all human activity.
6. The individual is the basis of all human freedom.
7. The individual is the source of all human responsibility.
8. The individual is the creator of all human culture.
9. The individual is the foundation of all human civilization.
10. The individual is the center of all human existence.
11. The individual is the source of all human hope.
12. The individual is the basis of all human dignity.
13. The individual is the creator of all human meaning.
14. The individual is the foundation of all human purpose.
15. The individual is the center of all human destiny.

Section 3

Section 3: The importance of
the individual in the
community.

Section 3

Section 3: The importance of
the individual in the
community.

4 legislature shall submit amend-
5 ments to this constitution, it
6 may at the same session enact laws
7 to carry them into effect, to
8 become operative when the pro-
9 posed amendments have been
10 ratified.

4 legislature shall submit amend-
5 ments to this constitution, it
6 may at the same session enact laws
7 to carry them into effect, to
8 become operative when the pro-
9 posed amendments have been
10 ratified.

NO CHANGE

- 5 -

Staff & Drafting Committee Changes indicated in ind in right-hand column. Sorry, no time to retape!

DOCUMENT NO. XXXII

COMMITTEE PROPOSAL NO. 37: FIRST ENROLLMENT

NATURAL RESOURCES

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

SUGGESTED CHANGES

1 ARTICLE VIII. NATURAL RESOURCES
2 Section 14. Public Service
3 Commission
4 Section 14. (A) Composition;
5 Term; Domicile. There shall be
6 a Public Service Commission which
7 shall consist of five members
8 elected at the time fixed for
9 congressional elections from
10 single member districts estab-
11 lished by law for overlapping

1 ARTICLE VIII. NATURAL RESOURCES
2 Section 14. Public Service Com-
3 mission
4 Section 14. (A) Composition; Term
5 Domicile. There shall be a Public
6 Service Commission consisting of five
7 members, ⁽²⁾ who shall be elected for
8 overlapping terms of six years at the ⁽³⁾
9 time fixed for congressional elections
10 from single member districts establish-
11 ed by law. Each commissioner serving on ⁽⁴⁾

12 terms of six years. The
13 commission annually shall elect
14 one of its members as chairman.
15 Each commissioner serving upon
16 the effective date of this con-
17 stitution shall be the commis-
18 sioner for the new district in
19 which he resides and shall serve
20 out the term for which he was
21 chosen. The commission shall
22 have its domicile at the state
23 capital, but may meet, hold
24 investigations, and render
25 orders elsewhere in this state.

12 the effective date of this constitutor
13 shall be the commissioner for the new
14 district in which he resides and shall
15 complete the term for which he was
16 elected. The commission annually shall
17 elect one member ⁽⁷⁾ ~~AS~~ ⁽⁹⁾ chairman. It shall
18 be domiciled at the state capital, but
19 may meet, ⁽¹⁰⁾ ~~hold~~ ^{conduct} investigations, and
20 render orders elsewhere in this state.

21 CAVEAT: The substantive
22 Committee may wish
23 to consider whether the
24 P. S. C. is to be
25 specifically included
in the executive
branch. This can be

accomplished by deleting the word
"consisting" from line 6 and inserting
"in the executive branch. It shall
consist"

SECTION 14 (B)

1 (B) Powers and Duties. The
2 commission shall regulate all
3 common carriers and public
4 utilities as provided by law.
5 It shall adopt and enforce
6 reasonable rules, regulations,
7 and procedures necessary for

1 (B) Powers and Duties. The com-
2 mission shall regulate all common
3 carriers and public utilities as pro-
4 vided by law. It shall adopt and enfor
5 reasonable rules, regulations, and pro-
6 cedures necessary for the discharge of
7 its duties, and shall have other powers

8 the discharge of its duties,
9 and shall have other powers and
10 perform other duties as provid-
11 ed by law. Notwithstanding
12 any provision in this Paragraph,
13 the legislature shall provide
14 for the regulation of natural
15 gas by such regulatory authori-
16 ty as it may designate.

8 and perform other duties as provided b
9 law. (1)

11 CAVEAT: The
12 Committee recommends
13 deletion of the last
14 sentence of 14 (B).
15 since that proviso
16 is already included
in Sec. 2 of C.P. 34

-2-

SECTION 14 (C)

1 (C) Limitation. The com-
2 mission shall have no power
3 to regulate any common carrier
4 or public utility owned, operat-
5 ed, or regulated on the effec-
6 tive date of this constitution
7 by the governing authority of
8 one or more political subdivi-
9 sions, except by the consent
10 of a majority of the electors
11 voting in an election held for
12 that purpose; however, a poli-
13 tical subdivision may reinvest
14 itself with such regulatory
15 power in the manner it was
16 surrendered. This shall not

[1016]

1 (C) Limitation. The commission
2 shall have no power to regulate any
3 common carrier or public utility owned
4 operated, or regulated on the effective
5 date of this constitution by the gov-
6 erning authority of one or more political
7 subdivisions, except by the approval of
8 a majority of the electors voting in a
9 election held for that purpose; however
10 a political subdivision may reinvest
11 itself with such regulatory power in t
12 manner in which it was surrendered. T
13 Paragraph shall not apply to safety re
14 ⁽²⁾ ⁽³⁾ pertaining to ⁽¹⁾ governing the operation of su
15 utilities.
16

17 apply to safety regulations 17
18 pertaining to the operation 18
19 of such utilities. 19

SECTION 14 (D)

1 (D) Applications, Petitions,
2 and Schedules; Protective Bond
3 and Security. (1) Any common
4 carrier or public utility filing
5 a proposed rate schedule which,
6 if finally approved, would
7 result in a change in existing
8 rates, shall, within twenty
9 days, give notice thereof by
10 publication in the official
11 state journal and in the
12 official journal of each parish
13 within the geographical area
14 in which the schedule would
15 become applicable.

1 (D) Applications, Petitions, and
2 Schedules; Protective Bond and Security.
3 (1) Within twenty days after a common
4 carrier or public utility files a pro-
5 posed rate schedule which would result
6 in a change in rates, it shall give
7 notice thereof by publication in the
8 official state journal and in the of-
9 ficial journal of each parish within
10 the geographical area in which the
11 schedule would become applicable.
12
13
14
15

SECTION 14 (D)

1 (2) Within twelve months
2 from the effective date of filing,
3 the commission shall render a
4 full decision on every applica-
5 tion, petition, and proposed
6 rate schedule.

1 (2) Within twelve months after the
2 effective filing date, the commission
3 shall render a full decision on ^{each} [the]
4 application, petition, and proposed
5 rate schedule.
6

7 (3) After the effective
8 filing date of any proposed sche-
9 dule by a public utility which
10 would result in any increase
11 in rates, the commission, pend-
12 ing its decision on the applica-
13 tion for rate increase, may
14 permit the proposed schedule to
15 be put into effect, in whole
16 or in part, subject to protec-
17 tive bond or security approved
18 by the commission. If no
19 decision is rendered on the
20 application within twelve months
21 after such filing date the pro-
22 posed increase may be put into
23 effect, but only as provided
24 by law and subject to protec-
25 tive bond or security require-
26 ments, until final action by a
27 court of last resort.

7 (3) After the effective filing
8 date of any proposed schedule by a
9 public utility which would result in
10 a rate increase, the commission may
11 permit the proposed schedule to be put
12 into effect, in whole or in part,
13 pending its decision on the applicat.
14 for rate increase and subject to pro-
15 tective bond or security approved by
16 the commission. If no decision is
17 rendered on the application within
18 twelve months after such filing date
19 the proposed increase may be put into

20 effect, but only as provided by law
21 and subject to protective bond or
22 security requirements, until final
23 action by a court of last resort.

24 *CAVEAT: The committee*
25 *believed that the*
26 *intent of the convention*
27 *can best be expressed*
by inserting the words
"if and" on line 20
after the word "only"
and before the word
"or"

-5-

SECTION 14 (D)
(1)

1 (4) If any proposed increase
2 which has been put into effect

[1018]

1 (4) If a proposed increase which
2 has been put into effect is finally

3 is finally disallowed, in whole
4 or in part, the utility shall
5 make full refund, with legal
6 interest thereon, within the
7 time and in the manner pre-
8 scribed by law.

3 disallowed, in whole or in part, the
4 utility shall make full refund, with
5 legal interest thereon, within the time
6 and in the manner prescribed by law.
7
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-6-

SECTION 14 (E)

1 (E) Appeals. Appeal may be
2 taken in the manner provided
3 by law by any aggrieved party
4 or intervenor to the district
5 court of the domicile of the
6 commission. A right of direct
7 appeal from any judgment of
8 the district court shall be
9 allowed to the supreme court.
10 The right of appeal granted
11 herein shall extend to any
12 action by the commission,
13 including without limitation
14 any action taken by the com-
15 mission or by a public utility
16 under the provisions of
17 Subparagraph (3) above.

1 (E) Appeals. Appeal may be taken in
2 the manner provided by law by any ag-
3 grieved party or intervenor to the dis-
4 trict court of the domicile of the com-
5 mission. A right of direct appeal from
6 any judgment of the district court shall
7 be allowed to the supreme court. These
8 rights of appeal shall extend to any
9 action by the commission, including but
10 not ⁽²⁾ ~~restricted~~ ⁽³⁾ to action taken by the
11 commission or by a public utility under
12 the provisions of Subparagraph (3) of
13 this Paragraph. ⁽⁵⁾
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NOTES

Document No. XXXIII, dated 1/8/74, is reproduced above with handwritten notes indicating action by the Committee on Style and Drafting.

Committee Proposal No. 37 Floor Presentation, 1/12/74 reproduces Document No. XXXIII incorporating handwritten notations to Document No. XXXIII, reproduced above.

Adopted Caveats are reproduced below.

1/12/74

COMMITTEE PROPOSAL NO. 37: FIRST ENROLLMENT

Changes recommended by Committee on Natural Resources and Environment and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTIONS AS ADOPTED:
INCORPORATING CHANGES
RECOMMENDED BY COMMITTEE
ON STYLE AND DRAFTING

FURTHER CHANGES RECOMMENDED
BY BOTH COMMITTEES TO CLARIFY
POSSIBLE AMBIGUITIES

1 Section 14. Public Service Com-
2 mission
3 Section 14. (A) Composition; Term;
4 Domicile. There shall be a Public
5 Service Commission consisting of five
6 members, who shall be elected for
7 overlapping terms of six years at the
8 time fixed for congressional elections
9 from single member districts established

1 Section 14. Public Service
2 Commission
3 Section 14. (A) Composi-
4 tion; Term; Domicile. There
5 shall be a Public Service Com-
6 mission in the executive branch.
7 It shall consist of five members
8 who shall be elected for over-
9 lapping terms of six years at

10 by law. Each commissioner serving on
11 the effective date of this constitution
12 shall be the commissioner for the new
13 district in which he resides and shall
14 complete the term for which he was
15 elected. The commission annually shall
16 elect one member as chairman. It shall
17 be domiciled at the state capital, but
18 may meet, conduct investigations, and
19 render orders elsewhere in this state.

10 the time fixed for congressional
11 elections from single member
12 districts established by law.
13 Each commissioner serving on
14 the effective date of this con-
15 stitution shall be the commis-
16 sioner for the new district in
17 which he resides and shall
18 complete the term for which he
19 was elected. The commission
20 annually shall elect one member
21 as chairman. It shall be
22 domiciled at the state capital,
23 but may meet, conduct investi-
24 gations, and render orders
25 elsewhere in this state.

CAVEAT: As enrolled and styled, Section 14(A) leaves uncertain whether or not the Public Service Commission is in the executive branch. If the convention wishes to clarify the issue, it could adopt language as suggested above.

SECTION 14 (B)

7 (3) After the effective filing
8 date of any proposed schedule by a
9 public utility which would result in
10 a rate increase, the commission may
11 permit the proposed schedule to be put
12 into effect, in whole or in part,
13 pending its decision on the application.

7 (3) After the effective
8 filing date of any proposed
9 schedule by a public utility, which
10 would result in a rate increase,
11 the commission may permit the
12 proposed schedule to be put into
13 effect, in whole or in part,

14 for rate increase and subject to pro-
15 tective bond or security approved by
16 the commission. If no decision is
17 rendered on the application within
18 twelve months after such filing date,
19 the proposed increase may be put into
20 effect, but only as provided by law
21 and subject to protective bond or
22 security requirements, until final
23 action by a court of last resort.
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14 pending its decision on the
15 application for rate increase and
16 subject to protective bond or
17 security approved by the
18 commission. If no decision is
19 rendered on the application
20 within twelve months after such
21 filing date, the proposed
22 increase may be put into effect,
23 ⁽ⁱ⁾ but only if and as provided by
24 law and subject to protective
25 bond or security requirements,
26 until final action by a court
27 of last resort.

CAVEAT: In remembrance of the floor debate, both
the Committee on Natural Resources and
Environment and the Committee on Style and
Drafting believe that the intent of the
convention might better be expressed by
inserting the words "if and" in Section
14(D) as enrolled and styled. See language
suggested above.

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III. Miscellaneous Documents

TO: Mr. Nathan
FROM: A. J. ...
DATE: October 3, 1911
RE: ...

A number of statutes difficult to reconcile have been made concerning the term "law." It has been held to be a broad term, variously and frequently defined, its meaning in every instance to be governed by the context. Its use in both its technical and popular applications is illimitable. On the other hand, it has been described as a generally understood term, with a fixed and definite meaning.¹

The term "law," in a generic sense, means a rule of action or constraint duly prescribed by a controlling authority, by the lawmaking power of the state, by the power lawmaking authority, by the sovereign power, or by the supreme power in a state.

The law of a state is to be found in its statutory and constitutional enactments as interpreted by its courts and, in the absence of statute law, in the rulings of its courts. Its laws are, in consequence, its statutes or written law, and its judge-made laws or *legis non scripta*.²

The use of the term "law" in constitutional provision and the definition, it seems, depend upon the content in which it is used. It may denote either constitutional provision or statute, or statutes only.

... a statute is a written law...

A statute is a written law...

The word "law" is used...

... by the legislature...

"Law" used in a constitutional provision may be interpreted to include the original procedure. When used in the description of the duties of an elected state official "law" means statute.

... the legislature...

... the legislature...

... the legislature...

... the legislature...

A statute is usually defined or described as the written will of the legislature. In common parlance "statute" is a term with both a restricted and a broad significance.³ Although a broad civilian,

the term "statute" is generally applied to law and regulations of every sort, that is, every provision of law which ordains, permits or prohibits anything designated a statute, without considering from what source it arises.⁴

The term "statute" is used broadly to designate the written law in contradistinction to the unwritten law and such designation is used to distinguish a statute from the unwritten or the common law. However, this description to an extent is unsatisfactory as the common law is not necessarily unwritten, and in certain states has been declared by specific constitutional provision to include statutes. Furthermore, such a description is unsatisfactory as there are written laws which are not within the ordinary meaning of the term "statutes" such as constitutions and treaties. Thus, the meaning of the term "statute" varies according to the connection in which it is used, and an enactment to which a state gives the force of law is a statute, although not originating in the legislature.⁵ In the *New Orleans Waterworks Company case*, the court rules that

"Any enactment, from whatever source originating, to which a state gives the force of law is a statute of the state, within the meaning of the clause cited relating to the jurisdiction of this court... and it was therefore held that a statute of the so called confederate state, if enforced by one of the states as its law, was within the prohibition of the constitution."⁶

Thus an ordinance of a municipal corporation may be such an exercise of legislative power as to have the force of law.

3

Under the civil law "statutes" is a term applied to all sorts of laws and regulations; to every provision of law which permits, ordains, or prohibits anything.⁷

In analyzing the use of the term "statute" it would appear that the facts of the situation involved and the document in which the term is used dictate the interpretation of the term.

The term "law" created by statute, as used in statute fixing a one-year term upon a liability created by statute, etc., or in a penalty of forfeiture, means a liability that comes into being only by statute and which has no other source to enforce its existence, but the term "statute," in such connection, is broad enough to include a liability even if the state constitution, *Chas. v. C. & N. R. 111 P. 215, 2, 501, 60 Ar. 53*.

The word "statute" is used in the Code of Civil Procedure, etc., at the enforcement of a statute, etc., as a condition to the enforcement of a liability by a district court of the state, is a condition that may or may not exist, but whatever condition may exist, so long as it is a condition, and would, at least, be a condition to the enforcement of a constitutional provision, *Wagon v. Hays, D. C. 111 P. 215, 2, 501, 60 Ar. 53*.

"Statute" as used in the Code of Civil Procedure, etc., is a condition to the enforcement of a liability by a district court of the state, is a condition that may or may not exist, but whatever condition may exist, so long as it is a condition, and would, at least, be a condition to the enforcement of a constitutional provision, *Wagon v. Hays, D. C. 111 P. 215, 2, 501, 60 Ar. 53*.

4

didst... have attained the age of twenty-five years... be an elector... have to be a citizen of the United States... and of this State for at least five years... In a... the attorney general shall have been admitted to the practice of law in the United States at least five years... During his tenure in office, a... shall hold no other public office except by virtue of his elected office.

Section 3. Alternative suggested to shorten, to improve...
Section 3. Election Term

Section 3. (1) The governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, and superintendent of education, and all other officers of the executive branch shall be elected for a term of four years by the electors of the state at the time and place of voting for members of the legislature. The term of each official shall begin at noon on the second Monday in March following the election.

(2) A person who has served as governor for more than one and one-half terms in two consecutive terms shall not be elected governor for the succeeding term.

*Substantive Change

(3) Except as provided by this constitution, no official shall be elected statewide.

Section 4. On page 8, lines 5 and 6, restrict provision to compensation of statewide elected officials to be fixed "by law." (Consider moving to "General Provisions")

Section 4. Compensation
Section 4. Except as otherwise provided by this constitution, the compensation of each statewide elected official shall be provided by law.

Section 5. On page 9, lines 1 and 2, change section title so that style is consistent with other titles

Section 5. Governor: Powers and Duties

Section 5 B. On page 10, lines 20 and 21, change position of word "may" for parallel construction to line 18.

(B) Legislative Reports and Recommendations. The governor shall, at the beginning of each regular session, and may, at other times, make reports and recommendations and give information to the legislature concerning the affairs of state, including its complete financial condition.

Section 5 D. On page 11, lines 19 and 20, change position of phrase "at a time fixed by law"

(D) Operating Budget. The governor, at a time fixed by law, shall submit to the legislature a proposed state budget for the next fiscal year setting forth all proposed state expenditures and anticipated state revenues.

Section 5 E. On page 12, lines 6 and 7, change position of phrase "at each regular session" to line 5

(E) Capital Budget. The governor, at each regular session, shall submit to the legislature a proposed five-year capital outlay program and shall request implementation of the first year of the program.

Section 5 F. On page 13, line 18, retain exception clause as subordinate clause in the primary sentence; on line 21 delete "automatically"; on line 23 delete "the aforementioned"; on line 24 add "of the board"

(F) Pardon, Commutation, Reprieve, and Remission; Board of Pardon. (1) The governor may grant reprieves to persons convicted of offenses against the state and, upon recommendation of the Board of Pardon, may commute sentences, pardon those convicted of offenses against the

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state, and remit fines and forfeitures imposed for such offenses; however, a first offender never previously convicted of a felony shall be eligible for pardon upon completion of his sentence without recommendation of the board.

(2) The board of pardon shall consist of five electors appointed by the governor, subject to confirmation by the Senate. Each member of the board shall serve a term concurrent with that of the governor appointing him.

Section 5 G. The language adopted by the convention, but on page 16, line 3, clarify that a bill must be "finally" passed by the legislature.

(G) Pardon. Shall from the Legislature. The date and hour when a bill is introduced by the legislature is delivered to the governor shall be entered thereon.

Section 5 H. On page 16, line 10, add "Except as otherwise provided by this constitution" to confirm proviso in civil service article restricting governor's power to veto salary increase; on line 12, change "An" to "Any"

(H) Item Veto. (1) Except as otherwise provided by this constitution, the governor may veto any line item in an appropriations bill. Any item veto shall be void unless the veto is overridden as prescribed for the passage of any bill over a veto.

(2) The governor shall veto line items or use means provided in the bill in order that total appropriations for the year shall not exceed anticipated revenues for that year.

Sub Section 5 (1). On page 18, lines 7 and 11, change expression "provided by law", to "provided by"; on lines 15 (left), 23, and 26 clarity that sessions are "regular"; on lines 21 and 23 (left) change placement of words "the appointment."

(1) Appointments. (1) The governor shall appoint, subject to confirmation by the Senate, the head of each department in the executive branch whose election or appointment is not provided by this constitution and the member of each board and commission in the executive branch whose election or appointment is not provided by this constitution or by law.

(2) Should the legislature be in regular session, the governor shall submit for confirmation by the Senate the name of those appointed within forty-eight hours after the appointment is made. Failure of the Senate to confirm the selection, prior to the end of the session, shall constitute rejection.

(3) If the legislature is not in regular session, the governor may make interim appointments, which shall expire at the end of the next regular session, unless submitted to and confirmed by the Senate during that session.

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first sentence written now partly singular, partly plural

(4) A person not confirmed by the Senate shall not be appointed to the same office during any recess of the legislature.

Section 7. On page 23, lines 12, 15, and 16 shorten sentences; on line 19, delete "of Louisiana" after "State"

Section 7. Secretary of State; Powers and Duties
Section 7. There shall be a Department of State. The secretary of state shall head the department and shall be the chief election officer of the state. He shall prepare and certify the ballots for all elections, promulgate all election returns, and administer the election laws, except those relating to voter registration and custody of voting machines. He shall administer the state corporation and public laws, serve as keeper of the great seal of the state and attest therewith all official laws, documents, proclamations, and commissions; administer and preserve the official archives of the state; promulgate and publish all laws enacted by the legislature and retain the originals hereof; and countersign and keep an official registry of all commissions. He may administer oaths, and shall have other powers and perform other duties authorized by this constitution or provided by law.

Section 8. Page 25. Alternative. (Use styled version when finalized)

Section 8. Department of Justice; Composition; Attorney General and Assistants

Section 8. (1) There shall be a department of justice consisting of an attorney general, a first assistant attorney general, and other necessary assistants and staff. The attorney general shall be elected for a term of four years at the state general election, and the assistants shall be appointed by the attorney general to serve at his pleasure.

(2) The attorney general shall be the state's chief legal officer. As may be necessary for the assertion or protection of the rights and interests of the state, the attorney general shall have authority to:

(1) institute and prosecute or intervene in any civil actions or proceedings;

(2) advise and assist, upon request of a district attorney, in the prosecution of a criminal case; and

(3) for cause when authorized by the court of original jurisdiction in which any proceeding or affidavit is pending, subject to judicial review, suppress any attorney representing the state in any civil or criminal action.

He shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

(V, Sees. 26, 27)

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Section 10. On page 27, retain language adopted by Convention in lines 16 and 17 which states that the "department shall exercise such functions"; insert in lines 13 and 14 of styled version.

Section 10. Commissioner of Agriculture; Powers and Duties

Section 10. There shall be a Department of Agriculture. The commissioner of agriculture shall head the department and shall exercise all functions of the state relating to the promotion, protection, and advancement of agriculture, except research and educational functions expressly all covered by this constitution or by law. The department shall have the same powers and perform the same duties authorized by this constitution or provided by law.

Section 11. On page 29, retain language adopted by Convention with minor stylistic change; on lines 1, 2, 3, 5, 10, 11, and 12.

Section 11. Commissioner of Insurance; Powers and Duties

Section 11. There shall be a Department of Insurance. The commissioner of insurance shall head the department and shall have the same powers and perform the same duties authorized by this constitution or provided by law.

Section 15. On page 33, lines 4 and 5, change "When a vacancy occurs" to "Should a vacancy occur"

Section 15. Vacancy in Office of Lieutenant Governor
Section 15. Should a vacancy occur in the office of lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by a majority vote of the elected members of each house of the legislature."

Section 17. On page 35, lines 2, 3, 4, 5, and 6 and on page 37, line 28, shorten section title and number paragraphs as (1) and (2). (Consider moving to "General Provisions".)

Section 17. Other Vacancies
Section 17. (1) If no other provision therefor is made by this constitution, by statute, by local government charter, by home rule charter or plan of government, or by ordinance, the governor may fill a vacancy occurring in any elective office. When a vacancy occurs in the office and the unexpired portion of the term exceeds one year, the vacancy shall be filled at an election, as provided by law, and the appointment shall be effective only until a successor takes office.
(2) Nothing in this Section shall change the qualifications for any office, and every appointee must be otherwise eligible to hold the office to which appointed."

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Section 18. On page 38, line 4, make definition of "vacancy" applicable only to executive article. (Consider leaving as adopted by Convention and move to "General Provisions")

Section 18. Definition of Vacancy
Section 18. A vacancy as used in this Article shall occur in the event of death, resignation, removal by any means, or failure to take office for any reason."

Section 19. On page 39, line 9, change "the office" to "his office"

Section 19. Declaration of Inability by Statewide Elected Official
Section 19. When a statewide elected official transmits to the presiding officers of the Senate and House of Representatives a written declaration of his inability to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, the person who would succeed to the office when a vacancy occurs shall assume the powers and duties of the office as acting official."

Section 20(A). On page 40, line 5, hyphenate "Counter-declaration"; on line 10, change "the office" to "his office"

Section 20. Determination of Inability of Statewide Elected Official
Section 20. (A) Declaration and Counter-declaration.
When a majority of the statewide elected officials determine that any other such official is unable to discharge the powers and duties of his office, they shall transmit a written declaration to this effect to the presiding officer of each house and to the official, and shall file a copy of the declaration in the office of the secretary of state. Thereafter, the constitutional successor shall assume the office as acting official unless, within forty-eight hours after the declaration is filed in the office of the secretary of state, the elected official files in that office and transmits to the presiding officer of each house his written counter-declaration of his ability to exercise the powers and perform the duties of his office."

Section 20(B). On page 42, line 9, hyphenate "counter-declaration"; on line 10 and 17, use "such" official since reference is specific; on line 11, change "If" to "Should"; on line 18, change "officer" to "official"

(B) Determination by the Legislature. The Legislature shall convene at noon on the third calendar day after the

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filing of any counter-declaration, which may be filed by such official at any time. Should two-thirds of the elected members of each house fail to adopt a resolution within seventy-two hour deadline, probable justification for the determination that inability exists, such official shall continue in or resume office."

Section 20(C). On page 43, line 27, provide that "a copy of" the resolution shall be sent to the court.

(C) Assumption of Office by Constitutional Successor.
If two-thirds of the elected members of each house adopt a resolution declaring that probable justification exists for the declaration of inability, the constitutional successor shall assume the power and duties of the office, and a copy of the resolution shall be transmitted forthwith to the supreme court."

Section 21. On page 45, line 16, change "officer" to "official"

(E) Reconsideration by Supreme Court. A judgment of the supreme court affirming inability may be reconsidered by the court, after due notice and hearing, either upon its own motion or upon the application of the official. Upon proper showing

and by majority vote of its elected members, the court may determine that no inability then exists, whereupon the official shall immediately resume the powers and duties of his office."

Section 22. On page 47, lines 11, 21, and 33, provide that legislative action shall be "by law"; on lines 9 and 30, change "consent" to "favorable vote"; on line 26, add "notwithstanding provisions of Article IV, Section 7."

Section 22. Appointment of Officials; Merger, Consolidation of Offices and Departments
Section 22. After the first election of state officials following the effective date of this constitution, the legislature, ~~may provide by law for appointment, in lieu of election, of the commissioner of agriculture, the commissioner of insurance, the superintendent of education, the commissioner of elections, or any of them. In that event, the legislature shall prescribe qualifications and method of appointment and by similar vote, may provide by law for the merger or consolidation of any such office, its department, and functions with any other office or department in the executive branch, notwithstanding the provisions of Section 7 of this Article. No action of the legislature pursuant hereto shall reduce the term or compensation of any incumbent elected official. By the favorable vote of two-thirds of the elected members of each house, the legislature may reestablish by law any such office as elective and, in that event, shall prescribe qualifications.~~

*Substantive Change

law enacted by

Printed by the State of Louisiana
State of Louisiana
Louisiana State Capitol
Baton Rouge, Louisiana

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January 8, 1974

Meeting in Mr. Martin's Office, with R. W. Graham and Robert Pugh understood to be representatives of the delegates of the Constitutional Convention.

The following persons were present: Wade O. Martin, Jr., Robert Pugh, R. W. Graham, Bob Hughes, Wade O. Martin, III, Gloria Daigle, J. R. Nelson, C. Wood, Nancy Mitchell, Mary Finn

The need for instructions from the delegates of the convention to the Secretary of State and other elected officials relative to the conduct of the referendum election in the draft of a new constitution by CC '73 and the other election officials was discussed at length and the following were some of the items needing to be included in such instructions.

INSTRUCTIONS FROM CONVENTION TO SECRETARY OF STATE

1. Material which is to be printed on the ballot for ratification or rejection of the convention project.
2. Instructions relative to "instructions to voters and commissioners."
3. Instructions relative to posting of notices in precincts.
4. Instructions relative to commissioners relative to the computation of precinct returns.
5. Instructions relative to commissioners relative to transmittal of returns.
6. Instructions relative to tabulation and compilation to precinct returns into parish returns and statewide returns.
7. Instructions relative to the time for completion of tabulation of returns.
8. Instructions relative to method of promulgation of returns and time and manner which publication is to be made.
9. Instructions to Secretary of State relative to financial arrangements for conducting election, promulgation of returns, etc.
10. Instructions relative to Custodian of Votes machines, sealing and breaking of seals, etc.
11. Instructions relative to Clerks of Court relative to recording results indicated on machines before they are cleared.
12. Time and place of sealing of machines and financial arrangements for Custodian of Voting Machines and Clerks of Court.

There was a lengthy discussion regarding the format of the ballot, but Mr. Martin advised Mr. Graham and Mr. Pugh a read that the details of what was to be printed on the ballot, the arrangement of the ballot, any possible alternates and the procedure for tabulating and promulgating should remain completely a function of the delegates of the convention.

This document is a copy of the original minutes of the meeting of all the delegates to the Constitutional Convention held on January 8, 1974.

LOUISIANA CONSTITUTION OF 1974

CP 25

CP 25

CP 25

CP 35

PREAMBLE

I. DECLARATION OF RIGHTS

11. DISTRIBUTION OF POWERS

CP 1 & CP 22	III. LEGISLATIVE BODIES
CP 4	IV. EXECUTIVE
CP 11 & CP 30 & CP 43	V. JUDICIARY
CP 17	VI. LOCAL GOVERNMENT
	Part I. General Provisions
	Part II. Finance
	Part III. Levee Districts
	Part IV. Port Commissions and Districts
	Part V. Definitions
CP 15	VII. REVENUE AND FINANCE
CP 16	Part I. General Provisions
CP 7	Part II. Property Taxation
CP 34	VIII. EDUCATION
	IX. NATURAL RESOURCES
	X. PUBLIC OFFICIALS AND EMPLOYEES
CP 9	Part I. State and City Civil Service
CP 10	Part II. Fire and Police Civil Service
CP 11, CP 3, CP 12	Part III. Other Provisions
CP 23, & CP 35	
CP 11, CP 14	Part IV. Retirement and Survivor's Benefits
CP 33	XI. ELECTIONS
CP 12, CP 14	XII. GENERAL PROVISIONS
CP 17, CP 35,	
DP 16, & DP 17	
CP 36	XIII. CONSTITUTIONAL REVISION
CP 1, CP 2, CP 30,	XIV. TRANSITIONAL PROVISIONS
CP 14, CP 30,	
DP 10, DP 11,	
D 1	

Explanation of Amendment on Juvenile Procedures by Delegate Derbes, et al.

This amendment does not attempt to define jurisdiction; nor does it affect the ability of the Legislature to create or abolish juvenile courts, as provided in the Judiciary Article. The amend-

ment does provide that whenever a juvenile trial, it shall only be tried under special juvenile procedures.

When read in conjunction with the existing language of the Judiciary Article, the important feature of this amendment is:

- (1) Juvenile procedures shall apply to all children under 17 and except those charged with capital offense or attempted aggravated rape, to all children under 17;
- (2) The Legislature may waive these ages by 2/3 vote;
- (3) The Legislature may authorize waiver of juvenile procedure in favor of adult procedure, in individual cases, by 1/3 vote;
- (4) The Legislature may make juvenile procedures applicable to older children by majority vote.

Distributed at the request of J. Derbes

FLOOR AMENDMENT

Amended by Delegate Derbes, Daniel J. Jackson, Paul Tobia
 Delegate P. N. 43, J. Jackson, et al.

As printed by the Legislature

AMENDMENT NO. 1

On page 1, line 1, add the following:

"Provisions for special juvenile procedure."

Be it adopted by the Constitutional Convention of Louisiana of 1973:

Article 1, Section 1, Special Juvenile Procedures Section. Except for a person fifty years of age or older who is alleged to have committed a capital offense or attempted aggravated rape, the determination of guilt or innocence, the detention, and the custody of a person who is alleged to have committed a crime prior to his seventeenth birthday shall be exclusively pursuant to special juvenile procedures which shall be provided by law. However, by law enacted by a two-thirds vote of the elected members of each house, the legislature may (1) lower the maximum ages of persons to whom juvenile procedures would apply and (2) establish a procedure by which the court of original jurisdiction may waive such special juvenile procedures in order that adult procedure would apply in individual cases."





